

TOWN AND COUNTRY PLANNING ACT 1990 -
SECTION 78 APPEAL

APPEAL BY MR B LONG
AGAINST THE DECISION OF HAVANT BOROUGH
COUNCIL TO REFUSE PERMISSION FOR
‘ERECTION OF 1 NO ONE BED BUNGALOW
WITH ACCESS FROM WESTBOURNE CLOSE’.

LAND ADJ TO 8 WESTBOURNE AVENUE,
EMSWORTH,
HAMPSHIRE, PO10 7QY

STATEMENT OF CASE
OF STEPHEN JUPP MRTPI
ON BEHALF OF MR B LONG.

PINS REF: APP/X1735/A/13/2202188
LPA REF: APP/13/00228

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 The site comprises a strip of land which forms the western part of Westbourne Close, immediately south of its junction with Westbourne Avenue, up to the point where Westbourne Close makes a sharp turn to the east.
- 1.2 The site would be accessed via Westbourne Close at the southern end of the plot.
- 1.3 The site is a neglected parcel of land which appears to have been omitted from the development of both Westbourne Avenue and Westbourne Close.
- 1.4 It comprises vacant land at the junction of Westbourne Avenue with Westbourne Close. It is located at a transition point where the detached houses in Westbourne Avenue change to bungalows in Westbourne Close. The existing house at #5 Westbourne Close is a post war housing estate house of no distinct style.
- 1.5 In terms of streetscape location, the site is located between 8 and 10 Westbourne Avenue, and these provide the logic for the selection of a house on this corner plot. These properties are detached houses, whereas the properties in Westbourne Close are generally bungalows.
- 1.6 The boundary to Westbourne Close is demarked by a 600mm high wall and a laurel hedge is proposed to be planted along this boundary as well as returning up along Westbourne Avenue. The making good of the existing wall along Westbourne Close and the planting of this boundary with a Laurel hedgerow will ensure that the side elevation of the proposed dwelling is softened.
- 1.7 The western boundary [with 8 Westbourne Avenue] comprises a 1m high wall and then there is high evergreen hedging on the western side of the fence, namely, within the garden of 8 Westbourne Avenue.

- 1.8 There is a mature Horse Chestnut located in the south western corner of the plot, but this is not covered by a TPO. Nevertheless, the scheme proposes to retain this tree, as an important local natural feature.
- 1.9 Photographs of the appeal site and its context are attached to this statement at Appendix 1.

2.0 PLANNING HISTORY

- 2.1 Planning application APP/10/00430 proposed a 2 bedroomed chalet bungalow on this plot. Permission was refused on 20 September 2010 with officers being concerned that the size and shape of the plot would not allow for development of a standard compatible with the surrounding development.
- 2.2 Following this refusal I entered into email discussion with the case officer in respect as to whether the LPA thought they would be able to accept a modified scheme on this site.
- 2.3 Officers commented that there was no objection with regard to the design itself or the relationship with the dwelling to the west or the mature Horse Chestnut tree. The sole issue was the width of the plot and whether any development of the site would be compatible with the surrounding character.
- 2.4 An amended scheme was subsequently submitted and registered as valid on the 6th September 2011 under reference APP/11/01179.
- 2.5 The application sought detailed planning permission for the erection of 1no 3 bedroomed house on land adjacent to 8 Westbourne Avenue, Emsworth.
- 2.6 The house would have a projecting gable section on its front elevation – which faces onto Westbourne Avenue – in order to provide visual interest. There would be an open front garden to the north of the

dwelling, fronting onto Westbourne Avenue, in order to reflect the streetscape along that road.

2.7 The application was determined under delegated powers and was refused for the following two reasons:

- 1. The size and shape of the plot would not allow for development of a standard compatible with the existing surrounding development and the proposed development would, therefore, be detrimental to the character of the Westbourne Close street scene and is therefore contrary to Policy CS16 of the Havant Core Strategy 2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statements 1 and 3.*
- 2. The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Hampshire County Council Transport Policy, is contrary to the Council's Policy on contributions towards transport infrastructure which, in accordance with Planning Policy Guidance 13, seeks to ensure that the provision is made from new development towards improvements to the transport infrastructure. It is therefore contrary to policies CS21 and DM12 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and Planning Policy Guidance 13.*

2.8 Details of the 2010 application are attached at Appendix 2.

2.9 A subsequent appeal was lodged and dismissed on 16 May 2012 under reference APP/X1735/A/11/2166421.

2.10 In paragraph 6 of the decision letter the inspector considered the site to comprise vacant land within the built up area. As a result, in principle, the erection of a dwelling would be an appropriate use of

the site. He considered that this matter should be given significant weight.

- 2.11 In paragraph 8 the inspector considered that from Westbourne Avenue the proposed 2-storey dwelling would fit well into the streetscene. However he considered that its width and siting was unacceptable as it would be sited close to its side boundaries. As a result it would appear cramped.
- 2.12 In paragraph 9 the inspector considered the height and massing of the flank elevation to Westbourne Close to be dominant and incongruous; such harm made worse by the lack of a side garden and there being only a single opening breaking-up the massing of the flank wall.
- 2.13 A copy of the appeal decision is at Appendix 3.

3.0 DETAILS OF THE APPLICATION, THE SUBJECT OF THIS APPEAL.

3.1 This new scheme sought to address the concerns raised by the inspector. In particular the scheme provided for:

- A bungalow is proposed in order to ensure that its bulk is minimal;
- A side garden is proposed;
- The side elevation has a number of openings and a front door;
- More space is provided to the side gardens.

3.2 During the consideration of the application the case officer considered that there was a lack of detailing. As a result amended drawing 4A was submitted which indicated a canopy roof over the door; more detailing and interest to the fenestration.

3.3 The application was presented to the Development Management Committee with an officer recommendation that planning permission be granted. A copy of the report is at Appendix 4.

3.4 Subsection 7 (iii) of the report is of critical importance as it relates to 'Appropriateness of the design and effect on the streetscene'. I have therefore set out it in full below:

"7.7 The proposed scheme has been significantly reduced in scale since the previous appeal from a two-story dwelling to a bungalow. This would be of a simple brick and tile design which is found in some of the buildings in the street. It would have a rectangular footprint to echo the shape of the plot. It would have a pitched roof and gable ends with minor brickwork detailing. The principal window and door openings would face towards Westbourne Close with a pitched roof canopy over the front entrance. Westbourne Close contains bungalow development rather than two storey houses."

7.8 This change in orientation seeks to address the Inspector's previous concerns about space around the building. The north elevation would now be the side elevation would be set back slightly from the front building line of No. 8 Westbourne Avenue and would not be as visually prominent. In addition the gap at the boundary with No. 8 Westbourne Avenue has been increased by 0.7m since the previous appeal. Whilst this is still relatively close in terms the space between boundaries in Westbourne Avenue, the new orientation means that the building would read chiefly as part of the Westbourne Close. Here the proposal would retain significant space on either side of the frontage. The orientation and reduced height serves to lessen the cramped appearance referred to by the Inspector.

7.9 Furthermore, the dwelling would be set back from the corner of Westbourne Avenue by approx.15m. This factor in combination with the set back behind the front building line of No. 8 Westbourne Avenue, reduces the prominence at the bend of Westbourne Close and Westbourne Avenue. Furthermore, the north side of the plot would be left open with a 600mm high boundary wall which would retain the sense of openness and spaciousness of the corner, similar to the development on the opposite corner.

