

Appeal Decision

Site visit made on 26 November 2013

by Michael Lowe BA(Hons) BTP MPA MRTPI

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

Decision date: 6 January 2014

Appeal Ref: APP/X1735/A/13/2201482

67 Bondfields Crescent, Havant, Hampshire PO9 5ER

- 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 & Mrs Len Coles against the decision of Havant Borough Council.
 - The application Ref APP/13/0155, dated 10 Feb 2013, was refused by notice dated 9 May 2013.
 - The development proposed is a Proposed 2 Storey 2 Bed House.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of future occupiers of the proposed dwelling with particular regard to the acceptability of the proposed garden area and its impact on the character and appearance of the surrounding area.

Reasons

3. The proposal would incorporate a 1.8m high fence panel which would divide the rear gardens of the host property and the proposed dwelling. The proposed garden area immediately to the rear of the property would serve the proposed dwelling and comprise of a small rectangular shaped grassed area with a bin/cycle store. Beyond this would be located the car parking space for the new dwelling.
 4. The size of the proposed rear garden area would fall substantially short of the 10m length advocated within the Borough Design Guide Supplementary Planning Document October 2011 (Design Guide) and I do not consider that this small parcel of land would provide future occupiers of the dwelling with an acceptable amount of private outdoor garden space.
 5. The parking space serving the proposed dwelling would be separated from the garden area by a 1.2m high fence. This physical separation combined with the fact that this space would not be useable as garden area when occupied by a
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- vehicle leads me to the conclusion that this area cannot make a realistic contribution to the proposed garden area for the proposed dwelling.
6. Although I note that a portion of front garden would be provided for the occupiers, this area would be small and would not be sufficiently private for its future users to use as private garden space.
 7. There is a very strong uniformity of house alignment along this part of Middle Parkway. In view of the fact that the Council has no objection to the siting or the appearance of the proposed dwelling I do not consider that the limited size and prominence of the accompanying parking and garden arrangements would add any significant additional harm to the open character of Middle Parkway. I therefore find the impact of the proposal on the character and appearance of the surrounding area to be acceptable.
 8. I noted the close proximity of open green space during my site visit. However, I do not consider that this open green space can adequately replace all of the functions of a garden space eg laundry drying and is therefore not a satisfactory alternative to the provision of acceptable private garden space.
 9. I therefore conclude that the proposed development would fail to provide an adequate level of garden provision and would therefore conflict with the Design Guide which seeks, amongst other criteria, to ensure that new housing is accompanied by adequate garden area.

Other Matters

10. A planning obligation has been submitted with the application under section 106 of the Town and Country Planning Act 1990 (as amended). However as I have found the appeal to be unacceptable for the reasons given above, I am not required to examine this as part of my decision.
11. Although I recognise the drive towards growth that underpins much of the National Planning Policy Framework, paragraph 17 of this document cites one of the twelve core planning principles as ensuring that development is of a high quality design and provides a good standard of amenity for existing and future occupiers of land and buildings. The proposal therefore conflicts with this aspect of the Framework.
12. The appellants have highlighted a planning approval at 6 Kitwood Green in their evidence. However without full details of this I cannot give this any weight in my decision.
13. I recognise that the current proposal has emerged after lengthy discussions with the Council over the difficulties in providing a reasonable level of parking and garden area provision for both the host and proposed dwellings. Although I understand the frustrations for the appellants in attempting to find a satisfactory scheme, I must only consider the scheme that is before me.
14. I acknowledge the contribution that the development would make towards meeting the local housing need for the area. I have also concluded that the proposed garden arrangements would not have a significant impact on the character and appearance of the surrounding area. However, a minimum standard of garden provision is a reasonable requirement of development and the size of dwelling proposed in this instance has not been accompanied by an

acceptable level of garden space. Therefore these positive aspects do not outweigh the harm that would be caused by the development and consequently the appeal must fail.

15. For the above reasons and having taken all matters before me into consideration, the appeal is dismissed.

Michael Lowe

INSPECTOR