



LAND BETWEEN 26 AND 32 PADNELL ROAD, COWPLAIN,
WATERLOOVILLE, PO8 8DZ

Planning Appeal: Statement of Case

On behalf of D & K Contracting Services Limited

July 2021

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Appendix 1:	Decision Notice: reference: APP/21/00024, dated 12 May 2021 (The Refused Application)
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Appendix 3:	Site Photographs
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1. Introduction

1.1 This appeal is made under Section 78 of the Town and Country Planning Act 1990 against the refusal of an application for planning permission by Havant Borough Council (hereafter referred to as "the Council"), in their capacity as the Local Planning Authority (hereafter the LPA). The appeal is submitted on behalf of D & K Contracting Services Limited ("the Appellant"), in which the refused application was submitted.

1.2 The application (hereafter the "Refused Application"), was submitted on 5th January 2021 and refused on 15th May 2021. This was assigned the reference: APP/21/00024 and relates to the land between 26-32 Padnell Road, WaterlooVille.

1.3 The Refused Application sought permission for a development with the following description:

"Erection of block of 6 flats with associated parking and bin/cycle storage."

1.4 The Decision Notice confirming the refusal of planning permission and the reasons for this is enclosed at **Appendix 1**, and a copy of the Officer's Report is enclosed at **Appendix 2**.

1.5 The three Reasons for Refusal provided on the Decision Notice are as follows:

1. *The proposed development, by reason of its footprint size, depth and siting, would not be in keeping with the pattern and character of linear development on the south side of Padnell Road, and would fail to respect building lines and depths. The layout including frontage car park would be out of keeping with the area and visually harmful to the street scene. The proposal is considered to be at variance with the local context and contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, emerging policy E1 of the Havant Borough Local Plan Submission version, Havant Borough Council Borough Design Guide SPD 2011 and National Planning Policy Framework.*
2. *The proposed development, due to its excessive depth, siting and design including first floor side windows and rear balconies, adjacent to existing residential property, would have an overbearing and dominant effect, harmful to neighbours amenity from loss of outlook, overshadowing (to number 32) and loss of privacy. The noise and disturbance from increased activity associated with comings and goings and use of balconies would be intrusive and harmful to the quiet enjoyment of neighbours amenity. The proposal is considered harmful to residential amenity, contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, emerging policy E1 of the Havant Borough Local Plan Submission version, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.*
3. *The under provision of on-site parking spaces would lead to an increased demand for on-street parking which has not been adequately demonstrated to be available at peak times. The increased pressure for parking on the public highway would be harmful to highway amenity and further interrupt the free flow of traffic in Padnell Road, contrary to adopted policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, emerging policy IN3 of the Havant Borough Local Plan Submission version and the National Planning Policy Framework.*

1.6 In light of the Council's decision and the reasons for refusal set out above, we consider the following to be the key issues:

- The impact the proposals would have on the character of the surrounding area;
- The impact the proposals would have on the amenity of adjoining residential properties;
and
- The impact the proposals would have on the existing highways network

Purpose and Structure of Report

1.7 The Report seeks to address all relevant planning considerations prior to drawing conclusions as to the merits of the appeal.

1.8 The remainder of this Report is structured as follows:

- (a) **Section 2:** describes the appeal site and the context in which it sits;
- (b) **Section 3:** discusses the planning history;
- (c) **Section 4:** describes the Refused Application;
- (d) **Section 5:** positions the proposals in the context of planning policy; and,
- (e) **Section 6:** analyses the planning considerations relevant to the Appellant's case.
- (f) **Section 7:** summarises and concludes the Statement of Case.

2. Site Description and Context

- 2.1. The application site relates to an open parcel of land located on the south side of Padnell Road, opposite St Wilfrid's church. It has been known locally as "Joeys Field" for many years, although it is notable that the land is privately owned, is not accessible to the public and is not accessible to the general public. It comprises a gap in an otherwise continuously built up frontage within the defined urban area, close to the Cowplain District Centre. The site area extends to some 0.107 ha. There have been no known permanent structures on the site since at least the 1950s and as such the site is not considered to be previously developed land as defined by the NPPF.
- 2.2. The site is primarily open and grassed land with the recent addition of some builders materials, rubble etc as a store. Formerly the site was wooded, but the trees were felled in Spring 2020. The site is currently secured to the Padnell Road frontage with high wooden boarding and gates; and the perimeter enclosed with 2m high close boarded fencing. In addition, across the centre of the site is a green railing fence. The site slopes down to the south with mature trees the subject of a Tree Protection Area Order on the land immediately to the south, beyond which are the Padnell infant and junior schools.
- 2.3. Either side are residential dwellings - to the east, number 32 is a detached chalet style bungalow sited close to the shared boundary. This has a ground floor window and first floor dormer window facing directly into the site. To the west, number 26 is a semi-detached two storey dwelling having a single storey side garage built right up to the shared boundary.
- 2.4. The southern side of Padnell Road is characterised by detached dwellings of a mix of architectural design and age. The northern side of the road includes two larger buildings of St Wilfrid's Church and the retirement apartments at Nightingale Lodge. These developments are of a similar two storey height and scale but also extend much deeper into the site than the surrounding residential properties; their handed layout is such that they do not unduly impact adjacent standard residential properties.
- 2.5. There are no parking restrictions directly outside the application site, although there is a stretch of double yellow lines outside the church. Padnell Road is unclassified. A Southern Water surface water drain runs close to the eastern boundary of the site, which requires that a 3 metre easement is maintained across an area of the Appeal Site up to and adjoining the boundary.
- 2.6. The site is not in a Conservation Area, nor is it listed or in the vicinity of any listed buildings. The site is in Flood Risk Zone 1.

3. Planning History

Site History

3.1. There are no records of planning applications relating to this particular site. However, there has been evidence of development proposals receiving planning permission in a range of locations in the vicinity of the site.

3.2 At the neighbouring property to the east (32 Padnell Road, planning permission was approved for a development described as:

Two storey rear extension and provision of dormer windows to the front elevation (revised submission)

3.3 This was approved following an appeal which was allowed in March 2004, following refusal of the planning application reference: 03/68236/001, in September 2003.

3.4 It is also relevant that the property at 20 Padnell Road to the west of the site has been redeveloped as a larger house. The planning records relating to this date from 2005 (ref: 05/70664/000 when planning permission was granted on 17 June 2005 for development described as:

Demolition of existing dwelling on site and erection of a replacement 3 bed dwelling with associated car parking utilising an altered access to Padnell Road.

3.5 It is also notable that an appeal against the refusal of planning application 06/71368/001 which sought consent for development described as:

Demolition of 36 Padnell Road and erection of 5no. 2 and 3 bedroom dwelling houses, detached garages and car port and new access to Padnell Road.

3.6 The Refused Application was then the subject of an appeal (ref: APP/X1735/A/07/2055809/NWF), which was considered by the Inspector in January 2008. The appeal decision was issued on 22nd January 2008 when the Inspector concluded that while the appeal was dismissed, the scheme, which would have resulted in a significantly larger development, did not represent a form of development that should be resisted in principle. The specific characteristics of that particular development led the Inspector to conclude that the proposed development would compromise the quality of the environment and would fail to take the opportunities available to improve the character and quality of the area and the way it functions.

