

**TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)**

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

Land adjacent to 50 Southfield Walk Havant PO9 4HY

**Local Planning Authority Reference:- APP/15/00510
Planning Inspectorate Reference:-
APP/X1735/W/15/3134698**



APPEAL BY MR O WEST AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT OUTLINE PLANNING PERMISSION FOR A PROPOSED 4 BED END OF TERRACE DWELLING ON LAND ADJACENT 50 SOUTHFIELD WALK, HAVANT, PO9 4HY

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1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 The appeal site comprises an area of open grassed amenity space at the eastern end of Southfield Walk, a terrace of dwellings located on the north side of Berrydown Road. The site is owned by Portsmouth City Council and falls within the extent of the public highway.
- 1.2 The adjoining terraced dwellings are two storey properties of traditional character and design, with a mainly brick and tile finish, located within modest plots featuring attached single garages to the road frontage. In conjunction with an adjoining hammerhead the site provides a significant gap in the street scene, between Southfield Walk and the terrace of dwellings running at approximate right angles to the east. The area is mainly characterised by high density residential land use, with various areas of open space between – a little to the north east of the site is an expansive wooded area known as The Warren.

2.0 PLANNING HISTORY

- 2.1 There are no previous applications for development of this site.

3.0 THE APPLICATION

- 3.1 The application was made valid on the 21st July 2015 and proposed the construction of a four bedroom end of terrace dwelling house. The application was submitted in outline form with all matters reserved; however a site layout plan and elevations were provided with the application and these give an indication of how this scale of development is likely to be accommodated within the site.
- 3.2 The Council's decision notice, issued on 14th September 2015, identified the following reasons for refusal:

1. Due to its excessive width in comparison to adjoining dwellings and the associated bulk and reduction of gap punctuating built development, development of the site in the manner proposed would not respond to, draw inspiration from or respect its local context as it would not use the characteristics of the locality to help inform its design in terms of massing and plot width, and would not respond positively to existing features close to the site, and would therefore have a detrimental impact on the amenities of the locality. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

2. Development of the site in the manner proposed would not provide adequate provision of car parking in accordance with the Local Planning Authority's adopted standards and would therefore have a detrimental impact on the amenities of occupiers of the building and the locality. The proposal is therefore contrary to policies CS16 and DM13 of the Havant Borough Local Plan (Core

4.0 PLANNING POLICIES

4.1 The Development Plan comprises the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.

4.2 The following policies of the Havant Borough Local Plan (Core Strategy) 2011 are considered to be particularly relevant to the determination of this appeal:

CS16 (High Quality Design)

CS17 (Concentration and Distribution of Development within the Urban Areas)

CS21 (Developer Requirements)

CS9 (Housing)

DM13 (Car and Cycle Parking on Residential Development)

4.3 The following policies of the Havant Borough Local Plan (Allocations) 2014 are also considered to be of relevance to the determination of this appeal:

AL1 (Presumption in Favour of Sustainable Development)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

4.4 Also of relevance to this appeal is the adopted Havant Borough Design Guide Supplementary Planning Document 2011, in particular Section 5 which gives specific guidance on residential developments and infill developments in particular, and the Residential Parking and Cycle Provision Supplementary Planning Document 2010 which sets out residential standards for car and cycle provision in the Borough and thus supplements Policy DM13 of the Local Plan (Core Strategy). Unfortunately relevant extracts from these documents were not forwarded with the Appeal Questionnaire – they are therefore attached at Appendix A (Design Guide) and Appendix B (Car and Cycle Parking Standards).

4.5 More details in relation to the relevance of these policies will be provided in part 6 of this Statement.

5.0 CONSULTATIONS AND REPRESENTATIONS

5.1 The application which is the subject of this appeal was published in accordance with the Council's adopted publicity procedures, and neighbour notification letters were sent. In addition site notices were posted. 53 letters of objection were received to the application.

5.2 The objections received can be summarised as follows:

Land used as access for emergency vehicles; Impact on parking; Should re-generate garage areas instead of green spaces; Loss of amenity space; Impact on neighbouring amenity; Disruption during building; No requirement for new housing; Visual impact; Impact on character of locality; Impact on ecology; Loss of designated highway; Overlooking; Overshadowing.

5.3 Consultations were also carried out and consultation replies were received and are summarised below from the following:

Development Engineer (Highways):

This area is shown on the records as adopted highway. Even if the title to the land is in the applicant's hands the Highway Rights have not been extinguished. It is possible to give permission on this land but it could never be implemented unless the Highway Authority agrees. It looks to me that there is not sufficient frontage to Berrydown Road to allow access for the parking of two vehicles. However it is in a sustainable location. If the Highway Authority have previously stated that the area is needed to gain emergency access to Hatch Court then this could be used as a reason for refusal.