7.10 Policy CS16 of the Local Plan advises that development should respond to, draw inspiration from and respect the local context. The proposed dwelling would be set back from the front boundary line and Westbourne Close by 2.5m. Whilst this would be closer to the highway than other properties in Westbourne Close, a cramped form of development is avoided due to the generous spacing either side of the dwelling. On balance therefore, it is not considered that the scheme would be contrary to policy to such a degree that it warrant a refusal of the application.

7.11 The fact that the dwelling has been reduced to a bungalow and reorientanted means that the concerns raised in paragraph 9 of the Inspector's report (see 7.6 above) have been addressed. The reason being the side elevation of the dwelling would now front Westbourne Close thus removing the adverse impact of a high flank wall with one opening. The scheme now proposes a single storey wall which forms from the front elevation and a front and entrance, thus contributing to the character and visual amenity of the street scene.

7.12 Concern has been raised that the proposed dwelling would be so small in footprint that it would appear contrived in the context of the existing built development on Westbourne Avenue. However as explained above, the property would not form part of Westbourne Avenue and would provide spaciousness across its frontage with Westbourne Close so as to appear in keeping."

- 3.5 The application was refused by the committee for the following reason:

"The design and appearance of the proposed dwelling would result in a contrived and cramped form of development, incompatible with the existing surrounding development. The proposal would therefore result in an incongruous form of development, detrimental to the character of the street scene and amenities of the area. The proposal would therefore be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012."

4.0 POLICY CONTEXT AND ANALYSIS

A Introduction

- 4.1 Policies relevant to the determination of the proposal are set out in material planning and other policy guidance: the National Planning Policy Framework [the Framework] and, the Havant Borough District Wide Local Plan. These policies are explored in the following paragraphs of this statement, together with an analysis of the appeal proposal's compliance with the same.

B NATIONAL PLANNING POLICY GUIDANCE

- 4.2 The Policies of the Development Plan are obliged to closely reflect Government Planning Guidance.
- 4.3 Paragraph 49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 4.4 Other parts of the NPPF recognize the need to respect the character of surrounding development.

LOCAL PLANNING POLICY CONTEXT

The Havant Borough Core Strategy

- 4.5 This document was adopted by the Council on 1st March 2011.
- 4.6 Policy CS16 is cited in respect of refusal reason 1 and it relates to 'High Quality Design'.
- 4.7 The policy is criterion based and covers numerous issues. Since refusal reason 1 relates to local context it is presumed that the LPA consider that criterion 1 is breached. This requires new development to draw inspiration from, and respect, 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;*
- b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;*
- 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;*
- 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; and*
- e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.*

4.8 An analysis of the refusal reason indicates that criterion c) is the most critical since it relates to plot widths and characteristics of the locality.

5.0 PLANNING ISSUES

5.1 Whilst there appears to be a single issue between the principle parties, namely, does the proposed development harm the character and appearance of Westbourne Close.

5.2 However I consider that there are three main issues that I consider require some general comment.

5.3 These issues are as follows:

- (i) Principle of development
- (ii) Appropriateness of the Design and Effect on the Street scene
- (iii) Financial Contributions

I will address each issue in turn, but will concentrate on the second issue, which I have identified as the main issue between the parties.

(i) Principle of the development

5.4 The site lies within a sustainable location, being within walking distance of Emsworth railway station and town centre. Numerous buses are also reachable within easy walking distance. In addition the site lies within the urban area where residential development is considered acceptable in principle subject to a through assessment of other development control criteria.

(ii) Impact of the dwelling upon the character and appearance of the locality

5.5 I strongly conclude that the revised scheme will result in a form of development that respects its situation and surroundings. This view is clearly supported by the LPAs own officers and I would ask the inspector to have due regard to their comments which I have set out in some detail on pages 5, 6 and 7 above.

- 5.6 The proposed development seeks to construct 1no one bedroomed house on land to the east of 8 Westbourne Avenue, Emsworth. The appeal site comprises vacant land at the junction of Westbourne Avenue with Westbourne Close. It is located at a transition point where the detached houses in Westbourne Avenue change to bungalows in Westbourne Close.
- 5.7 Having regard to the advice contained within Framework it is considered that a design response, which incorporates the characteristics of existing developments within this part of Emsworth, and makes best use of the site and surroundings without detriment to the amenities of adjoining residential properties represents the most suitable response.
- 5.8 Being that it fronts onto Westbourne Close it provides the logic for the selection of a bungalow on this corner plot.
- 5.9 The proposal lies to the east of 8 Westbourne Avenue, Emsworth. The proposed dwelling reflects the nature of the site – having a north-south alignment. To ensure that the elevation facing Westbourne Close is not oppressive, it has been designed that this is the principle elevation with the entrance and main windows on it.
- 5.10 In addition to reflect the character of housing in Westbourne Avenue, an enclosed front (north) garden is proposed.
- 5.11 Frontage parking has been avoided in order to provide an appropriate setting to the dwelling. Parking is to be provided to the rear, at the southern end of the site. It is considered that the scheme's design response is an appropriate design solution, which makes best use of this vacant site at a density appropriate to the character of the area.
- 5.12 The orientation of the plot is such that it relates more to the development on Westbourne Close. In this regard a small bungalow with a front garden facing onto Westbourne Avenue ensures that the proposed development reflects the built form of Westbourne Avenue and Close to either side.

- 5.13 Appropriate planting [Laurel] behind the existing wall which will be retained and repaired, will ensure that it is not a dominant feature when travelling along Westbourne Close.
- 5.14 Whilst the plot width is narrower than many in Westbourne Avenue the context of the site at a road junction means that it will not appear cramped or out of character with the diverse pattern of development that exists in the locality.
- 5.15 Indeed whilst it is accepted that the plot width will be much smaller than that of No 8, I consider this to be an unreasonable comparison because the plot width for that property is by far the largest in the locality.
- 5.16 What is more important is that its siting and style reflects that in Westbourne Close and it will provide an appropriate setting for the entrance into Westbourne Close.
- 5.17 Thus I consider that the overall scale, mass and siting within its plot are such that it will sit comfortably within the existing built form and will not give rise to any adverse visual harm.

(iii) Financial Contributions

- 5.18 A completed section 106 Unilateral Undertaking dated 13 May 2013 was achieved. This provides for the sum of £1980 to be payable towards the Hampshire County Council Transport Contribution.

6.0 CONCLUSIONS

- 6.1 I strongly conclude that this sensitively designed revised scheme will result in a form of development that respects its situation and surroundings.
- 6.2 The Council's own officers agreed and recommended that planning permission should be granted.
- 6.3 The fact that the dwelling has been reduced to a bungalow and re-orientated means that the concerns raised in paragraph 9 of the Inspector's report (see 2.12 above) have been addressed. The reason being the side elevation of the dwelling would now front Westbourne Close thus removing the adverse impact of a high flank wall with one opening. The scheme now proposes a single storey elevation which forms the front elevation with a front entrance and appropriate detailing, thus contributing to the character and visual amenity of the street scene.
- 6.4 Whilst the plot width is narrower than many in Westbourne Avenue the context of the site at a road junction means that it will not appear cramped or out of character with the diverse pattern of development that exists in the locality.
- 6.5 The overall design, scale, mass and siting are such that it is considered that this small one bedroomed bungalow will sit comfortably within the neighbouring built form.
- 6.6 For the reasons set out above it is concluded that the proposed developments complies with the policies of the Development Plan and receives strong support from the Framework.
- 6.7 On the basis of the foregoing the Inspector is respectfully requested to ALLOW the appeal and grant planning permission for the proposed development.

