
Appeal Decision

Site visit made on 19 October 2015

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 13 November 2015

Appeal Ref: APP/X1735/W/15/3124785

16 Latchmore Forest Grove, Waterloooville, Hampshire, PO8 8XG

- 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 J Tate against the decision of Havant Borough Council.
 - The application Ref APP/14/01166, dated 5 November 2014, was refused by notice dated 7 January 2015.
 - The development proposed is to demolish side extension to No 16 and erect 1 No two-bedroom bungalow.
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Application for Costs

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted to demolish side extension to No 16 and erect 1 No two-bedroom bungalow at 16 Latchmore Forest Grove, Waterloooville, Hampshire, PO8 8XG in accordance with the terms of the application, Ref APP/14/01166, dated 5 November 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos 211, 211A, 212°, 325°, 332°, 425° and 432A.
 - 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building and surrounding ground levels in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
 - 4) No development shall commence until details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the
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local planning authority. Development shall be carried out in accordance with the approved details/samples.

- 5) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- (a) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
 - (b) hard surfacing materials;
 - (c) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. Any trees or plants planted as part of the approved details which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no roof extensions or alterations, as permitted under Schedule 2, Part 1, Classes B and C of the Order shall be undertaken or constructed in relation to the dwelling hereby permitted.

Preliminary Matter

3. I saw during my visit that the extension to the side of No 16 had already been demolished.

Main Issues

4. The Council's decision included a reason for refusal relating to mitigating the impacts of the development upon the Solent Special Protection Area. Since the date of the decision the Council has confirmed that this reason for refusal no longer applies and I have been presented with no evidence in relation to it. The main issues are therefore the effect of the proposal on the character and appearance of the area and upon the living conditions at 14B and 16 Latchmore Forest Grove, with particular regard to noise, disturbance and privacy.

Reasons

Character and Appearance

5. The Council's second reason for refusal is specifically concerned with the new access leading to the proposed dwelling, which in their opinion would appear unacceptably squeezed-in between Nos 16 and 14B with the frontage along Latchmore Forest Grove becoming overly dominated by hard-surface.
6. At the time of my visit the space for the new driveway had already been created, including a new close-boarded fence erected to the side of No 16. I

recognise that the driveway would be tight to the side elevation of No 14B and to the new fence-line on the other side. However, a driveway between existing dwellings and close to their sides is not an alien feature within the area. Whilst maybe not so tight compared to that currently proposed, there is an obvious example between 16B and 18 Latchmore Forest Grove where there is a shared access leading to garages at the rear of these properties and their attached neighbours. Furthermore, I saw within the wider area other similar examples, specifically those referred to by the appellant between Nos 109 and 111 London Road and between Nos 18 and 20 Forest Gate. In these cases the accesses ran immediately between neighbouring buildings with little separation to their flank walls but in no instance did they stand out as being intrusive or inharmonious within the wider street scene.

7. I appreciate that careful thought needs to be given to ensure that new development can be properly assimilated into an area's character. But in this case I find that the new access would be nothing unusual. It would not create any artificial gap within street scene, appearing merely as a private solitary driveway between properties giving vehicular access to the rear. Although the access would be in separate use to both Nos 16 and 14B I am not persuaded that this would be necessarily obvious from the public domain or that this would make its presence any less inconspicuous.
8. The proposal would include an extensive amount of hard-surface across the frontages to both Nos 16 and 14B providing parking for each. These areas would be linked by the new driveway between the properties. I accept that there would be a large degree of openness to the back edge of the pavement within the street scene at this point. However, front boundary enclosures along Latchmore Forest Grove vary considerably, not only in terms of their form but also in terms of their presence. There are examples where front boundaries are absent and hard-surface prevails, not least in the current arrangement at the appeal site, permitted when planning permission was given for the erection of No 14B in June 2004 (appeal ref: APP/X1735/A/04/1139230). I see little difference of any significance between the layout that was permitted at that time, as shown on the approved drawing 0356-201A, dated 13 August 2003, and that now proposed.
9. During my visit the Council drew my attention to the space in front of No 16 and close to its boundary with No 16A. It would appear that there would be insufficient depth to comfortably accommodate the parking space that is proposed and shown on drawing 0356-212^o. Be that as it may, I have been presented with no evidence to suggest that the two further parking spaces to the front of No 16 would be insufficient to serve that dwelling. The inability to accommodate the third space would not therefore affect the proposal in any material way.
10. Although not directly reflected within the reasons given on the refusal notice, the Council's officer's report and the Council's appeal submissions criticise the backland nature of the proposal, which they consider would be out of character with the area.
11. Whilst I saw no dwellings set to the rear of any properties fronting Latchmore Forest Grove there were examples of buildings in these locations, notably the garages to the rear of Nos 16A, 16B, 18A and 18B. These structures are

