The Planning Inspectorate

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Miss Karen Wooden
Havant Borough Council
Business Development & Support Team
Civic Centre
Havant
Hampshire
PO9 2AX

Your Ref: APP/12/00224

Our Ref: APP/X1735/A/12/2179638/NWF

Date: 22 February 2013

Dear Miss Wooden

Town and Country Planning Act 1990
Appeal by Mr J Brown
Site at 70 Rails Lane, Hayling Island, PO11 9LP

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

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Appeal Decision

Site visit made on 11 February 2013

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 22 February 2013

Appeal Ref: APP/X1735/A/12/2179638
70 Rails Lane, Hayling Island, Havant, Hants PO11 9LP

- 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 J Brown against the decision of Havant Borough Council.
- The application Ref APP/12/00224, dated 12 December 2011, was refused by notice dated 8 May 2012.
- The development proposed is erection of 1No 2 bed detached bungalow with associated parking and landscaping.

Decision

1. I dismiss the appeal.

Main Issues

2. These are;

   - The effect of the development on the character and appearance of the Rails Lane area of Hayling Island.
   - The effect of the development on the living conditions of prospective and existing occupiers with particular regard to outlook, garden area and noise and disturbance.

Reasons

Character and Appearance

3. The site is within the urban area and accessible to services and shops. It is on a bus route and would make better use of land, albeit not now regarded as previously developed land as defined in the Annex 2 Glossary to the National Planning Policy Framework, being within the curtilage of a dwelling. The Framework seeks high quality homes and good design. Core Strategy Policy CS16 requires high quality design and lists matters that include responding to existing features, and being well connected to and integrated with the local area.

4. The present arrangement is of the host dwelling, number 70, and a driveway to a large garage, between it and the extended number 68. The side wall of that neighbouring building is skewed to run along the boundary and is itself close to number 1 Fishery Lane. Attention has been drawn to a number of new dwellings built behind existing frontage development, particularly along this stretch of Rails Lane. The proximity of buildings along the south side of Whitehorn Road, the north side of Fishery Lane and the west side of

Blackthorne Road, together with the east side of Rails Lane create a tight urban pattern of development, into which has been placed the new development of numbers 72 and 74a behind number 74, and number 80 behind 76 and 78. The resulting character and appearance is of development in depth with buildings visible through gaps along the frontages, either as new backland development or the rear of older established dwellings. On that basis, and taking account of the necessary removal of the existing garage, and the opening-up that this would bring to the frontage, the introduction of a further building to the rear would not adversely affect the character and appearance of the area. The requirement of Policy CS16 to respond to the features of the area would be met.

Living Conditions

5. The Council refers to a number of matters in this connection and these will be considered in order, from the roadside to the rear of the existing plot.

6. The access drive would pass between number 68 and the host dwelling number 70. Unlike the situation next door at number 74, where there is more space including the access to number 72, this space is limited in width and somewhat hemmed in by the proximity of the flank wall of 68 and the side of 70. The movement of vehicles in such close proximity and with the solid wall to the south tending to accentuate the noise, would be likely to cause harm to the living conditions of the occupiers of the host dwelling. There is little room for landscaping or other mitigating works. A comparison with the new dwelling at 56 indicates more room there also.

7. The driveway and the parking would be close to the rear of 68 and the back garden of 1 Fishery Lane, introducing movement and car door shutting, engines starting and the like in an area where a quiet enjoyment of the rear garden would be expected. Looking at the plans of other, permitted, backland dwellings, this does not appear to be the case to the same harmful degree.

8. Mention has been made of the dimensions in the *'Havant Borough Design Guide'* Supplementary Planning Document and it is certainly the case that many of the dimensions quoted relate to two storey dwellings and the risk of harmful overlooking. It is clear that closer distances have been found acceptable previously, and near the present site, and it is unclear what changes have been brought about by the publication of the Framework referred to by the Council. Nevertheless, having regard to the nature of the front garden and the area to the side, the rear garden left for the host dwelling would be limited in size and would risk being overly affected by car movements and other activity related to the proposed new dwelling.

9. With regard to the nature of the space allocated to the new dwelling, the plans show a very limited outlook and access to light and air to the rear bedroom, being close to the boundary and to the second car parking space. Similarly the front bedroom would have as its outlook the access path and parking area number 1. On this last point however, there is some room for landscaping that could soften the outlook.

10. Lastly it is the fact that three backland developments have been permitted in the vicinity. To summarise;

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- At number 56 there appears to be more space around the building and an acceptable and more private rear garden, with space around for the drive, and the dwelling is not near others to either side.
- At number 72 there is a sizeable rear garden and at 74a, there is again more space around the building and drive, and room for a more useable and sheltered rear garden, and again there are no dwellings sideways on to the plot.
- The remaining development, number 80, has a large garden, being behind both 76 and 78, and does not appear to affect other properties either.

11. In conclusion, the layout suffers from a number of shortcomings, which together amount to a poor quality of accommodation for both the new dwelling and the neighbouring dwellings such that the proposal is not of the standard sought in either Policy CS16 or the National Planning Policy Framework.

Conclusions

12. The development would not adversely affect the character and appearance of the area due to the existing arrangement of built form visible behind frontage buildings. In addition, the proposal would make better use of urban land and increase the supply of housing. However, there are shortcomings in the layout and relationship with existing dwellings which are not found together in the previously permitted schemes and which cumulatively indicate that the development would not reach the standard of design sought in both local and national policies.

13. The Council has provided justification for a transport contributions and it is noted that the appellant queries the reasoning in relation to the tests in Circular 5/05, *"Planning Obligations"* and Regulation 122 of the Community Infrastructure Levy Regulations 2010. In view of the reasoning that leads to this Decision and in the absence of an undertaking there is no need to address this matter.

14. In the balance, the benefits of the scheme are significantly outweighed by the shortcomings and for the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR

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