APPENDIX 1

PHOTOGRAPHS OF LOCALITY



Front elevation of #8 Westbourne Avenue – property to the west.



Front elevation of #10 Westbourne Avenue – to the east of the site



#1 Westbourne Close



Example of access drive in Westbourne Close without turn on site facility



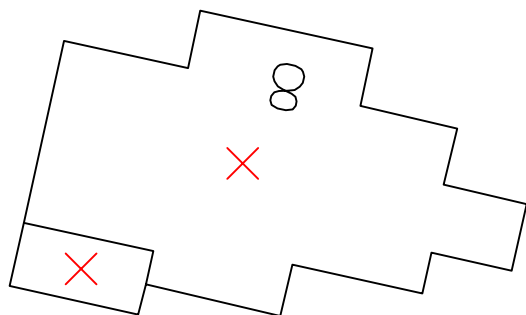
View of the application site looking north

APPENDIX 2

DETAILS OF PLANNING APPLICATION APP/11/01179



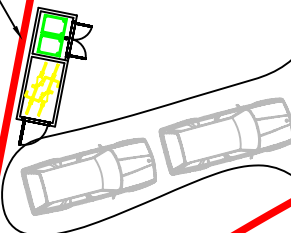
WESTBOURNE AV



new laurel
hedging

existing 600mm
wall repaired

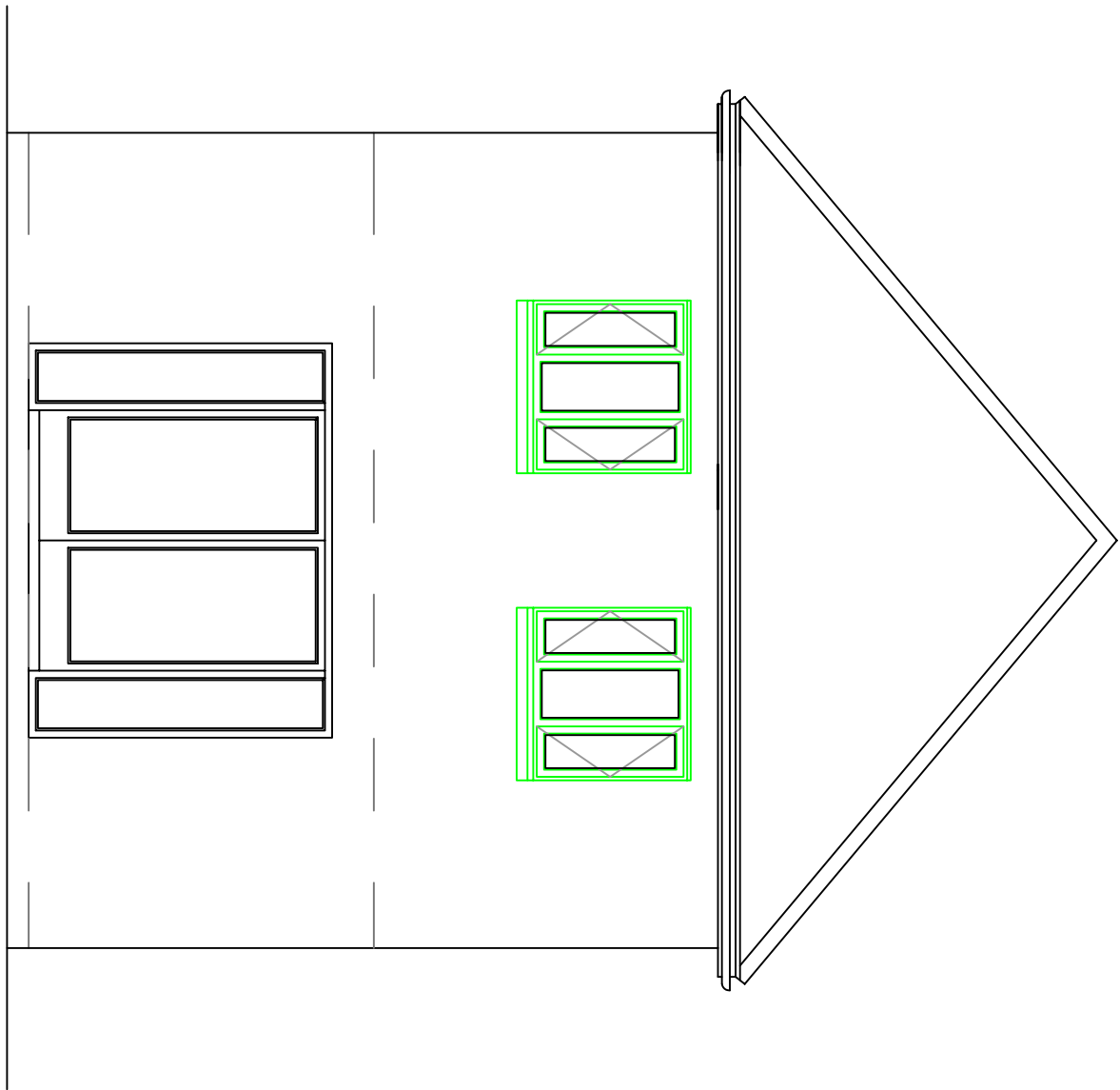
existing 1.8m
panel fence



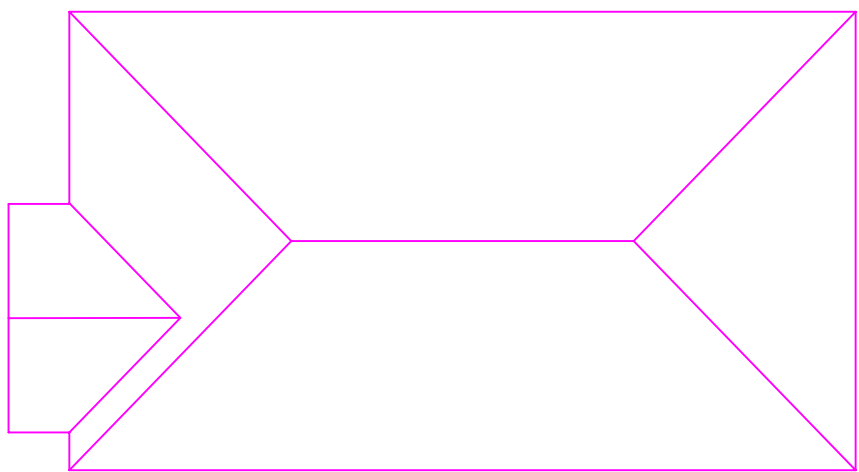
WESTBOURNE
CLOSE

new 1.8m fence,
lowering to 600mm
for last 2m by
road

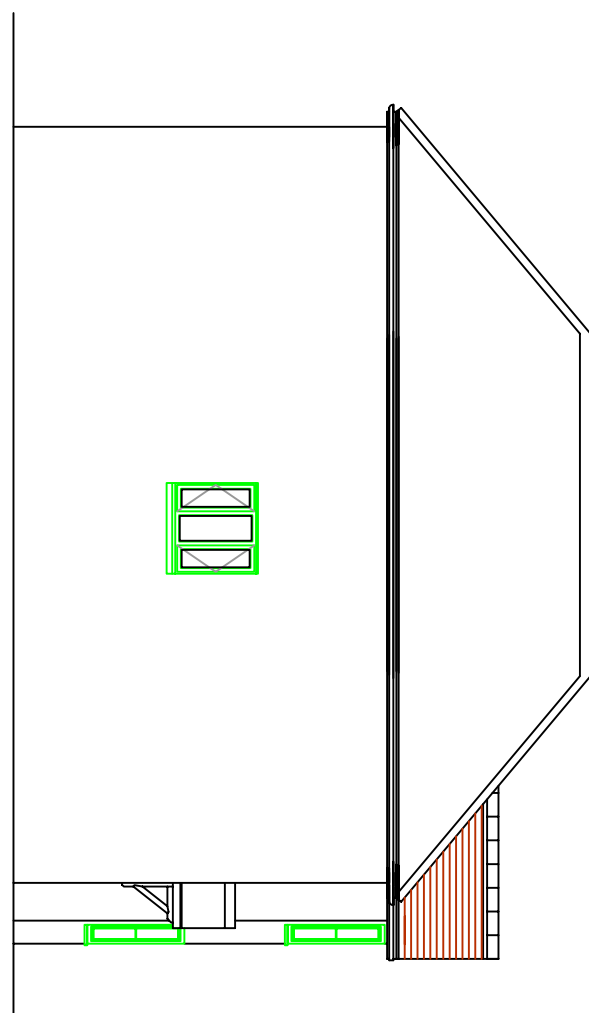
10