clearly evident from the rear of surrounding properties and have their own dedicated access from the main road. They indicate to me, along with other examples in the nearby surroundings where land has been independently developed to the rear of frontage properties, that backland development need not be harmful. Indeed, this is recognised by the Council's own Design Guide Supplementary Planning Document (SPD) which accepts that such development can have a role to play in delivering the Council's housing targets.

12. Overall, whilst I accept that the access would be tight between Nos 16 and 14B, I am not persuaded that this would appear damaging to the street scene. Neither would the parking arrangements to the front of these properties, or the extent of hard-surface associated with it, appear demonstrably different to that already permitted as part of the approval for the erection of No 14B or be so out of step with the frontage to some other properties in the area that it would appear intrusive. The new dwelling would be subservient to those along Latchmore Forest Grove, being single-storey and set on slightly lower ground levels. Taken with my findings below as they relate to the living conditions of neighbouring occupiers, I conclude that the principle of a new dwelling with access through and onto this land would not be unacceptable. As such I find no conflict with Policy CS16 of the Havant Borough Core Strategy 2011 (CS) insofar as the proposal relates to its local context. Neither would there be any conflict with the National Planning Policy Framework (the Framework) in this regard.

Living Conditions at Nos 16 and 14B Latchmore Forest Grove

13. The proposal would include two parking spaces for the benefit of the new dwelling. The traffic movements typically associated with a single home is around six to eight vehicle movements each day, which is not excessive. These would pass tight to the flank of No 14B. However, I saw that No 14B has only one window to this side elevation, which was high level and a secondary source of light and ventilation to the ground floor kitchen/dining area. The rear garden was enclosed by a 1.8m high close-boarded fence.
14. No 16 has flank windows facing the driveway. However, these would be separated from it by the close boarded fence that runs along the depth of the newly created plot for this property.
15. Any vehicle using this short stretch of private drive would do so moving at only a low speed. Furthermore the width of the drive, at 4.0m, would not be so constrained that a car would struggle to negotiate its length. In addition, the independent access and movement of vehicles to the rear of properties along Latchmore Forest Grove is already established by the garage arrangement adjacent to the appeal site. I have been presented with no evidence to suggest that the movement of vehicles associated with these generate unacceptable levels of noise or disturbance generally or that they impact upon the living conditions at Nos 16B and 18, where the access drive passes close by. Overall therefore, I find that the limited movement of vehicles would be unlikely to impact upon the living environment within Nos 16 or 14B, or any other occupiers neighbouring these properties, which would be further distant.
16. The Council has raised no direct objection to the visual impact of the dwelling when seen from neighbouring plots and in my opinion it would be positioned

sufficiently removed from boundaries and adjoining buildings for it not to appear overly intrusive in its setting, including from properties to the north in Morley Crescent, which have garden depths in excess of 20m. Neither has any concern been expressed over the level of outside space that would be provided, which would be ample to provide any new occupiers with an acceptable level of amenity for recreation and utilitarian use. With the exception of vehicle movements, which I have addressed above, the use of this outside space would be for typically residential purposes and I see no reason why this would introduce levels of noise or general disturbance that would be unusual or considered harmful to the surrounding residential environment.

