Appeal Decision

Site visit made on 6 September 2010

by R J Marshall LLB Dip TP MRTPI

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

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Decision date: 21 September 2010

Appeal Ref: APP/X1735/A/10/2129959
7, St. Georges Avenue, Havant, Hampshire, PO9 2RU

- 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 Barry Purkis against the decision of Havant Borough Council.
- The application Ref 10/73774/000, dated 7 February 2010, was refused by notice dated 15 April 2010.
- The development proposed is "Demolition of the existing residential property to allow for a replacement 5 bed detached dwelling, including associated new vehicle access".

Decision

1. *I dismiss the appeal.*

Main issue

2. The main issues in this appeal are:

   first, the effect of the proposed development on the character and appearance of the surrounding area;

   second, the effect of the proposed development on the living conditions of neighbours with special reference to privacy, loss of light and visual impact; and

   third, whether the lack of an undertaking to make a financial contribution towards highway infrastructure should stand against the proposal.

Reasons

Character and appearance

3. St Georges Avenue, off which the appeal site lies, is an attractive residential street. Whilst development along the road is mixed there are some common characteristics. The largest houses are generally at the junction of St Georges Avenue with other roads or grouped together, most of the properties are 2-storey and the greatest degree of uniformity in house types lies to the north of the road and towards its eastern end.

4. The appeal site is to the south of St Georges Avenue and at its western end. It is on a stretch that lies between Southleigh Road and Warblington Avenue. The dwellings in this part of the road are varied in design and age. They include 1960s style houses, 3 of which are gable end to the road, 1920s/30s style bungalows with steeply pitched roofs and one large 1930s style house.

The latter property being at the junction of St Georges Avenue and Warblington Avenue.

5. The appeal property is one of the 1920s/30s style bungalows. It is located between another bungalow of a similar period in design and one of the 1960s style gable end houses. Although the properties in this length of the road vary in age and design there is, with the exception of the easternmost house at the road junction, a broad uniformity in terms of height and scale. They are generally lower, and rather less substantial in appearance, than many of the properties in the road. I note the appellant's observations that the 1960's gable end houses replaced what had previously been one large house. However, I need to assess this proposal in the context of development now on the ground.

6. The proposed development would replace the existing bungalow with a large 2-storey dwelling. It would have an eaves line not dissimilar to the adjoining houses to the east. However, of the properties on this side of the road between Southleigh Road and Warblington Avenue it would have a significantly taller roof than all but the corner house. This, together with its semi-hipped roof and width across the plot, would make stand out as an over-dominant structure amidst its immediate surroundings. As such it would appear incongruous and out of keeping in the street scene. I am of this view notwithstanding the 3D visual drawings provided by the appellant. They indicate the impact of the proposed development from limited viewpoints that, from what I saw, do not reflect the full impact of the proposal.

7. Reference has been made to some examples in St Georges Avenue, and another road nearby, where properties of a different height and bulk are located side-by-side. Often this seems to be the case where development has been inserted between older taller houses. Where there is a reasonably large gap between the houses, and extensive screening, this relationship is reasonably acceptable. However, where dwellings of a disparate size are located close together and with more limited screening, as would be the case with the appeal proposal, the relationship is less satisfactory. Repeating this relatively rare pattern of development would be harmful and inappropriate in the wider context of the road.

8. On more detailed design matters I see no harm in the proposed "modernist" 1930s style fenestration given the varied house styles in the vicinity. I share, however, the Council's concern on the rather incongruous double hip roof feature on the proposed front elevation. This adds, albeit slightly, to the harm already identified.

9. I conclude that the proposed development would detract from the character and appearance of the surrounding area. As such it would be contrary to Policy D1 of the Havant Borough District-Wide Local Plan 1996-2011 (2005) in so far that it requires new development to create an attractive environment that respects and enhances local character.

Living conditions

10. The proposed dwelling would extend only slightly further back on its plot than the 2 adjoining properties. As such there should be no unacceptable loss of

light to their rear gardens and nor to any rooms within the dwellings. Nor, seen from the rear of neighbouring properties, would the proposed development appear unduly intrusive to the point of being harmful to living conditions.

11. The proposed house would have more windows at first floor level than is the case with the existing dwelling. However, the extent to which neighbouring properties would be overlooked would be no greater than is the case in many suburban areas.

12. I conclude that the proposed development would not detract from the living conditions of neighbours with special reference to privacy, loss of light and visual impact. As such there would be no conflict with Local Plan Policy D1 in so far that it seeks to protect the amenity of neighbouring occupiers.

Financial contribution

13. The Council seeks a £712 transport contribution. The appellant has refused to pay it. In support of seeking the contribution the Council refers to an adopted Hampshire Council Transport Contributions Policy. The Borough Council has agreed to negotiate contributions on behalf of the County under the auspices of this document and Local Plan Policy T10. The Council also refer to various transport strategies and, broadly, to facilities on which the contributions could be spent.

14. However, the Council has failed to give a clear indication as to how the sum sought was derived. The provision of the table of "costs per dwelling", without a clear indication on how the figures in the table relate to the £712 contribution, is inadequate in this regard.

15. Nor is there any clear and substantial evidence to show that the list of facilities provided are local or how they are related geographically to the proposed development. Thus there is insufficient evidence to demonstrate that the requirements of Local Plan Policy T10 have been met. This Policy refers to contributions being sought where the existing highway infrastructure is unable to accommodate the demands generated by the development and there is a need for off-site improvements to mitigate its impact. Explanatory text to the Policy says that it specifically concerns contributions towards off-site highway improvements adjacent or near to development to deal with localised highway problems that would arise as a direct result of the proposal.

16. Given the above, the Council has failed to show that the contribution sought would be: necessary to make the proposed development acceptable in planning terms; directly related to the proposed development; and fairly and reasonably related in scale and kind to it. As such, it has not been shown that it would meet the tests Circular 05/2005 on Planning Contributions.

17. I conclude that the lack of an undertaking to make a financial contribution towards highway infrastructure should not stand against the proposal.

Conclusion

18. I have found no harm relation to the second and third issues. However, harm the first issue alone is sufficient to warrant dismissing the appeal. In arriving

at this view I have had regard to the improved accommodation that would be provided, the sustainable methods of construction proposed and observations on pre-application discussions. However, these matters do not outweigh the harm identified.

19. For the reasons given above I conclude that the appeal should be dismissed.

R J Marshall

INSPECTOR