4. The Refused Application

- 4.1. The Refused Application sought planning permission for the erection of a block of 6 flats with associated parking and bin/cycle storage. The proposed development would comprise 2 no. 2 bed units and 4 no. 1 bed units within a two storey building.
- 4.2. The building frontage would be set back approximately 18 metres from the rear of the footway. The parking courtyard is located in this area between the site frontage on to Padnell Road and the front elevation of the proposed building. 6 parking spaces would be provided in this area. The proposed building would present to the highway with a hipped roof and front gable feature constructed of a mix of render and facing brick.
- 4.3. A bin storage area is proposed in the north-eastern corner of the site adjacent to the highway, while a cycle storage locker is proposed within the building close to the front entrance.

5. Planning Policy Considerations

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of planning applications to be made in accordance with the statutory development plan, unless material considerations indicate otherwise. Where there is a difference in policy, Section 38(5) requires that the most recently adopted policy takes precedence.
- 5.2. The Government revised the National Planning Policy Framework (NPPF) in July 2021. This provides the overarching framework for planning policy at the national level. A key theme of this is to promote sustainable development through the planning process.
- 5.3. The documents that form the statutory Development Plan for Havant Borough Council are:
- Havant Borough Local Plan (Core Strategy) March 2011
 - Havant Borough Local Plan (Allocations) July 2014
- 5.4. The emerging local plan, The Havant Borough Local Plan was submitted for examination to the Secretary of State for Housing Communities and Local Government on 12 February 2021. Until adoption, the Submission Local Plan has limited weight in determining planning applications.
- 5.5. While not part of the development plan, SPDs are a material consideration in the determination of planning applications. In this instance, the Havant Borough Council Borough Design Guide SPD (December 2011) and Havant Borough Council Parking SPD (July 2016) are of relevance.
- 5.6. The Reasons for Refusal cite non-compliance with policies in the Havant Core Strategy, the Submission Local Plan, the Borough Design Guide and the NPPF. Specifically, Reasons for Refusal 1 and 2 refer to Policy CS16 of the Havant Core Strategy which is entitled, 'High Quality Design'. This policy states that planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. It sets out that all development should demonstrate that its design:

Responds to, [and] draws inspiration from and respects local context and:

- a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site;*
- b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;*
- c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;*

- d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and*
- e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.*

5.7. Policy E1 of the Submission Local Plan is also entitled: High Quality Design. The policy reads as follows:

Planning permission will be granted for development that:

- a. Is designed to a high standard, which helps to create places where people want to live, work, visit and enjoy;*
- b. Demonstrates that neighbourhood plans, local design statements, and the design elements of conservation area appraisals which identify local character and distinctiveness have been taken into account;*
- c. Demonstrates that it:*
 - i. Responds to, and draws inspiration from its local context and where appropriate, forges a new sense of place through design;*
 - ii. Considers characteristics such as height, massing, existing building lines, plot widths and depths and proportions of building features such as windows and doors;*
 - iii. Identifies and positively responds to existing natural and built features including listed buildings, conservation areas and other heritage assets within or close to the development;*
 - iv. Makes a positive contribution to the overall appearance of the street scene and wider area by use of good quality materials of appropriate scale, profile, finish, colour and durability;*
 - v. Produces a positive relationship with and between existing and proposed buildings, streets and spaces;*
 - vi. Avoids over-dominance and does not cause unacceptable harm to the amenity of neighbours through overshadowing, massing, the loss of privacy, outlook, overlooking, and through odour, noise or disturbance;*

5.8. Policy E1 is evidently likely to supersede Policy CS16 should the Submission Local Plan proceed to adoption in its current form. Both policies set out criteria that development is expected to accord with in order for it to be supported. The policy criteria include responding to local context, reflecting the characteristics of the area such as the height, massing and proportions of building features, and contribution to the street scene including its relationship with existing built form. Development is to avoid over-dominance and not cause unacceptable harm to the amenity of neighbouring properties.

5.9. By their nature these criteria are broad and subjective, providing scope for interpretation and for decision makers to exercise planning judgement as to what represents high quality design.

- 5.10. Reasons for Refusal 1 and 2 also refer to the Havant Borough Design Guide SPD (December 2011). Chapter 5 of the Borough Design Guide SPD sets out specific design guidance for residential developments.
- 5.11. Paragraph 5.10 considers development proposals' impacts on existing properties' sunlight. It sets out that the 'extensive obstruction of sunlight to an existing property or its garden by the construction of a new building is likely to be unacceptable'.
- 5.12. Paragraphs 5.14 and 5.15 contain guidance on private residential amenity for apartments. Paragraph 5.14 sets out that where ground floor apartments are being proposed the applicant should endeavour to provide private gardens for individuals where possible. Paragraph 5.15 expands that balconies should be incorporated where possible.
- 5.13. The SPD contains guidance entitled, 'Accommodating the Car' (Paras 5.18 – 5.21). This sets out that the layout of schemes should not be dominated by the car or highways. It asserts that parking to the rear should be avoided and that the design of new developments should encourage access to homes from the primary street.
- 5.14. Paragraph 5.25, 'Residential Backland and Infill Developments' sets out at para 5.25 that development of infill sites should not have an adverse effect on neighbouring properties, should maintain and enhance the existing character and quality of an existing area and should create pleasant and attractive places to live.
- 5.15. It is not considered that the proposed development would be contrary to any aspect of the guidance contained within the Design Guide SPD.
- 5.16. The third Reason for Refusal makes reference to Policy DM13 alongside Policy CS16. Policy DM13 is entitled: Car and Cycle Parking on Residential Development. This states that:
- Residential development will only be permitted where it provides car parking and cycle storage in accordance with the standards set out in the Residential Car Parking and Cycle Provision Supplementary Planning Document.***
- 5.17. The Council's Parking SPD (July 2016), is referred to in the policy. Table 4A sets out vehicle parking for C3 'dwelling houses'. On the basis that the site is outside of Havant or Waterlooville Town Centre, a total of 8 no. allocated parking spaces would be required at a minimum. This is based on the requirement for 1 space per 1 bed unit, and 2 spaces per 2 bed unit.
- 5.18. Table 4B sets out the shared/communal parking (unallocated). A total of 6.2 spaces would be required on the basis that 0.9 spaces per 1 bed unit, and 1.3 spaces per 2 bed unit are required.

5.19 Table 4D sets out the cycle parking / storage provision standards for C3 'dwelling houses'. In the case of 1 bed units, 1 long stay space per unit is required. In the case of 2 bed units, 2 spaces per unit are required. In both instances, short stay spaces are not required owing to the limited size of the scheme (fewer than 10 dwellings). A total of 8 spaces are required which are provided within the secure internal storage locker on the ground floor of the proposed building.

