

Appeal Decision

Site visit made on 15 December 2015

by Andrew Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 January 2016

Appeal Ref: APP/X1735/W/15/3132354

48 Station Road, Hayling Island, Hampshire PO11 0EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mrs Sue Wrixon against the decision of Havant Borough Council.
 - The application Ref APP/15/00037, dated 8 January 2015, was refused by notice dated 22 April 2015.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the impact of the proposed dwelling on the living conditions of neighbouring occupiers at 48 Station Road, 11 and 15 West Lane with particular regard to noise, outlook and light;
 - the impact of the proposed dwelling on the character and appearance of the area.

Reasons

Living conditions

3. The proposal is for the development of what was formerly part of the garden to 48 Station Road, which has been sold and is occupied separately from the site. The proposed dwelling would run along much of the length of the boundary with 48 Station Road, visible from their rear garden and side windows in ground floor living rooms. The blank side wall would be set back only a short distance behind the boundary fence, most of it split only by the roof of the hallway, the roof to the bedrooms pitching down away from this boundary. The length of the proposed building so close to the boundary combined with the blank wall up to ridge height, would have a harmful impact on those neighbouring occupiers in dominating most of the length of their rear garden.
 4. The appellant has provided diagrams showing how the proposed dwelling would impact on light levels to occupiers of no. 48. This shows some overshadowing and loss of light, particularly at certain times of day through the winter months, caused by the height of the building so close to the boundary of the property.
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Combined with the impact I have identified above, this will harm the living conditions of occupiers of 48 Station Road.

5. The rear of the proposed dwelling would be curved and one side will be close to the boundary with 11 West Lane, curving away to provide a greater gap to the rear of 15 West Lane. Occupiers of both these dwellings will be able to see the proposed dwelling over the boundary fence, but the curved design combined with the green roof sloping away from the boundary on this side means that it would not unacceptably dominate the rear gardens of 11 and 15 West Lane.
6. It has been suggested that the noise from the proposed dwelling, such as opening and closing of doors and use of the outdoor amenity areas, would harm the tranquillity of neighbouring occupiers. The car parking area is to the front, adjacent to that of the neighbour at no. 48 and the car park outside the site entrance. I do not consider that the impacts from additional vehicles coming and going and their doors opening and shutting in this area would be unacceptable in this context. Similarly, the building would largely separate no. 48 from the outside amenity areas of the proposed dwelling such that noise from these areas is unlikely to harm the living conditions of occupiers of that property.
7. In terms of noise impacts on occupiers of 11 and 15 West Lane, the proposed dwelling will be close to their rear boundary such that there will be some noise from use of the rear amenity area on those occupiers. The garage of no. 15 is up to the rear garden across approximately half the length of the common boundary. The Design Guide Supplementary Planning Document (DGSPD) suggests that gardens should normally have a minimum depth of 10m in order to mitigate impacts on neighbours. However, this is an unusual style of dwelling and this is only one of a number of amenity areas, with the other areas divided from these neighbours by the dwelling itself, reducing the likely impact from their use. On that basis, I do not consider that the impact of noise on those neighbours will be unacceptable.
8. 44-46 Station Road also border the site, but the relationship with those properties differs from those set out above, with communal gardens to flats and a parking area over the boundary, and a relatively short section of the proposed building closest to the boundary. As such, I do not consider there will be any material impact on those occupiers.
9. For the above reasons, the harm to the neighbours at 48 Station Road by way of loss of outlook and loss of light would be unacceptable. The proposal is contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) (CS) and Havant Borough Design Guide Supplementary Planning Guidance (DGSPD) that seek to ensure development does not harm the living conditions of neighbouring occupiers.

Character and appearance

10. The proposal would provide a single storey house of innovative design that seeks to make the most of this small and irregularly shaped plot. Surrounding development is of a mix of styles and types of dwellings, with no prevailing style of development.
11. The DGSPD suggests that backland development should not dominate the street, public frontage or buildings on the frontage and infill development

should respect the layout and character of the surrounding area. The site is accessed between buildings on Station Road and down a private road shared with 48 Station Road and houses beyond, as well as providing parking. It is not visible from Station Road, although those passing the site to access the houses beyond and parking opposite may be able to glimpse through the narrow access. For these reasons, I consider that it is backland rather than infill development and should be assessed against the contents of the DGSPD on that basis.

12. The site frontage was the original access and parking for 48 Station Road, but has been replaced with a new access to the front of that dwelling. The site re-uses that existing access and parking area, with a thick wall including bin and cycle storage behind the parking. The proposed house is unlikely to be visible from the shared access drive behind that thick wall. Whilst there would be a high degree of site coverage from the development, it would not dominate the street, public frontage or buildings on the frontage.
13. For the above reasons, the proposed dwelling will not cause harm to the character and appearance of the area and will be in accordance with policy CS16 of the CS and DGSPD that require development to be of a high standard of design.

Other matters

14. Comparison is made to other sites on Hayling Island with similar contemporary styles of development. I have been provided with limited information on these and, in any event, need to consider this case on its own merits.
15. I accept that the proposal would make a small contribution to housing development and that this is intended to be an eco-friendly building. However, those matters do not outweigh the harm I have found to living conditions of neighbouring occupiers.
16. The Council have requested a contribution toward the Solent Disturbance Mitigation Project in accordance with policy DM24 of the CS. The appellant has confirmed that they are willing to provide these contributions, but have not submitted a mechanism, such as a legal agreement, to do so. Without such a mechanism, I am unable to give any weight to their agreement in principle to these contributions. As I have decided to dismiss this appeal for other reasons, I need not address this matter further.

Conclusion

17. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Andrew Steen

INSPECTOR