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# Appeal Decision

Site visit made on 31 May 2011

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

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

**Decision date: 7 June 2011**

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**Appeal Ref: APP/X1735/D/11/2150723**

**9 Meadow Close, Hayling Island, Hampshire, PO11 0PW**

- 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 Mrs Karen Welsh against the decision of Havant Borough Council.
  - The application Ref: APP/10/00807 dated 29 October 2010, was refused by notice dated 17 January 2011.
  - The development proposed is retention of timber summerhouse together with fencing and trellising to part of the internal south boundary, to a height of 2.4 metres.
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## Procedural Matters

1. 'Retention' is not an act of development. The description of development in the head note, above, is taken from the appeal application, which should read *the erection of timber summerhouse together with fencing and trellising to part of the internal south boundary, to a height of 2.4 metres*.
2. The proposed development has been carried out in the belief that it is development permitted under Schedule 2 of the Town and Country Planning [General Permitted Development] Order 1995 [as amended] (GPDO). That interpretation is disputed and the Council requires the proposed development to be re-sited to an undisputed 'fall-back' position. Even if there is a possibility that GPDO rights may be exercised for the current or alternative siting, it does not prevent me from dismissing a scheme which is patently unacceptable in planning terms.

## Decision

3. I dismiss the appeal.

## Main issue

4. I consider the main issue in this case to be the effect of the proposed development on the character and appearance of the area.

## Reasons

5. The appeal site is in a suburban residential area. The appeal house is part of an estate development of similar styled, closely spaced dwellings with variations in siting, form and design within open-plan frontages. The area has a distinctive identity and a characteristic, attractive spacious quality as a result. The
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- proposed development would introduce into the street scene, albeit in a corner position, a substantial, dissimilar style building. Saved Policy D1 of the Havant Borough District-Wide Local Plan 2005 (LP) requires high quality design in relation to such things as the distinctive identity and local character of the area.
6. I saw that the building lines of Meadow Close are somewhat informal and loosely set; in that way they help define the distinctiveness and spaciousness of the street scene. Thus, a breach of the building line may be difficult to establish and by itself would be a limited measure of impact upon those things.
  7. The proposed development (the appeal building) would be at odds with the distinctive identity of the area chiefly because of its form and design. Moreover, it would occupy much of the gap between the appeal house and its relatively far sited detached double garages. Due to the erosion of that gap, the appeal building would have the effect of uniting, or extending a frontage in the street scene; from no.10 through to the appeal house. In combination, those things (the discordant form/design and the united frontage) would adversely impinge upon the street rhythm to the detriment of its characteristic, attractive spacious quality.
  8. The Council's identified siting (a 'fall-back' position for the Appellant) would require the re-positioning of the appeal building behind the principal elevation of the appeal house. There is no question that such a siting would have a more acceptable visual impact, owing to a less intrusive position.
  9. I fully understand that the appeal building would have restricted impact in the public realm because of its corner position in a cul-de-sac. In that connection, I note the general support of neighbours (including a local councillor) for the proposed development. That, however, is not a good reason in its favour because it would amount to patently unacceptable poor design that could be repeated too often. Also, planning control acts in the public interest and future neighbours may have a different opinion.
  10. I have considered all other matters raised, but none alters my conclusion on the main issue that the proposed development would be harmful to the character and appearance of the area, in conflict with the requirements of Policy D1 of the Development Plan, which leads me to dismiss the appeal.

*B C Scott*

INSPECTOR