5.20 While the level of vehicle parking provision in the proposed development narrowly falls short of what would be required by the Parking Standards SPD, this is not considered to represent a significant shortfall. The minimum car parking requirements for residential development are set out in Table 4B of the SPD. An extract of this is provided below:

C3 Dwellinghouses – Shared/Communal Parking (Unallocated)*	
Size of Dwelling	Minimum Car Parking Requirement
1 Bed Unit	0.9 spaces
2 Bed Unit	1.3 spaces
3 Bed Unit	1.9 spaces

*These standards apply to residential development in the areas of the Borough outside of Havant and Waterlooville Town Centres

5.21 This point is examined further in subsequent sections of this Statement. Submission Local Plan Policy IN3, entitled Transport and Parking is also referred to in Reason for Refusal 3. This policy reads as follows:

Development proposals will be permitted, provided that the site is designed so that:

- a. Safe and suitable access to the site is provided for all people and modes of transport;*
- b. Sustainable modes of travel are encouraged and supported through on and/or off-site measures;*
- c. The site layout encourages lower vehicle speeds, and prioritises the safe and convenient movement of pedestrians and cyclists within the site;*
- d. Pedestrian and cycle routes are provided which conveniently reach all parts of the site, and link with the wider network beyond the site, providing a high level of permeability;*
- e. Any existing public rights of way are safeguarded and where appropriate improved, and new routes provided where appropriate;*
- f. The streets and public and private parking areas contribute positively to the design of the development and deliver a high quality public realm, including the use of high quality materials and integration of landscaping;*
- g. Sufficient visibility and lighting is provided for the safe and convenient use of the roads, cycle routes, walking routes and parking places;*

- h. Adequate provision is made for varying sizes of vehicles, including refuse and emergency vehicles, to access all parts of the site, park, load, unload and turn safely and conveniently;*
- i. Provision is made for the parking of cars, motor cycles and cycles in line with Council standards;*
- j. Electric Vehicle charging infrastructure is provided for:*
 - i. Each new residential unit with private off-street parking;*
 - ii. An appropriate number of spaces in shared parking at residential and commercial development where long-term parking for staff or residents is provided.*
- k. Where required, a satisfactory Transport Statement or Transport Assessment is submitted in support of the planning application to evaluate transport impacts, and to demonstrate that proposed transport improvements will meet the needs of the development and mitigate adverse impacts;*

5.22 Contrary to the assessment of the LPA, it is not considered that the proposed development would be contrary to any of the above policies in the Statutory Development Plan, while the level of parking provision would not significantly fall short of the requirements set out in the Council's Parking Standards SPD.

5.23 The NPPF is also referred to in the Reasons for Refusal, although neither the Decision Notice nor the Officer Report specifies which areas of the Framework the proposal has been assessed as being inconsistent with or contrary to.

5.24 It is also necessary to consider the full range of policies in the Development Plan and other material considerations in the assessment of the original application and in determining this appeal. The other relevant policies and material considerations are set out below.

Havant Borough Local Plan Core Strategy

5.25 CS9, 'Housing' sets out that planning permission will be granted for housing proposals that will (underlined for our emphasis):

- 1. Contribute to achieving a net total of 6,300 new dwellings between 2006 and 2026.*
- 2. Deliver on average 30-40% affordable housing on sites of 15 dwellings (gross) or more and secure a suitable contribution, or on-site provision, equivalent to on average 30-40% on smaller housing developments between 5 and 14 dwellings (gross), unless a lesser requirement has been transparently justified on viability grounds.*
- 3. Ensure mixed communities are created through the planned distribution and avoidance of a concentration of affordable housing.*
- 4. Achieve a suitable density of development for the location, taking into account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form.*
- 5. Provide a mix of dwelling types, sizes and tenures which help meet identified local housing need and contribute to the development of mixed and sustainable communities.*
- 6. Provide accommodation for the ageing population in sustainable locations, taking account of the need to provide for a variety of care needs and flexibility to accommodate differing requirements of ageing care.*
- 7. Contribute to achieving 450 extra-care dwellings between 2006 and 2026.*

8. *Ensure housing development is delivered in a phased manner with an appropriate proportion of previously developed land so as to avoid unnecessary development on greenfield urban extension sites.*

5.26 As noted in the Officer's Report (Paragraph 7.3), Policies CS17 of the Core Strategy (2011) and AL2 of the Local Plan (Allocations) 2014, direct development to the main urban areas of the Borough, and as such it acknowledges that the development of the site is appropriate in principle.

5.27 Policy CS17, 'Concentration and Distribution of Development within the Urban Areas' sets out that development will be permitted that makes the most effective use of land by granting permission for development that:

1. *Concentrates new housing, employment, retail, leisure and other development within the five urban areas of Havant, Leigh Park, WaterlooVille, Emsworth and Hayling Island, as shown on the Proposals Map.*
2. *Prioritises development on previously developed land, including redundant, derelict or underused land and buildings within the urban area.*
3. *Broadly distributes the new housing and employment development in the five areas of the borough as indicated on the Spatial Distribution Map (Key Diagram).*

5.28 The Inspector's attention is drawn to Figure 8.1 'Spatial Distribution Map (Key Diagram)', which sets out that the site is situated within the urban area of WaterlooVille. Moreover, the development proposal makes good use of redundant land, which is consistent with Policy CS17

5.29 Policy CS21, 'Developer Requirements' sets out that where appropriate the Council will seek on-site provision or financial contributions to ensure the timely off-site or on-site delivery of infrastructure.

5.30 Policy DM10, 'Pollution' sets out that development that may cause pollution, such as noise, will only be permitted where relevant criteria can be met.

5.31 Policy DM13, 'Car and Cycle Parking on Residential Development' sets out that residential development will only be permitted where it provides car parking and cycle storage in accordance with the standards set out in the Residential Car Parking and Cycle Provision Supplementary Planning Document.

Havant Borough Local Plan Allocations

5.32 Policy AL1, 'Presumption in Favour of Sustainable Development' sets out, inter alia, that planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

- 5.33 DM24, 'Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development' is set out as follows:

Planning permission will be granted for residential developments that avoid or mitigate a likely significant effect on the SPAs, caused by recreational disturbance through the in combination effect of net additional dwellings. This mitigation can be provided through:

- a) A financial contribution.*
- b) A developer provided package of measures associated with the proposed development designed to avoid or mitigate any significant effect on the SPAs subject to meeting the tests of the Habitats Regulations.*
- c) A combination of measures in (a) and (b) above.*

Where these measures cannot be provided development proposals will be refused, unless the applicant can show, subject to meeting the tests of the Habitats Regulations, that there would not be an adverse effect on the integrity of the SPAs.

The provisions of this policy do not exclude the possibility that some residential schemes, due to their size/and or location, may require individual assessment under the Habitats Regulations on advice from Natural England and additional site specific avoidance or mitigation measures.

- 5.34 It is notable that no conflict has been identified with any of these Development Plan policies in the assessment of the planning application. The fact that the proposed development is considered to be in accordance with all of the above policies must carry weight in favour of the positive determination of the proposal.

Submission Version Havant Local Plan

- 5.35 In addition to the draft policies identified above, those set out below are material considerations, although the weight that can be afforded to these is more limited.
- 5.36 E12, 'Efficient use of resources and low carbon design' sets out that residential development proposals are expected to:

- a) Reuse existing buildings' construction materials wherever possible;*
- b) Appropriately integrate solar gain, natural ventilation or ventilation with heat recovery, fabric performance and Passivhaus principles into the layout and design;*
- c) Minimise greenhouse gas emissions and improve energy efficiency of buildings; and*
- d) Use district heat or combined heat and power (CHP or CCHP) (existing or proposed or on-site), where appropriate;*

- 5.37 Proposals for residential development are also expected to achieve the following standards:

- f) A reduction in CO2 emissions of at least 19% of the Dwelling Emission Rate (DER) compared to the Target Emission Rate of Part L of the Building Regulations is achieved; and*
- g) The development has demonstrated its long-term sustainability and cumulative impacts using one or both of the following tools as appropriate:*
 - i. Assessment under the Home Quality Mark (HQM) ONE, or equivalent, for any development of one dwelling or more (gross)*

ii. Assessment under the BREEAM Communities scheme, or equivalent, for any development of 100 dwellings or more (gross)

5.38 Finally, in line with emerging policy E12, proposals which result in a net gain of overnight accommodation must include measures to achieve a maximum water use of 110 litres of water per person, per day, including external water use.

