
Appeal Decision

Site visit made on 22 October 2013

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 7 November 2013

Appeal Ref: APP/X1735/A/13/2198520

1, The Thicket, Widely, Waterlooville, Hampshire PO7 5JL

- 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 David Ness against the decision of Havant Borough Council.
 - The application Ref APP/12/00969, dated 12 September 2012, was refused by notice dated 8 February 2013.
 - The development proposed is the demolition of existing detached bungalow with separated garage and construction of a pair of semi detached bungalows.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing detached bungalow with separated garage and construction of a pair of semi detached bungalows at 1, The Thicket, Widley, Waterlooville, Hampshire PO7 5JL in accordance with the terms of the application, Ref APP/12/00969, dated 12 September 2012, and the plans submitted with it, subject to the conditions in the attached schedule to this decision.

Main Issues

2. The main issues are: the effect of the proposal on the character and appearance of the area; and whether the proposal would provide satisfactory living conditions for the occupiers of Plot 1 with regard to adequate provision of amenity space.

Reasons

Character and appearance

3. The Thicket comprises a wholly residential road of mixed character with a variety of detached and semi detached bungalows interspersed with two storey detached houses. There is a variety of architectural styles and designs, and many of the bungalows have dormer window roof extensions.
 4. Number 1 The Thicket is currently occupied by a detached bungalow on a large triangular shaped site. There is a large side garden on the western side of the bungalow which is enclosed by a mature hedgerow along the north west boundary and also mature vegetation to the road frontage. The adjoining property to the east is a semi detached bungalow, No 3 The Thicket. It has a
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driveway adjoining the appeal site's eastern boundary leading to a detached garage set slightly back from the rear of the dwelling.

5. The Council is concerned that the proposal would represent an overdevelopment of the site with a cramped and contrived site layout. However, I observed from my site visit that there are a variety of different sized plots within The Thicket, in terms of both depth and width. In particular, the width of Plot 2 would be very similar to the adjoining properties at Nos 3 & 5, and in the case of Plot 1, it would be wider on the road frontage.
6. In my view the site layout would not be contrived, in that the siting of the proposed dwellings in relation to the road would generally be in accordance with other properties along The Thicket and with parking and access arrangements set out in an orderly fashion. There would be a generous distance between Plot 2 and No 3 whilst on the opposite side, Plot 1 would become the end property of the road with the mature hedge forming the boundary. When viewed from the road, the development would not in my opinion, appear cramped because of this spacing. The ridge height of the proposed dwellings would be similar to the adjoining properties and the proposed design, with windows in the roof area, would not be untypical of the area.
7. Given the above, I consider that the proposed dwellings would not harm the existing mixed character or appearance of the area. The proposal would therefore be in accordance with Policy CS16 of the Havant Core Strategy 2011 in that it would use characteristics of the locality to inform the design of the new development.

Living conditions

8. The Council is concerned that because of the triangular configuration of Plot 1, there would be inadequate amenity space and it would not be in accordance with the Council's adopted Borough Design Guide Supplementary Planning Document 2011 (SPD), which recommends that gardens should be a minimum of 10 metres in length. Whilst I acknowledge that the area of garden immediately to the rear of Plot 1 would be limited in depth, there would be a larger garden area adjoining to the west which would have a direct link to the rear area. That larger area would provide a significant degree of privacy as a result of the existing mature boundary hedging along the north west boundary, as well as the existing planting along the road frontage which could easily be strengthened if required.
9. In my view, a combination of the above factors would result in a satisfactory level of private amenity space for the future occupiers of Plot 1. In relation to the SPD, I note that the purpose of a proposed minimum 10 metre length of garden is to provide appropriate daylight and to minimise overlooking. In this regard, because of its corner location, there would be adequate daylight for Plot 1 and no overlooking to the rear because of the existing boundary hedging and change in ground levels beyond the appeal site to the north west. I therefore conclude there would be no conflict with advice contained within the SPD.

Other Matters

10. Objections have been raised from occupiers of neighbouring residential properties in The Thicket on the opposite side of the road to the south. Matters

in respect of overdevelopment and lack of garden space have been dealt with above. In respect of highway considerations, the proposed parking provision satisfies the Council's standards and I consider that the proposed access arrangements would be safe and satisfactory. In this respect I note that no objections were raised by the Council's Highway Engineer. Although I note representations made in respect of flooding and subsidence, there is no specific evidence before me to support those concerns. Finally, in relation to overlooking and loss of privacy, I agree with the Council that because of the width of the road and the distance between the proposed dwellings and those on the south side of The Thicket, the relationship would be satisfactory.

11. I note that the trees/mature hedge along the north west boundary are protected by a Tree Preservation Order. An arboricultural report submitted with the application, concluded that provided protective measures were put in place, there would be no adverse effect on the trees. I see no reason to disagree with those findings.
12. When the application was being considered by the Council, a legal agreement was proposed in relation to a financial contribution towards transportation infrastructure. Since the decision, the Council adopted a Community Infrastructure Levy (CIL) in August 2013, which includes provision for transportation contributions. I assume therefore that the CIL provisions would now supersede the need for an agreement and I have dealt with the appeal on that basis.
13. In respect of the CIL requirement, I am satisfied that it is necessary to make the development acceptable, directly related and fair and reasonably related in scale and kind to what is being proposed. However, the collection of a Community Infrastructure Levy is a matter for the relevant charging authority on service of a notice that planning permission has been granted in relation to chargeable development. As such, payment of the contribution is not a matter for consideration in this appeal.

Conclusion

14. For the above reasons, the proposal would not harm the character and appearance of the area and would provide a satisfactory level of private amenity space for the future occupiers of Plot 1. The appeal should therefore be allowed.
15. Conditions relating to the development being carried out in accordance with the approved plans, details of materials, levels, surfacing, means of enclosure, parking, obscure glazing to side first floor windows and compliance with the Code for Sustainable Homes, are all necessary in the interests of good planning and to protect privacy. Conditions relating to recommended tree protection measures in the arboricultural report and to prevent burning on the site are necessary to protect the existing boundary trees included within the Tree Preservation Order. Finally, in view of the limited plot sizes, conditions restricting permitted development for roof alterations, extensions, new windows and garden outbuildings, are necessary to protect neighbouring privacy and living conditions for future occupiers of the proposed dwellings.

Kim Bennett - INSPECTOR

Schedule of 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: 091/P/157.01.revision B1; 091/P/157.02.revision A1; 091/P/157/11A; 091/P/157/12A; 091/P/157/13A; 091/P/157/14A.
- 3) No development shall take place until samples of materials to be used in the construction of the external surfaces of the buildings hereby approved 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 details of finished levels (above ordnance datum) of the ground floors of both buildings and proposed ground levels in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until full details of both hard and soft landscape works and all means of boundary enclosure have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the first occupation of the buildings.
- 6) The development shall be carried out fully in accordance with the recommendations contained within the Arboricultural Report prepared by Alderwood Consulting Ltd. dated 20 August 2012.
- 7) No burning of materials shall take place anywhere on the development site throughout the period of site clearance and subsequent development.
- 8) No development shall take place 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 and all development shall be carried out in accordance with the approved details.
- 9) The garages and driveway parking shall be provided as shown on approved plan: 091/P/157/11A prior to the first occupation of the buildings and shall thereafter be kept available for parking use at all times.
- 10) The first floor windows in the eastern and western elevations as shown on approved plan: 091/P/157/12A shall be obscured glazed at all times.
- 11) 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, roof alteration, windows or garden outbuildings, other than those expressly authorised by this permission, shall be constructed.