The Planning Inspectorate

HAVANT BOROUGH COUNCIL
17 MAY 2012
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Miss Karen Wooden
Havant Borough Council
Business Development & Support Team
Civic Centre
Havant
Hampshire
PO9 2AX

Your Ref: APP/11/01179

Our Ref: APP/X1735/A/11/2166421/NWF

Date: 16 May 2012

Dear Miss Wooden

Town and Country Planning Act 1990
Appeal by Mr B Long
Site at Land Adjacent To 8 Westbourne Avenue, Emsworth, PO10 7QY

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

Christopher Salmon

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The Planning Inspectorate

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.

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 consider 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

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