5.39 E14, 'The Local Ecological Network' sets out that all development is expected to protect, conserve and enhance the Borough's Local Ecological Network.

5.40 E16, 'Recreation impact on the Solent European Sites' sets out that planning permission will be granted for new dwellings that mitigate the likely significant effect on the Solent European Sites.

5.41 EX1, 'Water Quality impact on Solent European Sites' sets out that new dwellings which would cause a likely significant effect on the designated sites will need to provide a nutrient budget. Moreover, planning permission will only be granted if a mitigation package is provided which removes the likely significant effect.

5.42 E18, 'Trees, hedgerows and woodland' sets out, inter alia, that development affecting trees, hedgerows and woodlands will only be permitted where it:

- a) Reflects, conserves or enhances the existing landscape and integrates the development into its surroundings, adding visual interest and amenity;*
- b) Adequately protects existing trees and hedgerows including their root systems prior to, during and after the construction process; and*
- c) Will not result in the loss or deterioration of ancient woodland and ancient or veteran trees*

5.43 Policy E22, 'Amenity and pollution' sets out that proposals will be permitted where:

- a) Projected levels of noise, odour, vibration, light, water or air pollution do not have a likely significant negative effect on the amenity of existing and future users of the site, nearby occupiers or the wider environment; or*
- b) Measures are provided which are suitable for the purposes intended and will ensure that any likely significant negative effect on receptor(s) are mitigated to an acceptable level.*

5.44 Policy H1, 'High quality new homes' is set out as follows:

Residential development will be expected to include the provision of:

- a) New homes which meet appropriate internal space standards; and*
- b) Sufficient private and/or communal outdoor amenity space; and*
- c) 30% of dwellings designed to enhanced accessibility and adaptability standards across all tenures on developments of 10 houses (gross) or more; and*
- d) In addition to c), 2% of dwellings designed to wheelchair accessibility standards as part of the affordable housing provision on developments of 50 homes (gross) or more.*

Private outdoor amenity space should be:

- e) Of a sufficient and functional size to meet the needs of the likely number of occupants; and*
- f) Designed to provide a good level of amenity by maintaining a reasonable degree of separation between the new dwellings and the surrounding properties.*

5.45 Policy H3, 'Housing density' states that planning permission resulting in a net gain of 5 or more dwellings will be granted, in the case of development outside of designated Town Centres and defined opportunity areas where it provides for a minimum of 40dph. As is evident from Figure 26 of the Pre-Submission Havant Borough Local Plan, the site is outside WaterlooVille Town Centre and outside of the area where a density of 55dph is promoted.

NPPF

5.46 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. It states that plans and decisions should apply a presumption in favour of sustainable development. It sets out that for decision taking this means:

- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

5.47 Footnote 8 sets out that out-of-date policies include those relating to housing provision where the LPA cannot demonstrate a five year supply of deliverable housing sites. The Borough's five year housing land supply was updated in February 2021, and as acknowledged in the Officer Report, the Council has 4.2 years supply with a 20% buffer applied. This is below the five year supply threshold and as such, Paragraph 11d) of the NPPF applies, as above.

5.48 Chapter 11 of the NPPF is entitled, 'Making effective use of land'. Paragraph 117 is set out as follows:

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

5.49 Paragraph 118 sets out that planning policies and decisions should:

- e) *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- f) *promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)*

5.50 While this does not represent previously developed land, the latter part of Paragraph 118 is particularly relevant to the consideration of this application.

5.51 It is also important to note the direction provided by Paragraph 109 which relates to the consideration of highways matters when determining planning applications. This states that:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.52 Notwithstanding the fact that the proposed development is generally in accordance with all of the relevant policies relating to highways matters, it is clear that the scheme would not have a severe impact on the road network.

Supplementary Planning Documents

Havant Borough Council Borough Design Guide SPD (December 2011)

5.53 Chapter 5 of the Borough Design Guide SPD sets out specific design guidance on residential developments.

5.54 Paragraph 5.10 considers development proposals' impacts on existing properties' sunlight. It sets out that the '*extensive obstruction of sunlight to an existing property or its garden by the construction of a new building is likely to be unacceptable*'.

5.55 Paragraphs 5.14 and 5.15 contain guidance on private residential amenity for apartments. Paragraph 5.14 sets out that where ground floor apartments are being proposed the applicant should endeavour to provide private gardens for individuals where possible. Paragraph 5.15 expands that balconies should be incorporated where possible.

5.56 The SPD contains guidance entitled, 'Accommodating the Car' (Paras 5.18 – 5.21). This directs that the layout of schemes should not be dominated by the car or highways. It asserts that parking to the rear should be avoided and that the design of new developments should encourage access to homes from the primary street.

5.57 Paragraph 5.25, 'Residential Backland and Infill Developments' sets out at Part 5.25 that development of infill sites should not have an adverse effect on neighbouring properties, should maintain and enhance the existing character and quality of an existing area and should create pleasant and attractive places to live.

Havant Borough Council Parking SPD (July 2016)

5.58 As outlined above (Paragraphs 5.17 – 5.22 of this Statement), the Parking Standards SPD contains details of the level of vehicle parking that the Council requires as part of new development. Table 4B sets out the shared/communal parking (unallocated). As explained in the above-referenced paragraphs, a total of 6.2 spaces would be required on the basis that 0.9 spaces per 1 bed unit, and 1.3 spaces per 2 bed unit are required, while Table 4D sets out the cycle parking / storage provision standards for Class C3 'dwelling houses'. In the case of 1 bed units, 1 long stay space per unit is required. In the case of 2 bed units, 2 spaces per unit are required. In both instances, short stay spaces are not required owing to the limited size of the scheme (fewer than 10 dwellings).

6 The Appellant's Case

6.1 The Reasons for Refusal set out in the Decision Notice and referred to in the Officer's Report, indicate that the key planning considerations cited as the basis for the refusal of planning permission are:

- The impact the proposals would have on the character of the surrounding area;
- The impact the proposals would have on the amenity of adjoining residential properties; and
- The impact the proposals would have on the highway network.

6.2 These are discussed, in turn, below, although as is evident from the text, aspects of these are clearly interrelated.

Impact on the Character of the Surrounding Area

6.3 The first of the Reasons for Refusal states that the proposals *"would not be in keeping with the pattern and character of linear development on the south side of Padnell Road"*. This is by reason of its footprint, size, depth and siting. The report goes on to state that *"the layout including frontage car park would be out of keeping with the area and visually harmful to the street scene."* The Appellant disagrees with this assessment of the impact of the proposed development and the conclusions reached by the LPA in relation to the impact of the scheme.

6.4 The Officer's Report suggests that the main reasons for reaching this conclusion relate to the fact that the proposed building would be larger and deeper than others on the south side of Padnell Road, and that this, combined with the frontage parking *"would be harmful to the visual characteristics of the area"*.

6.5 The Appellant disagrees with the conclusion that the proposal would be harmful to the visual amenity and character of the area or that it would be contrary to the requirements of Policy CS16. The reasons for this are set out below.