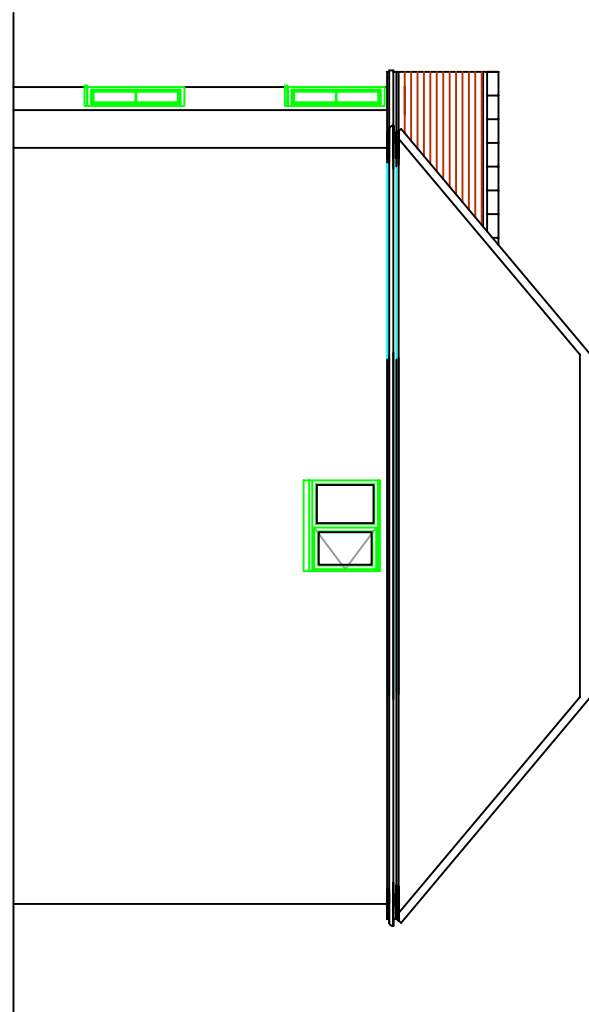
REAR



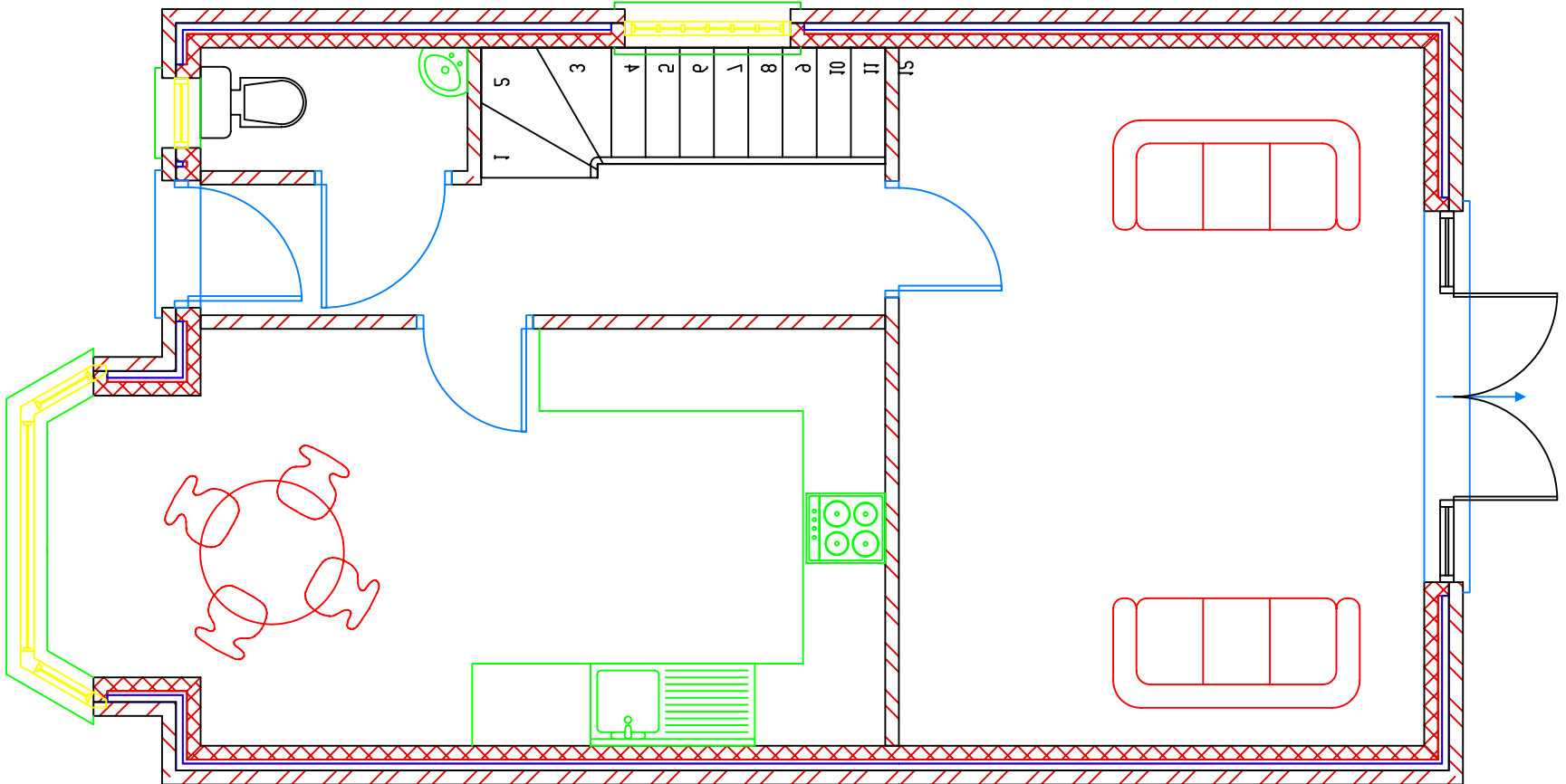
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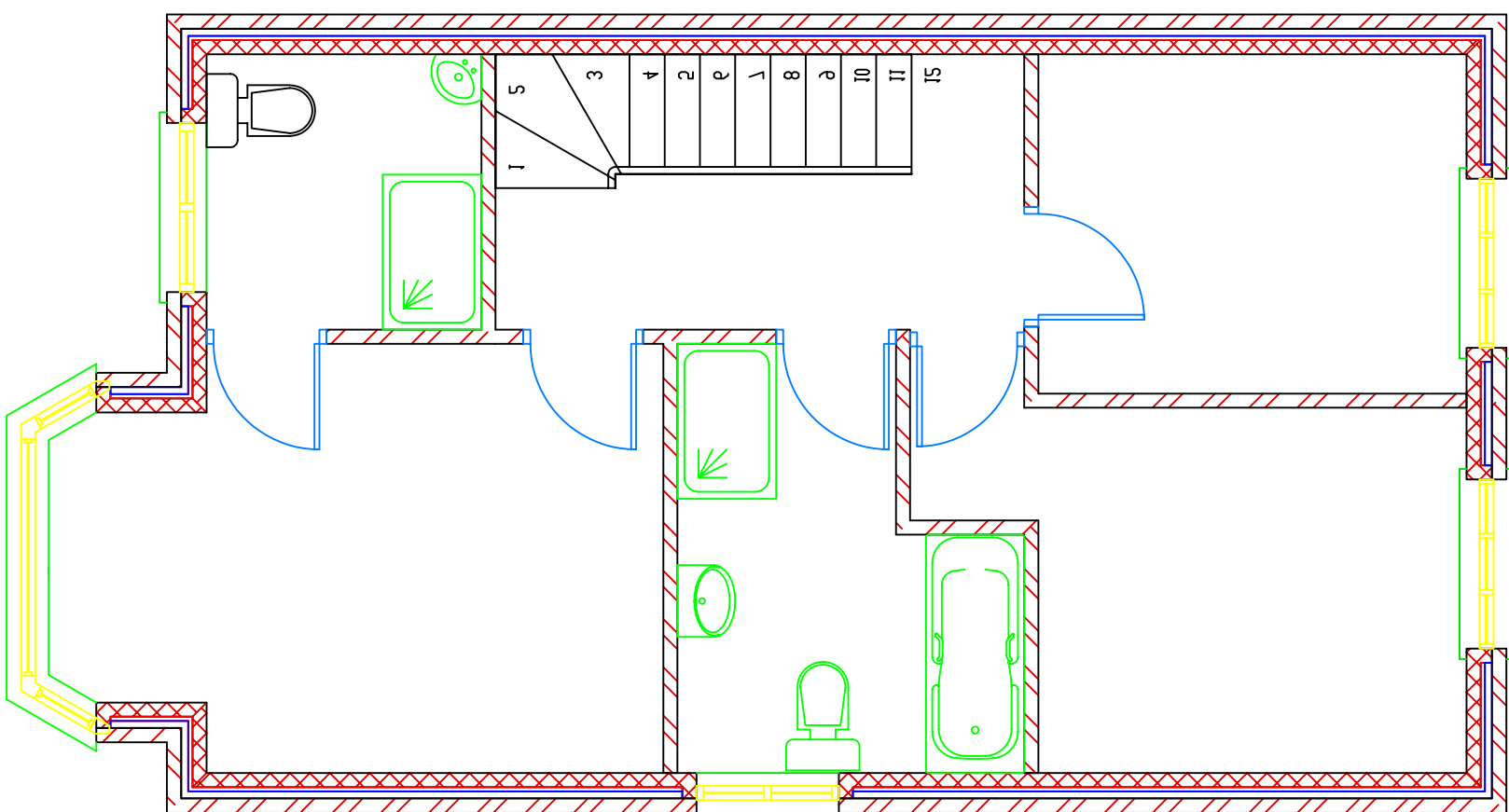
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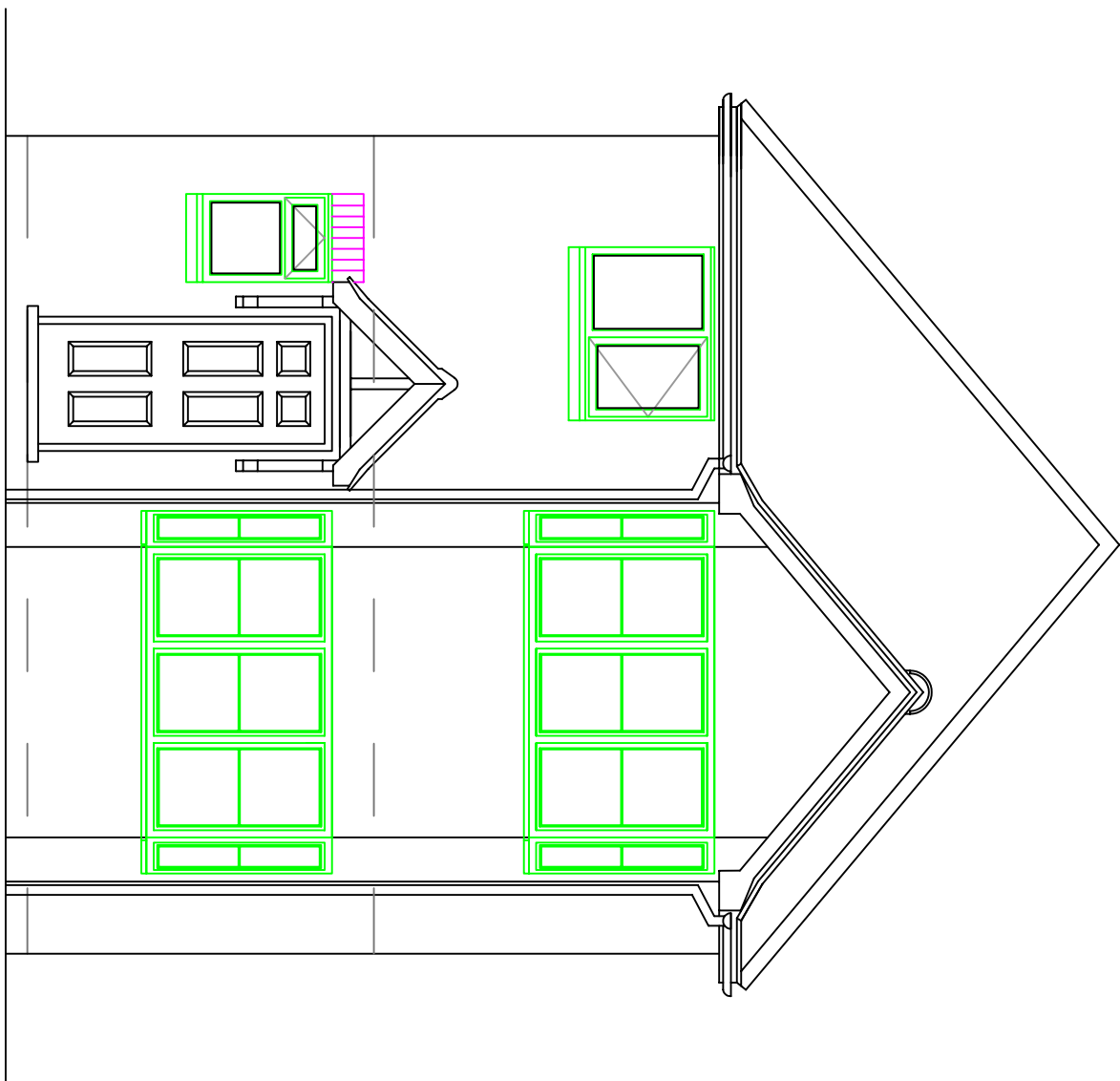
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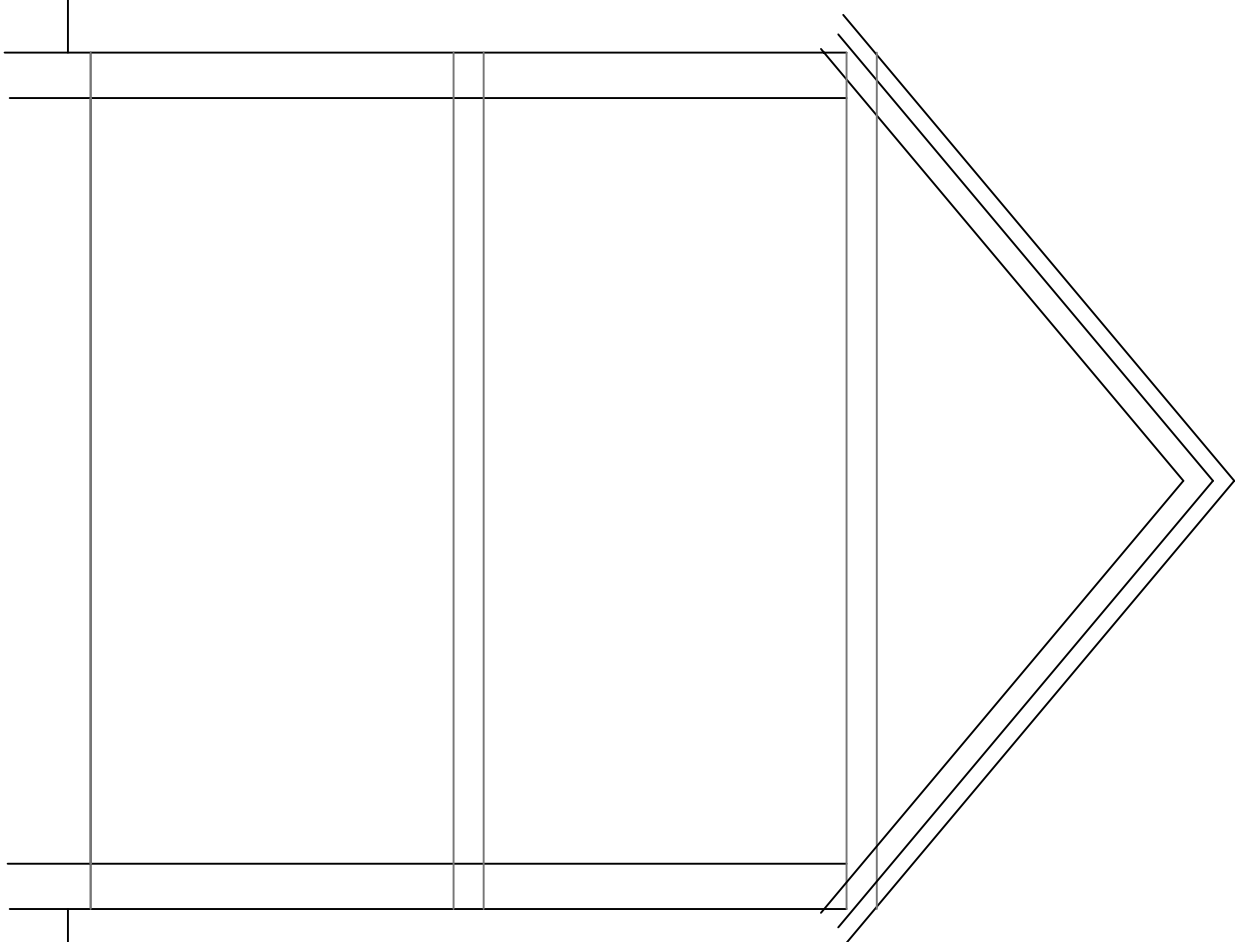
GROUND FLOOR