NB: A separate application has been made to the Local Highway Authority to stop up this area of public highway. The right of access over land, including for emergency vehicles, is not a material planning consideration.

Southern Water:

Provided plan of sewer records showing approximate position of public surface water sewer within site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public sewer. Due to changes in legislation that came in to force on 1 October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

Building Control:

The proposed building will be within 3 metres of a storm water public sewer.

6.0 PLANNING CONSIDERATIONS

- 6.1** Having regard to the relevant policies of the development plan and supplementary planning documents, and the reasons for refusal given in the Decision Notice dated 14th September 2015, it is considered that the main issues arising from this appeal are:

First issue:

Whether the proposal would be harmful to the character and appearance of the locality

Second issue:

Whether the proposal would provide adequate provision of car parking

6.2 *First issue:*

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The provision of a new dwelling would contribute to the target of providing 6300 new homes across the Borough under Core Strategy Policy CS9.

The NPPF (at paragraphs 56-64) refers to the importance of the design of the built environment, which is a key aspect of sustainable development. Planning decisions are expected to ensure that developments function well and add to the overall quality of an area, creating and sustaining an appropriate mix of uses (including incorporation of green and other public space as part of developments), respond to local character and reflect the identity of local surroundings (Paragraph 58); decisions should also address the integration of new development into the built environment (Paragraph 61). Permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions (Paragraph 64).

These objectives are echoed in the Local Plan (Core Strategy)'s policy of High Quality Design (Policy CS16), which looks to new development to achieve, amongst other matters, the following criteria:

"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. All development should demonstrate that its design:

1. Responds to, 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.....

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.....

2. Produces a positive relationship between buildings, street and spaces both existing and proposed.....”

The Local Plan policy is supplemented by the Borough Design Guide SPD (see Appendix A), which was adopted in 2011, and which states in respect of infill developments:

Havant Borough Council acknowledges that backland and infill developments have a role to play in delivering the council's housing and development targets. However, many of these sites are situated amongst existing neighbours and can create an adverse impact. Development of backland and 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. (Paragraph 5.25)

Infill development should look to the immediate site context for reference and respect the layout and character of the surrounding area, looking to immediate neighbouring properties in the first instance. (Paragraph 5.33)

Turning to the appeal proposal, although in outline, the application includes a drawing showing how a 4 bedroom dwelling could be accommodated on the site. The dwelling is described as ‘end of terrace’ but is in fact shown as slightly detached from the existing end of terrace property. The length of the rear garden serving the dwelling would not meet the criteria of the Design Guide – it would however reflect the garden lengths of the existing adjoining terrace.

The main part of the proposed building would be approximately 30% wider than that of each of the existing dwellings in the terrace. It is considered that this comparative increase in footprint, allied with the resultant increase in bulk, means the proposal would not respond to, draw inspiration from or respect its local context as it would not use the characteristics of the locality to help inform its design in terms of massing and plot width. It is also of note that, in response to an application to extinguish the highway use of the land, the Highway Authority has required that a 1.8 metre wide strip be retained around the site (see Appendix C). This would mean that the dwelling shown on the submitted drawing could not be constructed.

As noted above, in conjunction with an adjoining hammerhead, the site provides a significant gap in the street scene, with views through to expansive open space at the rear. Given the extent of nearby open space that is readily accessible, it is considered that a reason for refusal based on a loss of amenity space in principle would not be sustainable.

However, the use of similar grassed areas to punctuate built development is a feature of the locality. The proposal would result in the loss of this example in its entirety, and for this reason fails to respond to, draw inspiration from or respect its local context in that it does not respond positively to existing features close to the site.

Turning to the relationship with nearby residential properties, the adjoining dwelling to the north-west (50 Southfield Walk) does not have any existing windows facing the site. As the proposed dwelling (based on the indicative site layout) would be sited almost entirely ‘gable-to-gable’ with the end of the terrace there would be no significant overbearing effect on number 50. The proposal would be likely to result in additional and oblique overlooking to the rear garden of this property but, given the existing context, it is considered this would not be to the extent that associated reasons for refusal would be sustainable. The geographical relationship with other nearby dwellings is such that the proposal should not have any material impact on their amenities.

In terms of its impact upon the character and appearance of the locality, therefore, it can be seen that whilst the detailed relationship of the development to adjoining residential properties in terms of amenity might be acceptable, in the broader context development of the site in the manner proposed would not respond to, draw inspiration from or respect its local context as it would not use the characteristics of the locality to help inform its design in terms of massing and plot width, and would not respond positively to existing open space features close to the site. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

6.3 Second issue

In terms of car parking issues, the NPPF is of relevance in that this sets out that planning decisions are expected to ensure that developments function well and add to the overall quality of an area, creating and sustaining an appropriate mix of uses, respond to local character and reflect the identity of local surroundings (Paragraph 58); and decisions should also address the integration of new development into the built environment (Paragraph 61).

