The Planning Inspectorate

Appeal Decision

Site visit made on 2 August 2011

by Simon Hand MA

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

Decision date: 15 August 2011

Appeal Ref: APP/X1735/A/11/2153015
Land adjacent to 2 New Road, Havant, Hampshire, PO9 1DE

- 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 Ravenswood Developments Ltd against the decision of Havant Borough Council.
- The application Ref APP/10/00890, dated 12 November 2010, was refused by notice dated 12 January 2011.
- The development proposed is construction of building, comprising one 2 x bed dwelling and two 1 x bed flats with new access to New Road, associated car parking, bin storage and cycle storage.

Decision

1. The appeal is dismissed.

Main Issues

2. Whether the site lies within a zone where development should not normally be allowed because of excessive noise and the quality of the design and its impact on the character and appearance of the area.

Reasons

3. The site lies in a small triangle of land between the railway and a B road. A few yards beyond the proposed parking spaces at the end of the site are a level crossing and a railway station.

Noise measurements

4. This is clearly a noisy site, the road was consistently busy during my site visit and I was able to watch a train running through the station as well. The appellant's noise consultants have produced a report which finds the average Laeq measurement for the daytime is 62.8 dB. This places the site just within the 55-63 dB limits of Zone B as described in Annex 1 of Planning Policy Guidance Note 24 *Planning and Noise*. This zone is essentially where development can go ahead with appropriate conditions to militate against any noise nuisance.

5. The Council however, state that this average has been calculated as an arithmetical mean of the individual, hourly measurements. As the units are logarithmic in scale they cannot simply be added up and divided to reach an average. Using logarithmic calculations the Council arrive at a figure of 63.4

dB, which places the site within Zone C where development would not normally be allowed.

6. Although the appellant states the noise consultants supplementary document specifically addresses the Council's reason for refusal which deals with noise, nowhere does it comment on the fundamental argument that the calculations are incorrect, nor do the appellants final comments. Consequently, on the basis of the evidence before me I can only conclude the site lies within Zone C. Although paragraph 8 of PPG24 states that categories B & C deal with "situations where noise mitigation measures may make development acceptable", category C in Annex 1 is described as where planning permission should not normally be granted. It is envisaged planning permission would only be considered where, for example, there are no alternative quieter sites. There is no suggestion that it is imperative in any way that this site should be used for housing. Consequently, I consider the site falls in Zone C where planning permission should not normally be granted. This is sufficient on its own to suggest the appeal should be dismissed.

Design

7. New Road is predominantly residential, with no strongly focussed architectural theme. Next to the site is a row of terraced turn-of-the-century cottages with gable ends and characteristic raised firewalls between each cottage. Opposite are read brick semis which have the appearance of 1930s council houses. They have hipped roofs and a protruding brick string course separating the floors. All the houses are of red brick. Although there are no strong design cues in the area, the proposal fails to pick up those few that there are. The design makes no reference to any of its neighbours, but nor is it particularly inspiring itself. As the Council suggest, it is a bland and contrived piece of 'anywhere' development and so is contrary to policy D1 of the Havant Borough District-Wide Local Plan (1996-2011), which forms part of the Havant Borough Local Development Framework.

8. Because of the restrictive nature of the site any design was bound to be somewhat contrived. All three dwellings would be small with one or two bedrooms and the limited amenity space would normally not be unusual or harmful. However, even if I had concluded the appellant's noise evidence was correct, the site is only just within Zone B. Given that the site is very much crammed in between the road and railway line, the rear gardens would be dominated by train noise, especially as engines accelerate out of and brake into the station. Because of the gardens' small size it would be difficult to get away from this, even with the acoustic fencing proposed. I note that the longer and taller the fencing is, the better its sound barrier properties, but there is little scope for large fences on such a small site, and exact details have not been provided as to where the fencing would. On the evidence before me therefore, I am not convinced the outdoor amenity space would be genuinely usable, and this suggests the site is too cramped.

9. I also note the remedial measures proposed for the houses are restricted to double glazing, which would only be effective when shut. This could be a significant disadvantage in the summer. This, together with the cramped amenity space, all suggests to me, that at the higher end of zone B, the proposal would not provide adequate living conditions for the occupiers, and this could not be overcome by simply attaching conditions. It is likely a complete redesign would be required.

10. Consequently, regardless of my conclusions on the noise issue, I find the design of the proposal to be harmful. It would not fit into, or add to the character of the area and it would not provide adequate, usable, amenity space or adequate internal living conditions for the occupiers. It would thus be contrary to policy D1.

Other matters

11. I note the Council approved an office block on the site in the past, and this approval is still extant. They also approved a block of flats on West Street, close to the level crossing, but these do not effect the conclusions I have reached above concerning this particular proposal. In particular I note the office block permission will shortly expire and the appellant states that office blocks are no longer financially viable in the current economic climate.

12. I also note the comments on the draft NPPF, but they do not affect my conclusions above as to the harm caused by the proposal.

13. On the question of the proposed S106, I have some sympathy with the appellant's contention that the site is very close to a railway station and within walking distance of the town centre. None of the local transport projects appear to relate to the site or its immediate area. Without better evidence as to the relationship of the proposal to the need for a transport contribution, had I been minded to allow the appeal, I would not have attached any great weight to the fact the S106 undertaking had been delayed.

Simon Hand

Inspector