6.6 In the first instance it is important to note that the Appeal Site occupies a position between the residential properties to the east which all have a frontage parallel to Padnell Road, and those to the west where the frontage of the buildings is set at approximately 45 degrees to the street. As such, any buildings constructed on the Appeal Site would represent a transition between the building lines. The proposed design solution which represents a continuation of the alignment of the buildings to the east (which have a frontage parallel to the street, while also being set back a similar distance to 26 Padnell Road to the west. This is evident in Figure 1 below.



Figure 1: Illustration of building lines around the Appeal Site (The frontages of neighbouring properties are highlighted and marked with yellow lines, while the position of the frontage of the proposed building is shown in orange).

- 6.7 As is evident from simply observing aerial and plan views of the site and its immediate surroundings. There is little consistency in either the depths of the buildings or the building lines of the residential properties in this part of Padnell Road. A notable example of this is the relationship between 36 and 38 Padnell Road (approximately 40 metres to the east of the site). Here, the substantial two-storey building at 36 Padnell Road projects approximately 9 metres beyond the rear elevation of the neighbouring property at 38 Padnell Road. In light of this, the reference to the 'established rear building line' in Paragraph 7.9 of the Officer's Report is not considered to be an accurate description of the context provided by the neighbouring properties.
- 6.8 While there is a degree of alignment between the properties on the southern side of Padnell Road, it is evident that these are not necessarily set in a 'linear fashion' or that a 'linear arrangement' is a defining characteristic of the area which necessitates strict adherence with the building lines in order for development to be appropriate within this context. As such it is not essential, nor is it considered necessary for new development to be consistent with the building lines of properties elsewhere in this area. It is notable that there is not a consistent building line evident in the frontages between the residential properties to the west of the Appeal Site. This is largely a reflection of the fact that Padnell Road does not follow a straight course, although it is clearly evident that the fact neither the frontages nor the rear elevations of the buildings are in complete alignment is not detrimental to the character or appearance of the area. In this respect,

the basis for finding fault with the footprint, size, depth and siting of the proposed development is not considered necessary or appropriate in the context of an area where the building lines and depths are not consistent or in need of specific protection for their own sake.

- 6.9 As far as the footprint of the proposed building is concerned, it is not considered that the extent of the building coverage would be out of keeping with other buildings in the vicinity of the Appeal Site. The Reason for Refusal explicitly references the pattern and character of development on the southern side of Padnell Road (our emphasis), however, it is not considered that the consideration of the context should be limited to the area on this side of the street as suggested by Paragraph 7.10 of the Officer's Report.
- 6.10 Notwithstanding the fact that the buildings to the north of Padnell Road are clearly part of the context and should be considered as such, the gaps between the buildings on the southern side of the road are largely incidental and the presence or otherwise of gaps between the buildings does not necessarily contribute to the character of the area or represent a defining characteristic of the built environment.
- 6.11 Indeed, Paragraph 7.7 of the Officer's Report notes that the design features that are considered integral to the proposed development. This Paragraph goes on to state that in street scene terms, the height and scale of the front elevation would *"represent a logical infill between the adjacent chalet bungalow at number 32 and the two storey semi-detached dwelling at number 26."* It also acknowledges that there would only be limited impacts on the character and appearance of the street scene. The Paragraph concludes by stating that *"The proposed ridge line would match number 26 and the use of hipped roof would minimise visual bulk to the street scene."* Similarly, Paragraph 7.8 states that the separation between buildings maintains and reflects the character of the area. It states that the *"upper level and roof line sense of space, skyline and separation between properties is considered comparable to other spacings in the vicinity and appropriate to the spatial characteristics of the area."*
- 6.12 At Paragraph 7.9, the Officer Report further endorses aspects of the design of the proposal including the layout and scale of the proposed building. It states that *"in pure front elevation terms alone, the height, scale and design of the proposed is (sic) considered visually appropriate and compatible with the character of the area."*
- 6.13 In light of their assessment of the impact on the street scene, which reflect that the development would have a positive relationship with the context provided by the existing dwellings, it does not follow that the LPA should conclude that there would be harmful impacts on the street scene, or more widely on the character or appearance of the area, as a result of the layout of the proposed

development. It is acknowledged that the proposed development must be considered on its own merits, however, the fact that the LPA make reference to the otherwise consistent building lines and depths of the buildings in the area to substantiate the reason for refusal suggests that this finding is incorrect.

- 6.14 The position of the Appeal Site at the junction between the two separate alignments of buildings to the south of Padnell Road requires that it responds positively to this context and incorporates aspects of both groups of buildings. The two storey frontage with higher eaves reflects the form and proportions of the buildings to the west, and the gap between the proposed building at 32 Padnell Road (directly to the east), reflects the fact that there would be a stepping-up in the ridge height of the roofs from 32 Padnell Road to the proposed building on the Appeal Site.
- 6.15 The Officer Report, in the form of Paragraphs 7.9 – 7.11, goes on to explain why they consider there are other issues associated with the scale of the proposed building. However, it does not necessarily follow that the footprint or depth of the building would have any real impact on the character or appearance of the area, which is primarily derived from how the building appears in the street scene and how it relates to the neighbouring properties.
- 6.16 While it is acknowledged that the footprint and depth of the proposed building are greater than the detached houses to either side of the Appeal Site, this is not necessarily out of character with, or harmful to, either the street scene (when considered narrowly in its own right), or the character or appearance of the area. It is notable that the extent of building coverage (the building footprint), does not greatly exceed that of other residential properties in the vicinity. As is evident when observing the aerial photograph of the site (Figure 1), and images of the neighbouring residential properties (enclosed at **Appendix 3**), a number of these properties have clearly been altered and extended, and in many cases there are a number of outbuildings present to the rear of the main building.
- 6.17 While it is acknowledged that the proposed building represents a more consolidated form of development with two-storey built form extending deeper into the site than is the case at the neighbouring residential properties on either side, it is not considered that this would be out of character with the context, and certainly not to the extent that it would be detrimental to the area. Given the presence of Nightingale Lodge and St Wilfrid's Church immediately opposite the site to the north of Padnell Road, buildings with a larger footprint and greater depth than the neighbouring properties are now well-established and, regardless of the statement at Paragraph 7.10 of the Officer's Report that the presence of these buildings to the north of Padnell Road is not relevant, it is the Appellant's view that these form part of the context in which the proposed development sits and which the merits of the proposed development must be considered. Both

of these buildings extend significantly into the site (and a much greater distance than would be the case with the proposed development), and these are substantial buildings in their own right.