17. The separation distance between facing windows within the new dwelling and Nos 16 and 14B would be around 18 to 19m. This would fall below the Council's guidelines of 20m within their SPD, but only marginally so. The new dwelling would be single-storey with no windows at first floor level; it would sit on lower levels compared with Nos 16 and 14B; and the shortest separation distance would relate to a lounge window within the new dwelling that would face towards the driveway rather than directly towards the rear of either adjacent dwelling. In light of all this, I am not persuaded that the reasonably minor shortfall to meeting the Council's guidelines would lead to any serious impact upon Nos 16 and 14B with regard to overlooking or loss of privacy.
18. For these same reasons I am satisfied that there would be sufficient privacy within the living areas of the proposed dwelling, including when seen in the more distant and oblique angles of outlook from the neighbouring properties at Nos 16A and 14A.
19. Although there would be windows facing north towards properties in Morley Crescent, these would be fairly close to the boundary at ground floor level and would afford no direct line of sight towards these neighbouring plots. I note also that the Council raised no objections in this regard.
20. Overall, I am satisfied that there would be no harm to the living conditions of any adjoining occupiers. I therefore find no conflict with Policy CS16 or the Framework in this regard.

Other Matters

21. I have noted some concern over the levels changes between adjoining land and the appeal site but I have no reason to consider that the proposal would have any impact upon the effectiveness of any damp courses in nearby properties or drainage in the area more generally.
22. The provision of a minimum of two parking spaces for Nos 16 and 14B would be the same as was permitted in 2004 when planning permission was given for the erection of No 14B. The level of parking proposed for the new dwelling is acceptable to the Council and would not be excessive. The plans indicate that the parking spaces to the rear would be positioned slightly away from the boundary with No 16A with landscaping in the intervening space. This could be secured by condition and I am satisfied that there would be no impact from use

of these spaces that would interfere with the neighbours' enjoyment of their garden.

23. I accept that the new dwelling could possibly cast some shadow over the lower parts of the garden to 21 Morley Crescent, which lies to the north. However, this would be limited to only parts of the day and would affect only the extreme end of the garden to this property due to the restricted height of the proposed dwelling. The majority part of the curtilage to No 21 would remain unaffected and I am satisfied that there would be no significant impact upon these neighbours' enjoyment of their garden.
24. Although there is a Tree Preservation Order that relates to part of the appeal site I saw no trees that would be affected by the proposal. Neither have I been presented with any evidence from the Council to suggest that this would be the case. Matters relating to construction methods used for No 14B and the fact that it remains unoccupied are not relevant to the planning merits of this case.

Conditions

25. The Council has suggested a number of conditions which I have considered against the advice within the National Planning Guidance (the Guidance). In some instances I have varied the wording of the suggested conditions to more closely reflect the Guidance and model conditions.
26. For the avoidance of doubt and in the interests of proper planning it is necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. In light of the levels changes across the site and in the absence of a topographical survey it is necessary to secure details of proposed finished levels for the development in the interests of the character and appearance of the area and neighbours' amenity. For the same reasons it is necessary to control details of materials, including those for the hard-surfaces, and landscaping.
27. I have carefully considered the Council's suggestion to remove permitted development rights for the new dwelling. Any future alterations to the roof could have the potential for introducing windows at first floor level that could intrude into the privacy of adjoining occupiers. The exceptional circumstances therefore exist to limit this future development potential although I consider that removing all other normal permitted development rights would fail the tests of reasonableness and necessity. Given the contained nature of the site I see no justifiable reason to require details of a site compound for the construction works.

Conclusion

28. For the reasons given, and having regard to all other matters raised, I conclude that there would be no harm to the character or appearance of the area, and no harm to the living conditions of any adjoining occupiers. Accordingly, and in the absence of any conflict with the development plan, the appeal is allowed.

John D Allan INSPECTOR