FIRST FLOOR



FRONT



SECTION

No.	Revision/Issue	Date

From Name and Address
STEPHEN JUPP MRTP
CHARTERED TOWN PLANNER
348 CHICHESTER ROAD
BOGNOR REGIS
PO21 5BX
T: 01243 822113
E: steve@planning-solutions.co.uk

Project Name and Address
Floor Plans & Elevations
Proposed Dwelling
8 Westbourne Close
EMSWORTH

Project OTH/1/10	Sheet 12
Date 23.06.2011	
Scale 1:50 & 100 @ A1	

APPENDIX 3

APPEAL DECISION LETTER



Appeal Decision

Site visit made on 5 April 2012

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 16 May 2012

Appeal Ref: APP/X1735/A/11/2166421

**Land to the east of 8 Westbourne Avenue, Emsworth, Hampshire
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/11/01179, dated 26 June 2011, was refused by notice dated 27 October 2011.
 - The development proposed is the erection of 1 no. three bedroom house with access from Westbourne Close.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the application by the Council and the submission of the appeal the National Planning Policy Framework (NPPF) has been published and is a material consideration upon which the parties have been able to comment.
3. The address stated on the application form has been adopted for reasons of clarity and a unilateral undertaking has been submitted by the appellant.

Main Issues

4. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area and (b) transport infrastructure.

Reasons

Character and Appearance

5. The appeal site is situated within a predominantly residential area at the junction of Westbourne Avenue and Westbourne Close. The properties within the area are generally detached houses and bungalows sited within wide plots and are set back from the road to the rear of landscaped front gardens. Where dwellings are situated on corner plots, they are generally set back from the footway to the rear of gardens and the massing of the flank wall is broken-up by openings. By reason of the type, siting and design of the dwellings, the
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surrounding area possesses a predominantly spacious character and appearance.

6. Based on the available evidence and the site visit, it appears that the site is neither previously developed land, as defined in the NPPF, nor does it currently form part of a private residential garden. Instead, the site is vacant land within the urban area and, in principle, the erection of the proposed dwelling would be an appropriate use of the site, particularly because of the reasonable access to local facilities within the wider area. These matters should be given significant weight in favour of the appeal scheme.
7. The Council refer to Policy CS16 of the Havant Borough Core Strategy (CS) which requires development to be designed to a high standard, including using the characteristics of the locality to help inform the design of new development. The Core Strategy has recently been adopted and this policy is consistent with the NPPF which attaches great importance to the design of the built environment with good design being a key aspect of sustainable development. Detailed guidance to implement CS Policy CS16 is contained in the Council's Supplementary Planning Document: *Havant Borough Council Design Guide* (SPD).
8. When viewed from Westbourne Avenue, the proposed 2-storey dwelling would fit well into the streetscene, particularly the continuity of the properties being set back from the road to the rear of a front garden. However, because of its width, the proposed dwelling would be sited close to its side boundaries and would not reflect the spacious layout and character of properties within the surrounding area. By reason of siting and size, the proposed dwelling would appear a cramped form of development when viewed from the junction.
9. This material harm to the character and appearance of the surrounding area would be accentuated by the proximity of the side elevation to Westbourne Close. When viewed from this road the height and massing of the proposed dwelling would be a dominant and incongruous feature within the streetscene and would not provide an effective transition between the adjoining houses and bungalows. This adverse harm would be accentuated by the lack of a side garden and only a single opening breaking-up the massing of the flank wall. The landscaping suggested by the appellant would not adequately mitigate the adverse harm.
10. On balance, it is judged that those matters in favour of the appeal scheme are demonstrably outweighed by the adverse impacts associated with the design of the proposed dwelling and the harm which would be caused to the character and appearance of the surrounding area. Accordingly, it is concluded that the proposed development would materially harm the character and appearance of the surrounding area and, as such, the proposed development would conflict with the high quality design requirements of CS Policy 16, the SPD and the NPPF.