- 6.18 The Reason for Refusal makes reference to the footprint and depth of the proposed building which are also considered detrimental to the character and appearance of the area. The Officer's Report (Paragraph 7.11), states that the oblique views of what it describes as the 'long' side elevations would be possible from the public realm and that this would exacerbate the sense of size and scale of the proposed development. The Appellant contends that this would not be the case, not least because of the set back between the rear of the footway and the front of the proposed building. This limits the prospect of any views towards the western side elevation, which, due to the presence of intervening vegetation and boundary treatments, are already mostly limited from the north and west of the site. The position of the building frontage relative to the neighbouring property at 32 Padnell Road is also a factor which limits the prospect of any views of the building beyond its frontage. There is therefore a very limited prospect of any harmful impacts on the character of the area as a result of the depth of the building.
- 6.19 The Officer Report suggests that the staggering of development immediately opposite the site at Nightingale Lodge and St Wilfrid's Church away from the plot boundaries serves to limit or mitigate against the prospect of harm to neighbouring properties. However, it is notable that the proposed development at this site also maintains separation between the built form towards the rear and the plot boundaries with 26 and 32 Padnell Road respectively. The Officer Report acknowledges the presence of an easement which requires physical separation between the proposed buildings and the boundary with 32 Padnell Road, while the distance between the building and the western boundary with 26 Padnell Road increases significantly deeper within the site.
- 6.20 The Reason for Refusal also refers to 'siting' as a reason why the proposed development would not be in keeping with the existing street scene on the south site of Padnell Road. It states, "*The layout and siting of the proposed flat scheme is considered to be at variance with the layout of linear residential dwellings in the area...*". The Appellant disagrees with this statement. As highlighted above (and as is evident in Figure 1), the Appeal Site sits at the junction between two different building lines, with those to the west running parallel to the street, while those to the east are 'stepped' so as to maintain an appropriate distance and provide off-street parking between the rear of the footway and the building frontage. This is particularly evident in Photographs 12, 13 and 14 in **Appendix 3**, which show the variation in built form present in the building frontages to the west of the Appeal Site. It is maintained that the siting of the proposed building is an appropriate and positive response to this context, maintaining the alignment with

the properties to the west, while representing a continuation of the frontage of the house directly to the east.

- 6.21 The siting of the building within the plot would result in the rear elements extending a significant distance beyond the building line of the properties directly to the east and the west. However, as examined in greater detail below, this is not considered to be detrimental to the amenity of the neighbouring residential properties. The presence of numerous outbuildings in rear gardens in the vicinity as well as the fact that there have been a number of rear extensions to these properties of varying sizes and depths mean that there is little consistency in the building lines to the rear of the houses in this area.
- 6.22 The reference in Paragraph 7.9 of the Officer's Report to the presence of frontage parking which detracts from the character of the area is also considered to represent an unduly negative assessment of this aspect of the scheme. The provision of a total of six car parking spaces does not represent an excessively large area laid out for this purpose, while its presence is not considered to be out of keeping or harmful to the street scene. The size of the car parking area is broadly comparable with the forecourt parking arrangements for other residential properties in the area. The frontage of many other properties in the vicinity of the Appeal Site are either completely or predominantly paved and a number appear to accommodate four or more parked vehicles in a range of different parking arrangements (see Photograph 8, 9, 11, 12 and 14 at **Appendix 3**) It is evident from observation of the site and its immediate surroundings that the neighbouring property at 26 Padnell Road, immediately to the west of the Appeal Site, currently provides parking for five vehicles.
- 6.23 The linear nature of the forecourt parking area, which would be more formally arranged and set within a landscaped frontage of the property, mean that it would integrate well into the street scene. The landscaping around the proposed parking spaces would mean that it would compare favourably to the frontages at other residential properties in the vicinity. While the Officer's Report highlights the fact that the car parking areas for Nightingale Court and St Wilfrid's Church opposite the site are provided to the rear of the buildings, it is not considered that these are comparable in terms of their scale and relationship to the street of that proposed at that site. Furthermore, it is not considered that there would be any benefit from providing additional parking to the rear of the building and that the proposals in their current form would result in the provision of off-street parking in a form that is entirely appropriate and which does not detract from the visual amenity of the area.
- 6.24 The Appellant therefore disagrees with the conclusion that the LPA has reached in terms of the proposal's visual impact on the street scene, which the Officer's Report acknowledges is visually

appropriate and compatible with the character of the area in elevational terms when considered in the context of the street scene. It is not considered that the footprint, size, depth or siting of the proposed development would be excessive or would cause the development to be out of keeping with the pattern and character of the area.

Impact on the Amenity of Adjoining Properties

- 6.25 The second Reason for Refusal given in the Decision Notice refers to the *"excessive depth, siting and design"* and concludes that this *"would have an overbearing and dominant effect, harmful to neighbours amenity from loss of outlook, overshadowing (to number 32) and loss of privacy"*. The Reason for Refusal goes on to state that the *"noise and disturbance from increased activity associated with comings and goings and use of balconies would be intrusive and harmful to the quiet enjoyment of neighbours amenity."*
- 6.26 The Appellant disagrees with the conclusion that the LPA have reached that there would be harm to amenity that would result from the proposed development. As set out above, it is not considered that the size, depth or siting of the proposed development would be excessive, or that the presence of first floor side windows and rear balconies would have an overbearing and dominant effect that is harmful to the amenity of neighbouring properties. It is not considered that the proposed development would result in harm to amenity at the adjoining property at 32 Padnell Road as a result of loss of outlook, overshadowing or loss of privacy. It is also not considered that there would be noise and disturbance from increased activity associated with the use of the balconies that would be harmful to the amenity of neighbouring properties and which would result in harm to the amenity of residents.
- 6.27 The Officer's Report suggests that the depth of the proposed development would be detrimental to the outlook and enjoyment of neighbouring properties' main habitable rooms and gardens. As highlighted above, it is not considered that either the overall size or the depth of the proposed building at the Appeal Site would be excessive. While the proposed building would have a greater depth than either of the existing residential properties that adjoin the site the rear area the rear of the building is significantly narrower than that at the front. This serves to reduce the impact of the building on neighbouring properties. The size and depth of the main building do not significantly exceed those of the neighbouring properties, while the use of a hipped roof along the eastern side of the property serves to further reduce the bulk and massing of the building and the prospect of any adverse impacts on the amenity of residents of the neighbouring property. As is evident in the sectional drawing shown in Drawing No: 2020/02 Rev D, the proposed development would result in the retention of substantial gaps of 6 metres and 5 metres

respectively between the eaves of the proposed building and those of the existing buildings at 26 and 32 Padnell Road respectively.

- 6.28 It is also important to note that the height of the eaves of the proposed building is the same as that at 26 Padnell Road, and that the eaves height of the two storey building would not exceed the ridge height of the roof of the chalet bungalow style building at 32 Padnell Road. The parts of the proposed building which do exceed the ridge height of the roof of 32 Padnell Road are therefore limited to those towards the centre of the Appeal Site where there is a lower prospect of the proposed building having an overbearing relationship to the neighbouring property. As outlined above, the rear element of the proposed building is discernibly narrower and would be positioned centrally within the Appeal Site which limits the impact of its presence. The use of pitched, hipped, roofs on the side and rear of this part of the building serves to further reduce the prospect of any harm to amenity. This further limits the prospect of the building having an overbearing relationship with, or causing there to be overshadowing of the neighbouring building at 32 Padnell Road.
- 6.29 With respect to the prospect of overshadowing of 32 Padnell Road, it is noted that the Officer's Report considers that there would be a significant loss of late afternoon sun to the private sitting out area and windows relating to the main habitable rooms of the neighbouring property at 32 Padnell Road. Insofar as the impact on the windows themselves (and ultimately the lighting levels in the room they relate to), is concerned, Drawing No: 2020/02 Rev D shows the position of the '45 degree line' drawn from the centre of the ground floor window in the rear of 32 Padnell Road. This shows where the proposed building would intersect with this line, however, the fact that this would be in a position to the rear of the ridge in the main roof. The rear roof slopes away from the main building at this point which mitigates any potential impact of the presence of the building on the neighbouring property.
- 6.30 It is also relevant to note that the ground-floor windows in the rear elevation of the building are part of a large expanse of window openings (as evident in Photographs 3 and 4 in **Appendix 3**). The impact on the lighting levels within the buildings is further limited by the fact that the rear element of the proposed building is set in from the boundary between the Appeal Site and the neighbouring property by 5 metres. This serves to reduce the potential for any overshadowing of the neighbouring property itself during the late afternoon. While there may be a reduction in the level of direct sunlight reaching the external areas of the neighbouring properties at 26 and 32 Padnell Road at certain times during the day. However, given the size of the gardens to the rear of these properties there are substantial areas where the occupants would continue to enjoy the evening sunshine. Therefore, while it is acknowledged that there would be *changes* to the lighting

levels at external areas of the rear garden in the neighbouring properties, this would not be to a degree where it would be harmful to the amenity or enjoyment of these properties. Any limited increase in overshadowing at the neighbouring properties would therefore not be so significant that it would outweigh the benefits of the proposed development, which include the provision of new housing.

