

Appeal Decision

Site visit made on 2 December 2014

by Michael Lowe BA(Hons) BTP MPA MRTPI

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

Decision date: 2 January 2015

Appeal Ref: APP/X1735/A/14/2226044

Land Adjacent to 8 Westbourne Close, Emsworth PO10 7QY

- 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 B Long against the decision of Havant Borough Council.
 - The application Ref APP/14/00497, dated 12 May 2014, was refused by notice dated 18 July 2014.
 - The development proposed is the erection of 1 no one bedroom bungalow and detached garage with access from Westbourne Close. Amendments to planning permission APP/13/00228.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 no one bedroom bungalow and detached garage with access from Westbourne Close. Amendments to planning permission APP/13/00228 at Land Adjacent to 8 Westbourne Close, Emsworth PO10 7QY in accordance with the terms of the application, Ref APP/14/00497, dated 12 May 2014, and the plans submitted with it, 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:

Sheet 1A – Location Plan, Sheet 2A – Block Plan, Sheet 3B – Floor Plan & Elevations Detached Bungalow, Sheet 4A – Landscape & Parking Plan, Sheet 9A – Floor Plan & Elevations Detached Garage and Sheet 12 - Floor Plans & Elevations Proposed Dwelling.
 - 3) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) No development shall take place until the heights of the bungalow and garage in relation to a nearby fixed Ordnance Datum have been submitted to and agreed by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension,

- building or structure permitted by Schedule 2, Part 1, Classes A, B and E of this Order shall be erected.
- 6) The dwelling shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
 - 7) The dwelling shall not be occupied until space has been laid out within the site for at least one car to be parked and such space retained for this purpose.
 - 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities; and
 - v) measures to control the emission of dust and dirt during construction.

Main Issue

2. This is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. There have been two appeal decisions in recent years which are relevant to the current proposal. The first appeal¹ concerned the erection of a three bedroom house which was dismissed on the grounds that the proposed dwelling would have been sited close to its side boundaries, contrasting with the more spacious layout and character of properties within the surrounding area.
4. The second appeal decision² (approved scheme) considered a bungalow similar to that proposed within the current appeal and was allowed due to the improved relationship of the proposed dwelling with its boundaries and its ability to blend in with its surroundings. In comparison with the approved scheme the current proposal re-positions the proposed bungalow within the plot, adds 1.5m to its length, includes a detached garage in the southern corner of the site and excludes a small portion of land from its southern boundary.
5. The amendments proposed within the current appeal scheme are relatively minor and the positioning and provision of the garage improves the functioning of the rear garden area and offers a tidier approach to the rear part of the site. This would improve the openness of the site and weighs in favour of the proposal.

¹ APP/X1735/A/11/2166421 dated 16 May 2012

² APP/X1735/A/13/2202188 dated 9 December 2013

6. The bungalow would still broadly align with the front of No 8 Westbourne Close and although it would have a shorter front garden this relationship would not be significantly altered from the approved scheme and it would be sufficient to retain an acceptable degree of openness around the bungalow and enable it to integrate with the character of the surrounding area.
7. The Inspector dealing with the approved scheme attached a condition (4) which removed permitted development rights³ from the approved bungalow. It is important to recognise that the Inspector was deciding whether or not remove these permitted development rights and was not determining whether any such development should be allowed at the appeal site in the future. The effect of applying the condition was that future proposals for extensions to the approved dwelling or garages would have required planning permission. This does not necessarily mean that any such applications for planning permission would have been refused. Like the previous Inspector I also consider that it is important to retain future control over certain householder development. However, this is a separate judgement from whether the proposal blends in with its surroundings and I have demonstrated within the above paragraphs that it does.
8. The proposal would therefore have acceptable effect on the character and appearance of the surrounding area. It would thereby comply with policy CS16 of the Havant Borough Core Strategy March 2011 and the Havant Borough Design Guide Supplementary Planning Document 2011 which seek a high standard of development that responds positively to local character and creates a positive relationship between buildings, street and spaces. It would also comply with paragraph 58 of the National Planning Policy Framework which seeks to ensure development reflects the identity of local surroundings and character.

Other Matters

9. I have taken into account the comments made by local residents including those made by Councillor Galloway. Concerns have been expressed regarding the removal of a Horse-Chestnut tree from the site. However, this seems to have occurred historically, there is no evidence before me to suggest that this tree was protected and the Council have not expressed any similar concern in this regard.
10. The proposed development would be accompanied by a parking space and there would also be space for the parking of a further vehicle inside the proposed garage. I consider that this would be sufficient to serve the needs of future occupants of the bungalow and again I note that there has not been any objection from the highway authority in this regard.
11. The size of the appeal site has been slightly reduced in size since the previous scheme. Any reasons for this and the ownership of parcel which has been removed from the approved scheme is not something I can take into consideration within my decision and as I have explained above the appeal scheme is acceptable in its proposed size and form.

³ Development granted permission under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Conditions

12. I have added a condition requiring development to be carried out in accordance with the submitted drawings for the avoidance of doubt and in the interests of good planning. Conditions requiring samples of materials and level details are necessary to ensure that the proposed development blends in well with its surroundings. I have also withdrawn permitted development rights in respect of further extensions and outbuildings to ensure that appropriate controls over further development are in place. I have attached a condition requiring the dwelling to comply with Level 3 of the Code for Sustainable Homes in order to comply with the Council's policy for sustainable construction.
13. With regard to car parking provision I consider that although such a condition is necessary, like the previous Inspector I also found on-street parking levels to be relatively low within the vicinity of the site and therefore I have only sought to secure a minimum of one car parking space via condition. Lastly, I have attached a Construction Method Statement condition to minimise the amount of disturbance encountered by local residents during the construction process.
14. For the above reasons, and having taken all matters before me into consideration, the appeal is allowed and permission is granted.

Michael Lowe

INSPECTOR