The Planning Inspectorate

Appeal Decision

Site visit made on 21 November 2011

by Jessica Graham BA(Hons) PgDipL

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

Decision date: 28 November 2011

Appeal Ref: APP/X1735/A/11/2158047
62A Hulbert Road, Havant, Hampshire PO9 3TG

- 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 M Waters against the decision of Havant Borough Council.
- The application Ref APP/11/00915, dated 9 April 2011, was refused by notice dated 23 June 2011.
- The development proposed is a new-build, five-bed dwelling on land alongside existing bungalow.

Decision

1. The appeal is dismissed.

Main issues

2. These are
   (a) the effect that the proposed development would have upon the character and appearance of the area;
   (b) the impact it would have upon the outlook from neighbouring properties; and
   (c) whether the proposed development would generate a need to make a financial contribution toward local transport infrastructure.

Reasons

The effect upon the character and appearance of the area

3. I saw at my site visit that the two sides of Hulbert Road differ in character. The dwellings fronting the western side are generally sited fairly closely together, and set back only a limited distance from the road. The dwellings on the eastern side tend to be of a lower density and set slightly below the level of the road, behind more spacious front gardens, with mature planting to provide screening. As a result, the residential development of the eastern side of the road is far less prominent in the street scene, and it has an attractively spacious character.

4. No. 62A lies on this eastern side of Hulbert Road, in a plot considerably wider than the prevailing pattern of 14m. I agree that the subdivision of this plot, to create an additional dwelling alongside the existing bungalow, would in principle be acceptable. However, the currently proposed development would disrupt the rhythm of the street scene by leaving that bungalow with a plot less than 10m wide, with very small gaps between the building and the side

boundaries. In contrast, the new dwelling would have a plot at least 18m wide, and would itself have a front elevation some 13.5m wide; far greater than the width of the neighbouring buildings to either side.

5. I note that the height of the new dwelling would not exceed that of No. 62, the two-storey house on its southern side. However, it would extend further back into its plot, and in combination with its greater width, and the arrangement of its living accommodation across three storeys, this would result in a building of far greater mass and prominence than others nearby. In my judgment, the proposed house would appear excessively large and bulky in the context of the more modestly-scaled dwellings that surround it.

6. Further, I share the Council's concern that the design of the proposed house is somewhat bland, and makes no attempt to respond to its context. National planning advice set out in Planning Policy Statement 1: *Delivering Sustainable Development* makes it clear that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area, should not be accepted. The brick elevations of the proposed new house would be extensive in scale, and largely unrelieved by any design features or detailing. The anonymity of the design would add to the harm caused by the undue prominence of the new house in the street scene.

7. The Bedhampton Nursing Home is a larger-scale building than that currently proposed, but lies on the opposite side of Hulbert Road, which has a significantly different context and character. That building benefits from a variety of architectural detailing to break up its mass, such as gable features and timberwork with render infill. There are also some reasonably large dwellings on the eastern side of the road, but these are further south than the appeal site, in an area which has a less spacious character. None of these existing buildings set a precedent for permitting what I consider would be a harmful form of development on the appeal site.

8. I conclude that this proposal would conflict with the objectives of Policy CS16 of the Havant Borough Core Strategy 2011, in so far as they seek to ensure that new development is designed to a high standard; responding to and respecting the character of its context, and integrating in terms of massing, proportions and plot width.

The impact upon the outlook of neighbouring properties

9. There are no longer any windows in the southern flank wall of the bungalow at No. 62A, and the rear elevation of the new house would be set more or less in alignment with that of this existing dwelling. The new house would therefore only be visible in oblique views from the front window of the bungalow, and from its garden. On that basis, I am satisfied that it would not appear oppressive to the occupiers of No. 62A, and the slight reduction in outlook would not undermine the quality of their living conditions.

10. The new house would be set some 1.5m from the common boundary with No. 62, a boundary that is closely adjoined by the existing two-storey dwelling on that plot. The front elevations of the new and existing houses would be aligned, but No. 62 has a conservatory to the rear, and the rear elevation of the new house would extend some distance beyond that. While the flank wall of the new house would be clearly visible in views from this conservatory and, to a lesser degree, the rear-facing windows of the main dwelling, the extent of

this visibility would not be so great as to cause any harmful reduction in the outlook from No. 62.

11. I conclude that in this respect the proposed development would accord with the aims of Policy CS16 of the Core Strategy, to the extent that it seeks to prevent new development from causing unacceptable harm to the outlook of neighbouring occupiers.

The need for a financial contribution toward local transport infrastructure

12. The Council's third reason for refusal concerned the absence of arrangements to secure a financial contribution towards local transport infrastructure. I am told that in the course of the appeal the appellant provided the Council with a S.106 legal agreement to pay the requested financial contribution, and I understand that on that basis, the Council withdrew its third reason for refusal. Nevertheless, I am still obliged to determine whether the completed planning obligation meets the statutory requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010/948, which require that financial contributions must be directly, fairly and reasonably related to the proposed development, and necessary to make it acceptable in planning terms.

13. The Council states that its adopted Transport Contributions Policy uses an identical formula, applicable across the whole county, to calculate financial contributions toward providing alternative modes of transport to the car, and secure funding towards measures intended to improve the existing transport network. The Council has provided a list of current projects in the Havant area, but none of these appear to relate to Hulbert Road, and there is no evidence to show why any of them would be rendered necessary as a result of the currently proposed development.

14. I have not, then, been provided with sufficient evidence to conclude that in this particular case, the financial contribution sought by the Council would be fairly, reasonably and directly related to the proposed development, or necessary to make it acceptable in planning terms. I am therefore unable to take the appellant's S.106 Agreement into account in determining this appeal. For the avoidance of doubt the execution of that legal deed does not of course weigh against the scheme, but neither can it weigh in favour of granting planning permission for the proposed development.

Conclusion

15. While I have found that the proposed development would not have any significant adverse impact upon the outlook from neighbouring properties, this does not outweigh the considerable damage that it would cause to the character and appearance of the area. I therefore determine that the appeal should be dismissed.

Jessica Graham

INSPECTOR