- 6.31 Any impacts on the existing dwellings would be limited to a modest reduction in lighting levels in habitable rooms, but this would not cause unacceptable or unreasonable levels of harm to the amenity of these neighbouring properties. Appeal Site would be limited as a result of the careful design of the proposed dwellings and the position of habitable rooms and windows relating to these, which ensures that the principal views would be orientated away from existing dwellings and the most sensitive areas of the neighbouring dwellings.
- 6.32 With regard to overlooking, the Reason for Refusal cites the loss of privacy for residents of the neighbouring properties. The Officer's Report expands on this and highlights the presence of the first floor side windows as creating *"a perception of continual overlooking and loss of privacy"*. This conclusion was reached despite it being acknowledged in Paragraph 7.14 that these windows have been offered as obscure glazed with only the fan light openable. It is notable that the windows in question relate to bathrooms (with the expectation that these would be obscure glazed), and to areas of the kitchens of the proposed flats. It is notable that the latter would provide secondary sources of light and outlook from these areas.
- 6.33 Since these windows would not relate to habitable rooms, and the outlook would be very limited due to the use of obscure glazing and limited potential for opening, this would largely prevent actual overlooking of any internal or external areas of the neighbouring properties. Views of the rear garden area closest to the house would be extremely limited, particularly in relation to the property to the west where the orientation of the building and the gap between the building and the site boundary would limit the extent of any actual or perceived overlooking. Similarly, the existing property to the east would not experience a significant increase in either actual or perceived overlooking.
- 6.34 It should also be noted that the rear garden of 32 Padnell Road is currently overlooked by the extensive windows in the rear elevation of the neighbouring property at 34 Padnell Road, further to the east of the Appel Site. These are evident in Photographs 3 and 4 of **Appendix 3**. The extent of glazing in the windows of the neighbouring properties to the west, and in particular the presence of a window in the eastern side elevation of 36 Padnell Road, mean that this rear garden area is already overlooked. The relatively limited additional overlooking of this area that would

result from the proposed development at the Appeal Site would not therefore not result in a significant change to the value of this area by the residents of the property.

- 6.35 Furthermore, the rear balconies are positioned in such a way that these would not result in overlooking of the areas of the neighbouring properties closest to the houses. The outlook from the rear balconies would be limited to areas to the south which would limit any views from persons using the balconies, to areas of neighbouring properties which are towards the rear of the generously-proportioned gardens. Should it be considered necessary to do so, conditions requiring that the side elevations of the proposed balconies are retained to a minimum height as deemed appropriate, and if necessary either obscure glazed or provided using a similarly opaque material to prevent the prospect of overlooking towards the neighbouring properties themselves.
- 6.36 The Reason for Refusal also cites the prospect of *"noise and disturbance from increased activity associated with comings and goings and use of the balconies."* However, contrary to the assertion in the Officer's Report (Paragraph 7.15), it is not considered that the rear balconies are of a size or in a position that these could be used for large gatherings of people. On that basis, the prospect of noise and disturbance from this would be extremely limited. The proposed terraces simply provide a source of external amenity space adjoining the primary living areas of the proposed flats which would be for the benefit of the amenity of prospective residents. Large gatherings of people, or significant 'comings and goings' would not be possible due to the limited size of these external terraces.
- 6.37 The Appellant therefore disputes the assertion that the impact of the balconies would be harmful to the amenity of neighbouring properties, and contends that this assertion is purely speculative. There is no reason to suggest that the impacts of this proposal will be harmful or that any movement of people to or from the proposed flats would not be any greater than would be the case if the site were to be developed as a single dwellinghouse.
- 6.38 It is also notable that the location of the proposed balconies would be a minimum of 16 metres from the closest part of the rear of the neighbouring property at 32 Padnell Road. This is a significant distance which provides sufficient separation between the proposed balconies, and the areas of the neighbouring dwellings further limits the prospect of any harm to amenity as a result of the presence of the balconies at the rear of the building.
- 6.39 The Council reason that the comings and goings associated with the development would result in disturbance to number 32. The Council consider that the *'entrance would need to be lit and the activity and light associated with comings and goings at all times of the day and night would be intrusive'*. The Appellant contends that the impact of light from the entrance would be minimal

to number 32. As is evident in Photograph 2, 3 and 4 in **Appendix 3**, the neighbouring property at Number 32 Padnell Road has one window on its western side elevation facing the eastern elevation of the proposed building.

- 6.40 The position of the entrance to the proposed flats, while to the side of the building adjoining the neighbouring property at 32 Padnell Road, does not necessarily mean that there would be noise and disturbance to neighbouring residential properties. The assertion in the Officer's Report that this would result in the more intensive use of the area close to the eastern boundary of the site is not correct. It assumes that simply as a result of its proximity to the neighbouring property that there would be negative impacts. As outlined above, there is only a single window in the western, side elevation of the neighbouring property at ground-floor level, while there would be little prospect of disturbance as a result of lighting of the entrance. Should it be considered necessary to place additional controls over the type, nature or intensity of lighting, the details of this can be provided as part of a submission to discharge conditions.

Impact on the Highway Network

- 6.41 The final Reason for Refusal relates to the *"under provision of on-site parking spaces"* which would *"lead to an increased demand for on-street parking"*. It reasons that the *"increased pressure for parking on the public highway would be harmful to highway amenity and further interrupt the free flow of traffic in Padnell Road"*.
- 6.42 The primary basis for challenging this Reason for Refusal is set out in the evidence provided by D M Mason Engineering Consultants Ltd, which is enclosed at **Appendix 4**. This evidence is summarised and supplemented by the information below.
- 6.43 While there would be a shortfall in car parking provision, relative to the recognised parking standards, this amounts to 0.2 vehicles under the requirement (as acknowledged in the Officer's Report), which is based on assumptions about car ownership and usage.
- 6.44 It is notable that the Parking Standards SPD does not make any distinction between houses and flats for the purposes of setting parking standards. The 2011 census data indicates that on Padnell Road, residents of flats would have fewer cars than residents of houses. The Census data also suggests that the overall demand for parking from a development of this nature would be for 3.1 cars, which is significantly less than the six off-street parking spaces that would be provided.

