



Appeal Decision

Site visit made on 10 January 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2022

Appeal Ref: APP/X1735/W/21/3271208

23 Padnell Road, Waterlooville PO8 8DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr T Link against the decision of Havant Borough Council.
 - The application Ref APP/20/01026, dated 23 October 2020, was refused by notice dated 4 February 2021.
 - The development proposed is for the demolition of the existing garage and summer house and construction of a detached bungalow with associated soft and hard landscaping and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area,
 - the living conditions of neighbouring and future occupiers, and;
 - the Solent Special Protection Area (SPA) and Solent European Sites.

Reasons

Character and appearance

3. The appeal site is located in an established residential area of brick and tile dwellings that are set back from the highway and have landscaped gardens to the rear. No 23 Padnell Road is a bungalow-type dwelling with dormers to the roof that has an off-road parking area to the front. Access to the stepped rear garden of No 23 is found to the left-hand side of the property adjacent to the boundary with No 21 Padnell Road via a pair of timber gates and a short, tarmacked drive.
4. The drive leads to a garage that has a 'summer-house' type structure attached to the rear. The garden rises up to meet the rear boundary of the gardens associated with the properties on Crestland Close, and is bordered on either side by timber fencing over which the rear elevations and gardens of the surrounding dwellings can be seen.

5. The proposal is to demolish the existing garage and 'summer-house' and to construct a single-storey, 3-bedroom dwelling in the rear garden of the host property. The development would have a tarmacked parking and turning area to the front. There would be new soft-landscaping to the front and side of the dwelling. To the rear of the proposed development there would be a garden space with a cycle store. A patio area and a raised garden space would be retained for the host dwelling.
6. The submitted drawings show that the proposal is possible on the severed garden space available. I also noticed at my site visit that some of the neighbouring gardens have garages or outbuildings that are set-back from the road or are within the rear garden. However, the structures are nonetheless relatively modest and do not have formal parking or turning areas within the rear garden spaces. As such, a sense of spaciousness to the rear of the properties is retained in the relatively dense built environment seen along Padnell Road.
7. In comparison the proposal would be of some bulk, that would include an extended driveway, a parking and turning area to the rear of No 23 and would extend across most of the width of the rising host back-garden. Indeed, the proposal would be seen not only from the surrounding dwellings but also in part from the main highway to the front of the appeal property.
8. Consequently, the scale and mass of the proposal would be at odds with the neighbouring area which is typified by verdant and open-style gardens with a scattering of simple garden type buildings. In my view additional landscaping would not provide satisfactory mitigation.
9. I conclude therefore, in respect of the character and appearance of the area, that the proposal would be contrary to Policy CS16 of the Havant Borough Core Strategy 2011 (HBCS) which says, amongst other things, that development should draw inspiration from and respect local context.
10. For similar reasons, the proposal is contrary to Paragraph 130 (c) of the *National Planning Policy Framework* (the Framework), which aims include that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions

a) Neighbouring occupiers

11. The proposed dwelling and its' parking spaces would be accessed from the existing driveway to No 23 which runs along the boundary with No 21. The extended drive would lead to a parking and turning area that would be next to the remaining garden space proposed for the host dwelling and also directly adjacent to the back garden of No 25 Padnell Road.
12. Accordingly, notwithstanding the increased use of electric vehicles over time, in addition to the existing vehicular movement associated with the host property, there would be additional noise and disturbance as a result of vehicles associated with the new dwelling accessing areas they currently do not. For example, but not limited to, the starting and revving of engines, use of headlights at night or on darker days of the year, as well as the opening and shutting of doors and the turning and parking of vehicles.

13. As a result the quiet tranquillity of the neighbouring garden spaces would be eroded by the close proximity of the proposed dwelling and its' parking spaces and turning area and harm the living conditions of the neighbouring occupiers.
14. Therefore, I find in respect of the living conditions of the neighbouring occupiers, that the proposal conflicts with Policy CS16 of the HBCS, as supported by the Havant Borough Council, Design Guide Supplementary Planning Document 2011, which aims include that development should not cause unacceptable harm to the amenity of neighbours, and Paragraph 126 of the Framework which indicates that new development should create better places in which to live and work and helps make development acceptable to communities.

b) Future occupiers

15. An outside space has been proposed to the rear of the new development. However, given that the proposal is for a three-bedroom family-type dwelling, the space provided would be relatively minimal for the purposes of day to day domestic activity such as; hanging out laundry, small-scale gardening or sitting out.
16. Moreover, the orientation of the proposal and the proximity of the close-boarded boundary treatment to the rear would be likely to result in a gloomy space, particularly at certain times of the year or on days when sunlight is more limited.
17. Therefore, I conclude that the proposal would harm the living conditions of the future occupiers.
18. It follows then, in respect of the living conditions of future occupiers, that the proposal is contrary to Policy CS16 of the HBCS, which requires that development is designed to a high standard, which helps to create places where people want to live, work and relax.
19. Similarly, the proposal is contrary to Paragraph 130 (f) of the Framework that says that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

SPA and Solent European sites

20. The appeal site is located in the SPA and forms part of a Solent European Site. Therefore, the appeal site is subject to the Habitat Regulations which protect these areas.
21. If I had come to a different conclusion, it would have been necessary for me as a competent authority to undertake an 'Appropriate Assessment' and give further consideration to the likely effectiveness of any mitigation measures including any legal agreement to secure such measures. However, as I have found against the appellant on the main issues, and therefore planning permission is to be refused, this matter need not be considered any further in this case.

Other Matters

22. The appellant has brought to my attention the built form related to the nearby St Wilfrid's Church and Nightingale Lodge in support of his case. Nevertheless, following my site visit I concur with the Council that the Church and Nightingale Lodge have a different spatial context and relationship altogether in comparison to the proposal before me and single residential dwellings generally. Therefore, I afford this little weight.
23. I acknowledge that the proposal would meet nationally described space standards. Nonetheless, I find the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, which include the provision of one 3-bedroom dwelling.

Conclusions

24. For the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR