The Planning Inspectorate

Appeal Decision

Site visit made on 27 April 2011

by B C Scott BA(Hons) Urban & Regional Planning MRTP

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

Decision date: 4 May 2011

Appeal Ref: APP/X1735/D/11/2148591
2 Stockheath Way, Leigh Park, Havant, Hants, PO9 2DR.

- 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 A Rouf against the decision of Havant Borough Council.
- The application Ref: APP/10/00766, dated 13 October 2010, was refused by notice dated 13 December 2010.
- The development proposed is a single storey side extension for sole use of disabled daughter.

Preliminary Matters

1. The appeal application follows a previously refused scheme.

2. Due to other cases before me (and the Council's suggested conditions in this case) I am aware that, since its determination of the appeal application, the Council has adopted a Core Strategy Development Plan Document (CS). The thrust of the Local Plan policies that are replaced and to which I am referred, remains and I have no reason not to deal with the appeal in accordance with the current policy position, without further reference to the respective parties.

3. A bow-window is shown in profile on the application drawing (side-Southwest) but is not identified in elevation (front Northwest) as a proposed change from the existing one. I take this detail to be an error in the drawings, but in any event it is not a determinative matter.

Decision

4. I allow the appeal, and grant planning permission for a single storey side extension for sole use of disabled daughter, at 2 Stockheath Way, Leigh Park, Havant, Hants, PO9 2DR, in accordance with the terms of the application Ref: APP/10/00766, dated 13 October 2010, subject to the following conditions:

    1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

    2) The development hereby permitted shall not be occupied until details of the type and design of outside door to the front have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

3) The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as no. 2 Stockheath Way.

4) The external materials to be used shall match in type colour and texture those on the existing building.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no extension, building or structure permitted by Part 1, Classes A and B of the 1995 Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the local planning authority.

6) The development hereby permitted shall be carried out in accordance with the following approved plan: 1959.03 Rev. A.

Main Issues

5. I consider the two main issues in this case to be the effect of the proposed development on; firstly, the character and appearance of the area; and secondly, the living conditions of the occupiers, with particular reference to noise and disturbance.

Reasons

Character and appearance

6. The appeal property is an end of terrace dwelling of generic design in a suburban post-war local authority style housing estate. It is situated end-on to the inside of a bend in a local distributor road (Bedhampton Way) and has a wide, irregularly shaped side space. Attached, single-storey brick built outbuildings with flat roofs occupy some of that space.

7. The proposed development would replace those attached buildings and occupy most of the side space. It would more or less double the ground floor width of the appeal house and the resultant elevation would have a full width roof canopy above existing and proposed windows and doors. CS Policy CS16 requires high quality design that, amongst other things, produces a positive relationship between buildings, street and spaces.

8. The appeal site benefits from a spacious housing layout in the vicinity due to the grassed areas and set back buildings about Bedhampton Way. The existing outbuildings mar that scene somewhat because of their haphazard appearance, unrelated to the host building. The proposed development would overcome that with a purposeful design that positively connects to the host building, owing to its scale, the false roof and canopy. There is ample space to accommodate the proposed development without intruding upon the spaciousness of the layout.

9. The appeal terrace faces another across the road. I acknowledge that the two front doors as proposed alongside one another would look somewhat odd in the street scene, through duplication or intensification (if perceived as two dwellings). However, I saw that there are various door arrangements for entry to the respective dwellings or through the building for rear access and that any uniformity of design has long since gone. In the circumstances, I consider the 'two front doors' concern to be a matter of detailed design that can be addressed through the imposition of a planning condition.

10. I conclude on the first issue that the proposed development would not be harmful to the character and appearance of the area in accordance with the requirements of Policy CS16 of the Development Plan.

Living Conditions

11. The appeal house, in common with many others in the terrace buildings, has forecourt parking. In the appeal case, the parking reaches the façade of the building and is capable of accommodating many cars, especially if parked in tandem. That forecourt parking would serve the proposed development, in some capacity. CS Policy CS16 in this context requires development not to cause unacceptable harm to the amenity of neighbours through such things as noise.

12. The Council asserts that the proposed development would be capable of becoming a separate, independent unit of accommodation. I acknowledge that separate and additional comings and goings involving the forecourt parking area would generate noise and disturbance for both sets of occupiers, owing to its proximity and the necessary vehicle manoeuvrings.

13. However, the evidence before me shows that the appeal property is visited, if not occupied by an extended family and that the proposed development is required to serve the personal circumstances of the existing occupiers. On the face of it, I am satisfied that no additional comings and goings would be involved with the proposed development. Such an outcome can be secured through the imposition of a planning condition.

14. I conclude on the second issue that the proposed development would not unacceptably affect the living conditions of the occupiers, in accordance with the requirements of CS Policy CS16.

Other Considerations

15. The forecourt parking to the appeal house has a single access drop kerb near to a road junction. Any alteration or intensification of its use associated with a new dwelling would be potentially a matter of concern to the highway authority regarding highway safety. Moreover, additional transport and other infrastructure provision may be required.

16. I have given significant weight to the Appellant's personal circumstances as reported by the Adult Services Department of the Hampshire County Council. In other words, I consider that the above considerations would not arise in this case as no new dwelling is proposed. In the circumstances, it is particularly necessary to restrict the use of the proposed development to that ancillary to the host dwelling (the appeal house).

Conclusion

17. I have considered all other matters raised, but none alters my conclusions on the main issues, which lead me to allow the appeal.

Conditions

18. In addition to the standard condition concerning time limit, in view of the main issues in this case and my reasoning above, I impose a condition concerning door design (paragraph 9) and use of the extension (paragraphs 13 & 16).

19. I impose also the Council's suggested conditions concerning matching materials, in the interests of high quality design, and to restrict further extensions and buildings/structures owing to the scale and prominence of the proposed development hereby permitted. Finally, I impose a standard condition listing the plans/drawings to which my decision refers, for the avoidance of doubt.

B C Scott

INSPECTOR