- 6.45 The LPA have requested up to 20 parking surveys in the Parking Standards SPD, with 2-3 surveys per day over the course of a week considered necessary in order to provide a 'true reflection' of the existing car parking arrangements.
- 6.46 However, it is notable that the timing of the surveys which were undertaken in order to inform the planning application, reflect the worse-case-scenario in terms of demand for parking. With the survey being undertaken during lockdown, the findings reflect the demand for parking at a time when most residents would have been at home overnight and when potential entertainment venues and overnight accommodation would have been closed. Other districts and unitary authorities in Hampshire simply require two night surveys.
- 6.47 It is considered unlikely that the peak demand for parking in the spaces within the site will match the peak demand for on-street parking. It is anticipated and reasonable to expect that residents of the proposed flats would either be at work or travelling to or from a work place at the times when the demand for on-street parking on Padnell Road would be greatest.
- 6.48 While concerns have been raised about the demand for parking arising from trips to or from the nearby school and demand for spaces from visitors to the church on the northern side of Padnell Road, it should be noted that the peak demand for school and church parking would be at different times. Parking restrictions on Padnell Road do not apply on Sunday so church parking can use that space (9 spaces).
- 6.49 Furthermore, it should be noted that the Appeal Site is in an area where there is good access to a wide range of local services and public transport links. The Number 37 bus route runs past the site along Padnell Road, and provides a link between Havant Bus Station and Petersfield Railway Station via Crookhorn Precinct, WaterlooVille Precinct, Horndean Precinct, and Tesco, Petersfield. Services run hourly throughout the day and every one and a half hours on Saturdays, while bus route 8* runs approximately 300 metres from the site, where it can be accessed from bus stops on London Road. The route runs between The Hard, Portsmouth and Clanfield Drift Road via Hilsea, Queen Alexandra Hospital, WaterlooVille Precinct and Horndean Precinct. This service runs every 15 minutes on weekday daytimes and every 20 minutes on Saturdays and Sundays.
- 6.50 In light of the above, it can be concluded that the site is in a sustainable location, particularly since it is very close to a number of bus stops which provide links to a range of potential destinations, in addition to being within easy walking distance of numerous essential shops and amenities. These factors all reduce the potential demand for car ownership and/or usage. It is

likely that the smaller households that would occupy the proposed flats would not necessarily require access to a car

6.51 It is notable that Hampshire County Council in its capacity as the Highways Authority has not raised any objection to the proposed development, either in terms of highway safety or in relation to the demand for vehicle parking that would result from the proposed development. Indeed, the County Council's consultation response (enclosed at **Appendix 5**), concludes that: *"Having reviewed the documentation submitted in support of the above planning application Highways Development Planning is satisfied that the proposal would have no detrimental impact on highway safety or operation."*

6.52 On the basis that the view of the Highways Authority is that there would not be unacceptable impacts on highway safety or severe impacts on the highway network, planning permission should not be refused on highways grounds as per the direction provided by Paragraph 111 of the NPPF.

Other Material Considerations and the Planning Balance

6.53 The NPPF supports development that optimises the use of land and emerging policy H3 in the Submission Havant Borough Local Plan specifically seeks to maximise residential developments' contribution to housing need by identifying minimum densities for differing accessible areas. As established, the site falls within clause c) under the emerging policy H3, which requires a minimum density of 40 dph. The scheme offers a density of 56 dph, and is therefore consistent with the provisions of this policy, while also making effective use of land as required by Paragraphs 124 and 125 of the NPPF.

6.54 The proposal would result in the provision of six residential units, and would therefore make a contribution towards the Council's housing need. As set out, the Council has 4.2 years supply with a 20% buffer applied, which is below the five year supply threshold. The provision of new housing within the existing urban area and in close proximity to a range of facilities and amenities represents sustainable development which should benefit from the presumption in favour unless the adverse impacts of the development are significantly and demonstrably outweigh the benefits arising through the provision of new housing. The Appellant does not consider that there is significant or demonstrable harm to the character or appearance of the area, the amenity of neighbouring residential properties or highway safety.

6.55 In the context of this location and its favourable context for residential development, and in the absence of any harm to the character of the area or residential amenity, it is considered that proposed development should be considered acceptable.

- 6.56 Paragraph 7.4 of the Officer Report acknowledges that the Borough's five year housing land supply (as of February 2021), amounts to 4.2 years when the 20% buffer is applied. This is below the five year supply threshold and as such paragraph 11(d) of the NPPF applies. The Officer Report states that *"This does not follow that there is a tilted balance in favour of permission being granted"* and that *"permission can be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits."* However
- 6.57 For the reasons outlined above it is considered that any adverse impacts of the proposed development are not significant, and that these would not significantly and demonstrably outweigh the benefits of providing six new residential units within the limits of the existing urban area and in a location where prospective residents benefit from close proximity to a range of amenities with a parade of shops including a Co-operative foodstore, approximately 250 metres to the west of the Appeal Site.
- 6.58 The Officer's Report states that the limited scale of development means that the contribution towards addressing housing need would be relatively modest and would make an undiscernible contribution to housing land supply in the context of the overall planning balance. While the provision of six units would make a limited contribution towards addressing the overall shortfall in housing provision in the Borough relative to objectively assessed need, this provides a number of smaller and more affordable dwellings which adds to the overall range and mix of dwellings in an area otherwise dominated by the presence of larger dwellings.
- 6.59 It must also be stressed that Paragraph 11(d) of the NPPF does require that individual developments make a significant or substantial contribution towards addressing housing need. It directs LPAs to grant planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is evident that there would not be significant or demonstrable adverse impacts arising from the development and that planning permission should be granted.
- 6.60 Therefore, it is maintained that the limited size of the proposed development should not weigh against the benefits of the proposed development, particularly given the need for housing provision within the existing built up areas of the Borough and within walking distance of a range of amenities. As highlighted above, this represents sustainable development and should be supported regardless of the supply situation, and particularly so given the need for additional housing over and above that currently identified on known developable sites.

7 Conclusion

- 7.1 The Refused Application for new residential development would deliver much needed housing in a sustainable location within the urban area and close to a wide range of amenities. The scheme will result in the redevelopment of a site which, while it does not represent previously developed land, currently detracts from the amenity of the area, primarily as a result of its condition and the fact that it is currently vacant. The proposed development would therefore result in the enhancement of the character and appearance of the area by bringing the vacant and an under-utilised site into active and beneficial use.
- 7.2 Contrary to the Council's assessment of the Refused Application it is considered that this represents a high-quality design approach and is an entirely appropriate response to the context provided by the Appeal Site and its surroundings. The carefully considered design approach has enabled the provision of residential accommodation in a form which is respectful to and consistent with the context provided by the established pattern of development of Padnell Road, and which also ensures that there would not be harmful impacts on the amenity of neighbouring residential properties. Furthermore, as demonstrated in this Statement and in the evidence provided by D M Mason Engineering Consultants Ltd, the proposed development would not result in unacceptable impacts on the highway network or a significant increase in pressure on the availability of car parking.
- 7.3 Overall, it is considered that in the context of the established under-supply of housing in the Borough, the Refused Application would provide much-needed housing in sustainable location while making efficient use of land within an urban area. This Statement has demonstrated that there are no harmful impacts of the proposed development which would significantly or demonstrably outweigh the benefits of the provision of new housing.
- 7.4 Finally, it should be noted that the Appellant will provide a Unilateral Undertaking confirming their agreement to make contributions towards mitigation measures against the impact of development on the Solent Special Protection Area. A copy of this will be provided no later than seven weeks from the Start Date of the appeal process, as required by the relevant procedural requirements for appeals proceeding by Written Representations under the Part 2 procedure.
- 7.5 It is therefore respectfully requested that the Appeal is allowed, subject to any conditions that the Inspector considers it appropriate to apply.