Transport Infrastructure

11. CS Policy DM12 requires developments to mitigate their travel impact and CS Policy CS21 contains a requirement for contributions to be made towards infrastructure provision, including for transport. The Council has identified the method of how a contribution towards transport improvements is calculated

and the schemes within the local area which would be related to the proposed development. Accordingly, the requirement for the contribution is judged to meet the statutory requirements of Article 122 of the *Community Infrastructure Levy Regulations 2010* and the tests in the NPPF.

12. However, although a signed unilateral obligation has been submitted it is undated and it cannot be taken into account because of the uncertainty whether the owner is bound by its provisions. Accordingly, it is concluded that the submitted planning obligation would not secure the payment of the contribution towards the provision of transport infrastructure and satisfy the requirements of CS Policies DM12 and CS21.

Other Matters

13. The proposed development seeks to address the objections by the Council to a previous scheme for the erection of a chalet bungalow on the site. Although the differences between these schemes have been noted, this appeal has been determined on its own merits.
14. The outlook from adjoining properties would change but, by reason of the separation distances between the existing and proposed dwellings there would be no material harm to the occupiers of the neighbouring properties. For similar reasons, no adverse harm would be caused to matters such as loss of daylight or sunlight. Potential overlooking from the proposed bathroom window within the side elevation facing towards 8 Westbourne Avenue could be controlled by a suitable condition.
15. There is no objection from the Council to the effect of the proposed development on the tree on the boundary of the site and there are no reasons to disagree with the Council on this matter. Although the proposed access to the parking area is close to an existing private drive, based on the observations made during the site visit, the alignment of the road and speed of traffic, there would not be an unacceptable danger to the safety of other highway users.
16. Matters such as the location of the boundary between the site and No. 8, the stationing of a caravan and the potential existence of a foul water sewer do not alter the conclusions reached on the main issues.
17. None of these other matters, whether individually or cumulatively, outweigh the material harm which has been identified. Accordingly, for the reasons given and taking into account all other matters including the presumption in favour of sustainable development contained in the NPPF, it is concluded that this appeal should fail.

D J Barnes

INSPECTOR

APPENDIX 4

OFFICER COMMITTEE REPORT FOR APPEAL SCHEME

Public Document Pack

HAVANT BOROUGH COUNCIL
PUBLIC SERVICE PLAZA
CIVIC CENTRE ROAD
HAVANT
HAMPSHIRE P09 2AX

Telephone: 023 9247 4174
Fax: 023 9248 0263
Website: www.havant.gov.uk



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DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

Membership: Councillor Mrs Shimbart (Chairman)

Councillors Brown, Buckley (Vice-Chairman), Hilton, Smith D, Smith J and Turner

Meeting: Development Management Committee

Date: 30 May 2013

Time: 5.00 pm

Venue: Hurstwood Room, Public Service Plaza, Civic Centre Road,
Havant, Hants PO9 2AX

The business to be transacted is set out below:

Jo Barden-Hernandez
Service Manager – Legal & Democratic Services

22 May 2013

Contact Officer: Mark Gregory 023 92446232
Email: mark.gregory@havant.gov.uk

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PART A - (Items Open for Public Attendance)

1. Apologies for Absence

To receive and record any apologies for absence.

2. Minutes

1 - 40

- (a) To approve the minutes of the Development Management Committee held on 25 April and 9 May 2013.

Site Address:	Land adjacent to 8 Westbourne Close, Emsworth, PO10 7QY		
Proposal:	Erection of 1No. 1 bedroom bungalow with access from Westbourne Close.		
Application No:	APP/13/00228	Expiry Date:	20/05/2013
Applicant:	Mr Long	Team:	Team 2
Agent:	Mr Jupp	Case Officer:	Rachael McMurray
	Stephen Jupp MRTPI		
Ward:	Emsworth	DMC Lead Member	

Reason for Committee Consideration: At the request of Councillor Galloway

HDS Recommendation: **GRANT PERMISSION**

1 **Site Description**

The appeal site consists of a rectangular area of land which sits adjacent to No. 8 Westbourne Avenue, on the corner of Westbourne Avenue and Westbourne Close. The long side of the site runs parallel with Westbourne Close and the site is enclosed by a 0.6m high wall. Westbourne Avenue is characterised by large, two-storey detached dwellings. Westbourne Close, is characterised by bungalows, set back from the highway with gardens to the front and on site parking provision.

2 **Planning History**

APP/11/01179: Erection of 1No. 3 bed detached house with new access from Westbourne Close. (Resubmission.) Refused on 27/10/11 under delegated powers for the following reasons:

1. The size and shape of the plot would not allow for development of a standard compatible with the existing surrounding development and the proposed development would, therefore, be detrimental to the character of the Westbourne Close street scene and is therefore contrary to Policy CS16 of the Havant Core Strategy 2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statements 1 and 3.

An appeal was lodged against the Council's decision however, this was dismissed. The Inspectors decision is at Appendix H. The concerns raised in the decision are discussed in Section 7 of this report.

APP/10/00430: Erection of 2 bed detached dwelling house with new access from Westbourne Close. Refused - 20/9/10

Enforcement History: Following the refusal of APP/11/001179, an unauthorised static caravan was placed on the site. Following the dismissal of the related appeal in May 2012, the Development Management Committee authorised an enforcement notice to remove the caravan. However, the caravan was removed from the site in February 2013 before the enforcement notice was issued. The site is now vacant.

3 Proposal

3.1 The proposal is a revised scheme following the refusal of APP/11/001179 and its dismissal at appeal. The revised scheme proposes a 1 no. bedroom. detached bungalow with vehicular access from Westbourne Close. The main changes between this scheme and the previously refused scheme are as follows:

i. Change from a two-storey dwelling to a bungalow with a max ridge height of 4.4m.

ii. Reduction of two bedrooms to one bedroom.

iii. Main frontage now faces onto Westbourne Close and not Westbourne Avenue.

iv. Footprint of the building is narrower. It would be moved 0.7m further into the plot from the shared west boundary with No.8 Westbourne Avenue. It would be moved 0.5m further into the plot from the east boundary with Westbourne Close.

v. The private amenity space would now be located to the north and south of the dwelling in the form of two side gardens.

4 Policy Considerations

National Policies

National Planning Policy Framework 2012

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)

CS21 (Developer Requirements)

CS9 (Housing)

DM13 (Car and Cycle Parking on Residential Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control:

No objections

Development Engineer:

No objection subject to a contribution of £1,980, the provision of two parking spaces, cycle parking and the construction of a dropped-kerb vehicular crossing.

Crime Prevention:

Doors and locks should be to British standard.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 8

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 8 in total from 6 different addresses. 1 of these was a letter of support and the other were objections. The points raised are summarised below:

- i. The property would be out of keeping as it would not be set back from the highway with substantial garden to the front.
- ii. Construction vehicles would cause disruption.
- iii. The dwelling would adversely affect privacy and outlook of No. 1 Westbourne Close.
- iv. There is an inadequate drainage of surface water in Westbourne Close. The development would result in an increase to run off water which would contribute to flooding.
- v. Foul sewerage from No's 10 and 12 Westbourne Close runs beneath the application site and may constitute an insurmountable problem for servicing access.
- vi. Any permanent dwelling would have to be so small that it would stand out in sharp contrast to neighbouring larger properties.
- vii. The space between the side elevation and the boundary with No. 8 Westbourne Road is out of character with the street scene.
- viii. The location of the access to the parking area is cause for concern as there are already two other drives in close proximity. This could result in a potential highway risk.
- ix. The tandem design for the parking could result in highway safety risks if it is not utilised carefully.
- x. The proposal for one bungalow is supported as with one bedroom it is likely that this would appeal to a single occupant and therefore only likely to have one car.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Appeal decision APP/11/01179
- (ii) Appropriateness of the design and effect on the street scene
- (iii) Effect on the neighbouring properties
- (iv) Parking and access provision
- (v) Developer Contributions

(i) Principle of development

7.2 The site lies within the urban area where residential development is considered acceptable in principle subject to a through assessment of other development control criteria, including the previous appeal decision..

