

Appeal Decision

Site visit made on 18 May 2015

by H Lock BA(Hons) DipTP MRTPI

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

Decision date: 16 June 2015

Appeal Ref: APP/X1735/W/15/3004757

48 Hart Plain Avenue, Waterlooville, Hampshire, PO8 8RX,

- 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 Ben Olds (Landmark Estates Ltd) against the decision of Havant Borough Council.
 - The application Ref. APP/14/01078, dated 13 October 2014, was refused by notice dated 6 February 2015.
 - The development proposed is the construction of 2no. 3 bed detached chalet style bungalows and replacement garage for No.48.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (1) the living conditions of adjacent residents, with particular reference to outlook; and (2) the character and appearance of the site and area.

Procedural Matter

3. A reason for refusal of the application related to the lack of a financial contribution towards the Solent Disturbance Mitigation Project. The parties have confirmed that a payment has been made in this regard and I have not considered this matter further in my decision.

Background

4. The appeal site comprises part of the rear garden of a detached single-storey dwelling with roof accommodation, set in a mixed street scene of dwellings which range in size and design. The road contains a number of small cul-de-sacs and private drives, one of which, Glenmore Gardens, is located to the east of the site. The rear boundaries of 1, 3 and 5 Glenmore Gardens form the side boundary of the garden of 48 Hart Plain Avenue (No.48).
 5. Policy CS16 of the Havant Borough Core Strategy 2011 (CS) requires high standards of development which, amongst other criteria, uses the characteristics of the locality to inform the design of new development in matters such as heights, massing, building lines, plot widths and depths. Moreover, it requires development to produce a positive relationship between
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buildings, street and spaces. In support of this policy, the Council has adopted a Design Guide Supplementary Planning Document 2011 (SPD). The document includes standards for minimum garden sizes and back-to-back separation distances.

Reasons

Living Conditions

6. The appeal proposal would meet the technical space standards of the SPD in terms of garden depths and back-to-back distances between No.48 and the proposed dwellings. Although the SPD advises that a back-to-back distance may reduce to 10 metres where a dwelling faces a blank gable, it does not specify a distance for rear-to-side relationships. However, the SPD is a guidance document and sets out minimum distances to be secured, and the application of technical standards cannot be considered in isolation of the local context. Section 5.2 of the SPD highlights the constraints of developing backland sites.
7. Whilst I accept that the application of the SPD criteria in this case would avoid any loss of light or privacy (albeit this relies heavily on the use of obscure-glazing to first-floor openings), this does not take into account the overall relationship of the appeal development to adjacent properties. In view of its overall height, depth and proximity to the boundary with the rear garden of 3 Glenmore Gardens (No.3), the dwelling on Plot 2 would be unacceptably dominant and overbearing on the outlook from that property, including its private rear garden. Although the separation distance between buildings may exceed 10 metres, the fact that the new dwelling would extend for almost the full width of the neighbouring garden would make it particularly oppressive.
8. The proposal includes a replacement garage for No.48. Whilst this would be a large structure, I agree with the assessment in the officer report that it would not have a detrimental impact on the neighbouring properties, given its siting next to less private front gardens. At the time of the appeal site visit there was limited screen planting on the boundary between 48 and 46 Hart Plain Avenue, but that does not alter my assessment.
9. The development would have less significant impact on the occupants of all other adjacent properties, but this does not outweigh my conclusion that the proposed dwelling on Plot 2 would materially diminish the outlook for occupants of No.3 to an extent that their living conditions would be harmed. This would be contrary to the aims of CS Policy CS16, which advises that new development must not cause unacceptable harm to the amenity of neighbours through matters including loss of outlook.

Character and Appearance

10. The general pattern of development in the immediate vicinity is that of detached properties on deep plots, but this has evidently been altered as a result of the creation of cul-de-sacs and backland development at intervals along Hart Plain Avenue. As a result, development is not confined to linear frontage housing, and there is a wide range of plot sizes in the vicinity.
11. The site is within a sustainable urban location, and there is a national policy objective to encourage the effective use of land, but this must be balanced

against securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

12. In isolation, the appeal buildings would not appear unduly cramped on their plots, as there would be some space to boundaries and sufficient land to create gardens, parking and turning spaces. The development would not appear more congested than other recent developments in the vicinity. As they are set back some distance from the road, the new dwellings would not have a significant impact on the street scene, notwithstanding their greater size and scale relative to No.48. However, the proposal cannot be assessed independently of its relationship with adjacent development. Given my conclusions on the first main issue, technical compliance with space standards and comparable density to other approved schemes has not proved sufficient to create a development that is appropriate in its site-specific context.
13. The appellant has drawn attention to other backland developments in the vicinity, although there is limited detail provided of the schemes and the circumstances of their approval. I have had regard to these developments but I have not found any to be directly comparable in terms of context, i.e. the relationship with or proximity to existing dwellings. However, I do not share the Council's assessment that the density of development to the east of the appeal site is greater than to the west, as there are cul-de-sacs made up of dwellings on smaller plots in both directions.
14. With regard to the proposed replacement garage for No.48, although it would be a large and prominent structure in the front garden, I share the assessment in the officer report that it would not be detrimental to the street scene.
15. I therefore conclude that, whilst the proposed layout does not result in unsatisfactory plot sizes or lead to a cramped and congested layout, it nonetheless fails to respect local context or produce a positive relationship between buildings, contrary to the requirements of CS Policy CS16.

Other Matters

16. A number of concerns have been raised by local residents, including the implications of the proposal for traffic and highway safety, particularly in relation to visibility and the proximity to local schools. However, having regard to the submitted transport statement and the comments of the highway authority, I have no reason to consider that the proposal would compromise highway safety. On the basis of the information before me, none of the other issues raised would warrant dismissal of the appeal scheme.
17. The appellant advises that the refusal of the application was politically-motivated rather than based on a careful and fair assessment of the material planning considerations. However, no evidence to that effect has been supplied, and I have determined this appeal on the basis of its planning merits.

Conclusion

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

Hilary Lock INSPECTOR