

Appeal Decision

Site visit made on 5 September 2016

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 28 September 2016

Appeal Ref: APP/X1735/W/16/3151493

1a Milton Road, Waterlooville, Hampshire PO7 6AB

- 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 I Miah against the decision of Havant Borough Council.
 - The application, Ref. APP/16/00020, dated 6 January 2016, was refused by notice dated 11 March 2016.
 - The development proposed is first floor and two storey extensions; alterations to the roof including raised eaves levels to the front and sides to form two, two bedroom properties following demolition of the front porch and garage with associated parking and landscaping.
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1. The appeal is dismissed.

Preliminary Matter

2. The Notice of Refusal includes a refusal reason relating to the absence of an arrangement to secure a contribution towards the Solent Recreation Mitigation Partnership. However, the Council has confirmed that a payment has now been made and this is therefore no longer a dispute between the parties.

Main Issues

3. As the proposed extensions were allowed at appeal in 2013 the issues in the application and therefore in this appeal relate to the impact of the subdivision of the building to form two separate dwellings. The main issues are: (i) the adequacy of the living conditions for future occupiers of the properties as regards the use of amenity space, and (ii) the adequacy of parking and the effect on highway safety.

Reasons

4. On the first issue, the Council argues that the site would have a cramped and congested layout to the detriment of residential amenity, with the garden areas in particular not according with the Havant Borough Design Guide SPD 2011 minimum 10m depth. For the appellant it is explained that a couple or a small family, as compared with a large family or multi occupation under the existing approval, would probably occupy each property.
 5. The eastern property in this case would have a garden of about 60sqm and a maximum depth of 9m, and the western dwelling an area of 53sqm and an average depth of 8m. It is acknowledged for the appellant that these are below the guideline figure which however should be treated flexibly, and that the
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Inspector in Appeal Ref. APP/X1735/D/16/3142162 at 55 Deverell Place, Waterlooville had accepted a smaller depth and area.

6. However, coincidentally this appeal was my own Decision and I am therefore able to compare it with the proposal now before me. In the current scheme two dwellings are proposed with two small gardens side by side and both below the Council's guideline minimum. Unless a fence of at least 1.8m height is erected from the rear elevation to the rear boundary fence along the dividing line as indicated in the submitted plan, there would be no privacy for each family. If such a fence were to be erected the resulting visual containment would in my opinion have an adverse effect on the quality of the small amenity areas.
7. In the case of 55 Deverell Place, the property was a single detached family home in a quiet cul-de-sac and the proposal was for an extension that effectively converted part of the existing garden into indoor living space. In addition, the rear garden had a high level of privacy and the dwelling was set back from the road by 11m, with this frontage area having the potential for additional amenity space.
8. Given the material differences in circumstances and location I consider that the two cases are not comparable. Thus on this issue I conclude that the adequacy of the living conditions for future occupiers of the properties as regards the use of amenity space would be unacceptable. This would be in conflict with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 ('the Local Plan'); the Design Guide SPD, and the fourth bullet point of the core planning principles of the National Planning Policy Framework 2012 ('the Framework').
9. Turning to the second issue, the submitted plans show two pairs of two spaces in a tandem form and horizontal to the front elevation and the road. For the appellant it is pointed out that this provision and arrangement is identical to that approved in the 2013 appeal. However, with two separate dwellings now proposed the logistics and practicalities of daily use are much more difficult. With the congested layout and tandem arrangement shown, I consider it a strong probability that there would only rarely be an opportunity for vehicles to turn within the front forecourt.
10. As a result, in almost all instances cars would reverse either in or out of the property from and to Milton Road, which is a busy road close to a junction with traffic accelerating towards the property. This would be a significant highway hazard and also affect pedestrian safety. There would be a likelihood of parking in Milton Road and the nearby Staple Close and quite apart from the highway dangers resulting from the difficulties of on-site turning, the parking arrangements would be unsatisfactory for future occupiers of the two dwellings.
11. Overall on this issue, I conclude that the parking arrangements would be inadequate and have an unacceptable effect on highway safety. This would be in harmful conflict with Local Plan Policies CS16, CS20 & DM13 and Section 4 of the Framework.
12. In the light of my conclusions on the main issues the appeal is dismissed.

Martin Andrews

INSPECTOR