(ii) Appeal Decision APP/11/01179 – May 2012

- 7.3 As the proposal seeks to address the points of concern raised in the Inspectors decision, it is necessary to consider the contents of this decision as part of this application. A copy of the decision is at Appendix H.
- 7.4 In paragraph 6 of the decision, the Inspector states that site is vacant land within the urban area and in principle, the erection of the proposed dwelling would be an appropriate use of the site, particularly because of the reasonable access to local facilities within the wider area. This suggests that the site is in principle developable subject to a suitably designed dwelling.
- 7.5 In paragraph 8, the Inspector states that the previously proposed dwelling would have been sited close to its shared boundaries and would not reflect the spacious layout and character of properties within the surrounding area and by reason of its siting and size, it would appear a cramped form of development when viewed from the junction.
- 7.6 In paragraph 9, the Inspector states that the material harm to the street scene would be accentuated by the proximity of the side elevation of the dwelling to Westbourne Close, which would form a dominant and incongruous feature in the streetscene of Westbourne Close.

(iii) Appropriateness of the design and effect on the street scene

- 7.7 The proposed scheme has been significantly reduced in scale since the previous appeal from a two-story dwelling to a bungalow. This would be of a simple brick and tile design which is found in some of the buildings in the street. It would have a rectangular footprint to echo the shape of the plot. It would have a pitched roof and gable ends with minor brickwork detailing. The principal window and door openings would face towards Westbourne Close with a pitched roof canopy over the front entrance. Westbourne Close contains bungalow development rather than two storey houses.
- 7.8 This change in orientation seeks to address the Inspector's previous concerns about space around the building. The north elevation would now be the side elevation would be set back slightly from the front building line of No. 8 Westbourne Avenue and would not be as visually prominent. In addition the gap at the boundary with No. 8 Westbourne Avenue has been increased by 0.7m since the previous appeal. Whilst this is still relatively close in terms the space between boundaries in Westbourne Avenue, the new orientation means that the building would read chiefly as part of the Westbourne Close. Here the proposal would retain significant space on either side of the frontage. The orientation and reduced height serves to lessen the cramped appearance referred to by the Inspector.
- 7.9 Furthermore, the dwelling would be set back from the corner of Westbourne Avenue by approx.15m. This factor in combination with the set back behind the front building line of No. 8 Westbourne Avenue, reduces the prominence at the bend of Westbourne Close and Westbourne Avenue. Furthermore, the north side of the plot would be left open with a 600mm high boundary wall which would retain the sense of openness and spaciousness of the corner, similar to the development on the opposite corner.
- 7.10 Policy CS16 of the Local Plan advises that development should respond to, draw inspiration from and respect the local context. The proposed dwelling would be set back from the front boundary line and Westbourne Close by 2.5m. Whilst this would be closer to the highway than other properties in Westbourne Close, a cramped form of development is avoided due to the generous spacing either side of the dwelling. On balance therefore, it is not considered that the scheme would be contrary to policy to such a degree that it warrant a refusal of the application.

- 7.11 The fact that the dwelling has been reduced to a bungalow and reorientated means that the concerns raised in paragraph 9 of the Inspector's report (see 7.6 above) have been addressed. The reason being the side elevation of the dwelling would now front Westbourne Close thus removing the adverse impact of a high flank wall with one opening. The scheme now proposes a single storey wall which forms from the front elevation and a front and entrance, thus contributing to the character and visual amenity of the street scene.
- 7.12 Concern has been raised that the proposed dwelling would be so small in footprint that it would appear contrived in the context of the existing built development on Westbourne Avenue. However as explained above, the property would not form part of Westbourne Avenue and would provide spaciousness across its frontage with Westbourne Close so as to appear in keeping.
- 7.13 Concern has also been raised that the development could result in an adverse increase to surface water run off. However, a condition could be attached to a permission which requires details of how surface water drainage would be dealt with prior to the commencement of development.

(iii) Effect on neighbouring properties

- 7.14 Concern has been raised that the proposal would impact on No. 1 Westbourne Close. However, due to the reduced height and scale of the proposed dwelling, it is not considered that it would adversely affect the outlook from, or light and privacy available to No. 1 Westbourne Close or other neighbours .

(iv) Parking and access provision

- 7.15 The development would provide two-parking spaces which exceeds the Councils' adopted parking standards for residential development by one space. Concern has been raised with regards to the safety of the access. This has been considered by the Council's Development Engineer and has not been identified as an issue, neither was this a reason for refusal on the previous applications. Due to the amount of parking, it is very unlikely that additional vehicles would be parked on the highway close to the access.

(v) Developer contributions

- 7.15 The proposal requires a contribution of £1980 towards transport infrastructure under Policy CS21 of the Local Plan. This payment has been secured by a signed s106 agreement and therefore the application accords with Policy CS21.

8 Conclusion

- 8.1 On balance, it is considered that the revised scheme has addressed the concerns raised by the Inspector on the appeal decision to the previous decision on the site to a satisfactory level and accords with local planning policy. Therefore the revised scheme is recommended for approval. It is recommended that Permitted Development rights be removed in order to control subsequent enlargements and other buildings which could erode the important spaces around the building.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/00228 subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Construction of the building hereby permitted shall not commence until samples and details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11.4, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the proposed buildings and the surrounding ground levels in relation to existing ground levels have been submitted to and approved by the Local Planning Authority.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes A, B and E of the Town and Country Permitted Development Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: In the interests of the amenities of the neighbouring properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 The development hereby permitted shall not be commenced until an Interim Certificate of Compliance with the Code for Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority. The Certificate shall demonstrate that the development will attain a minimum standard of Level 3 in accordance with the Code. The development shall be carried out only in accordance with the details the subject of the Certificate.
Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 6 The development shall not be brought into use until a minimum of two parking spaces have been provided within the curtilage of the site and thereafter all of those spaces kept available for such purposes.
Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 7 No development hereby permitted nor any related site clearance shall commence until a plan and particulars specifying the provision to be made within the site and/or on other land nearby for the parking (throughout the clearance and construction period) of construction vehicles and of other vehicles delivering/removing materials and other items to/from the development site have been submitted to and approved in writing by the Local

Planning Authority. Thereafter, throughout such site clearance and implementation of the development hereby permitted, all such temporary parking provision shall be provided and used only as such.

Reason: To safeguard the amenities of the locality and having due regard to policies DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - sheet one

Block Plan - sheet two

Cycle and bin stores floor plans and elevations - sheet 10

Landscape and parking plan - sheet 4

Floor plan and elevations - Sheet 3

Reason: - To ensure provision of a satisfactory development.

Appendices:

A - Location Plan

B - Proposed Block Plan

C - Cycle and bin stores

D - Landscape and parking plan

E - Proposed elevations

F - Proposed floor plans

G - Proposed Block Plan on APP/11/01179

H - Appeal decision on APP/11/01179 - (Ref: APP/X1735/A/11/2166421).

Other documents relating to this application:

<http://tinyurl.com/qfmnb2t>