The Local Plan (Core Strategy)'s policy of High Quality Design (Policy CS16), looks to new development to achieve, amongst other matters, the following criteria:

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. All development should demonstrate that its design:

1. Responds to, draws inspiration from and respects local context and.....:

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.....

2. Produces a positive relationship between buildings, street and spaces both existing and proposed, where.....:

b) New streets are not dominated by vehicular traffic;

c) The layout of the development is legible, meaning it is easy to orientate oneself and move through.

4. Is inclusive by considering the needs of those with disabilities, ensuring safe and convenient access for all.....;

The car parking aspects of new development are highlighted by Local Plan (Core Strategy) Policy DM13 which states:

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.

The Residential Car Parking and Cycle Provision Supplementary Planning Document itself (see Appendix B) identifies vehicle parking standards associated with 4 bedroom properties to be **3 spaces** (Table 4); with 2 long stay and 1 short stay cycle spaces also required (Table 7).

The SPD also provides guidance on car parking space sizes and garage sizes at Paragraphs 7.3 and 7.6 respectively. Individual car parking spaces are required to be 2.4m in width by 4.8m in length; a single garage/car port are expected to measure 3m in width by 6m in length.

Turning to the merits of the appeal proposal in the light of these various policy considerations, the submitted application form and drawing suggest that 2 on-site parking spaces could be provided in support of the proposal – 1 external space and 1 within an attached garage. There is no space available on site to realistically make any additional provision. As stated above, Policy DM13 requires residential proposals to comply with the standards contained in the Residential Parking and Cycling Provision SPD. The garage as shown does not meet the minimum width or length recommended by the SPD and there is some doubt as to whether the proposed external parking space could be properly accommodated, particularly given the Highway Authority requirement that a 1.8 metre wide strip be retained around the site (see Appendix C). In any case the standards require 3 allocated spaces for a 4 bedroom dwelling in this location.

No justification is provided for this shortfall, which is considered likely to result in amenity problems and a reduced quality of life for occupiers of the development and pressure on existing limited nearby on-street parking spaces, potentially causing neighbourhood tensions. It is of relevance that the site is not within a highly accessible location where some discretion might be exercised on parking standards, and the numerous representations received repeatedly refer to parking and access issues as local concerns.

The submitted drawing does not indicate any provision for cycle or bin storage, but it is considered that this could be comfortably accommodated within the site.

In terms of car parking issues, therefore, it is concluded that, having regard to the indicative plans submitted with the application, development of the site for the 4 bedroom dwelling proposed would not provide adequate provision of car parking in accordance with the Local Planning Authority's adopted standards and would therefore have a detrimental impact on the amenities of occupiers of both the new dwelling and the locality. The proposal is therefore contrary to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

7.0 COMMENTS ON THE APPELLANTS GROUNDS OF APPEAL

7.1 It is considered that most of the matters raised by the appellant have been addressed in the Council's Statement of Case.

7.2 With regard to the revised drawing attached to the appellant's Statement of Case which purports to demonstrate that 3 car parking spaces can be accommodated within the indicative site layout, the following comments are made:

(a) the layout fails to take account of the Highways Authority's likely requirements as set out at Appendix C, and thus is unlikely to be achievable without an obstruction of the retained highway taking place;

(b) the size of the parking spaces allowed for does not achieve the 2.4m by 4.8m dimensions required by the Residential Car Parking and Cycle Provision Supplementary Planning Document – in particular the smallest parking space measures only approximately 1.5m by 3m.

8.0 CONCLUSIONS

8.1 It is concluded that development of the site in the manner proposed would not respond to, draw inspiration from or respect its local context as it would not use the characteristics of the locality to help inform its design in terms of massing and plot width, and would not respond positively to existing features close to the site. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

8.2 Furthermore, development of the site in the manner proposed would not provide adequate provision of car parking in accordance with the Local Planning Authority's adopted standards and would therefore have a detrimental impact on the amenities of occupiers of the building and the locality. The proposal is therefore contrary to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

8.3 These matters are considered to outweigh the benefits that the scheme would bring in developing an additional dwelling within the built up area, which would make a modest contribution to the Borough's housing requirements.

8.4 The Inspector is therefore requested to **DISMISS** this appeal. Notwithstanding this should, however, the Inspector be minded to allow the appeal and grant outline permission for the proposal, the Council would request that the planning conditions set out in the separate submitted document are attached to any permission.

APPENDICES

- (A) Havant Borough Design Guide Supplementary Planning Document 2011 extract
- (B) Residential Parking and Cycle Provision Supplementary Planning Document 2010 extract
- (C) Highways Authority response to an application to extinguish the highway use of the land