

Appeal statement

Appeal against refusal of planning permission

Location: Land to rear of 50 Silvester Road, Waterloooville, PO8 8TL

Proposal: Demolition of existing outbuildings and conservatory, construction of 3 bedroom detached bungalow with associated car port, revised drive and landscaping.

Appellant: Mr P Rex

LPA Reference: APP/17/01121

1.0 Appeal site and surroundings

1.1 Comprises a part of the rear garden of a two-storey detached dwelling located on the north side of Silvester Road.

1.2 The existing dwelling on the appeal site has no particular architectural interest and is not a statutory or locally listed building. Furthermore, the appeal site does not fall within a conservation area or near to one.

1.3 The area around the appeal site is residential in character with a mix of dwelling types but comprising mainly detached and semi-detached dwellings dating from the mid to late parts of the twentieth century.

2.0 Appeal proposals

2.1 The appeal proposals resulted from a pre-application submission and discussions with planning officers. It has been accepted by the LPA that the appeal site is suitable in principle for the proposed dwelling and the only material concern that was expressed in the pre-application response (letter dated 21 September 2017) and the planning officer's delegated report relates

to the use of the access and the possible impact on the amenities currently enjoyed by the neighbouring dwelling (No.48A) and the retained dwelling on the appeal site.

2.2 The planning application that has led to this appeal was validated by the local planning authority on 19 October 2017. It proposed the demolition of existing outbuildings and conservatory, construction of 3 bedroom detached bungalow with associated car port, revised drive and landscaping.

2.3 On 29 March 2018 planning permission was refused by the local planning authority for the following reason:

The proposal would utilise a narrow access located within 1m of a habitable conservatory at No 48a and introduce parking and manoeuvring adjacent private garden areas. It is considered that the use of this drive and parking area with associated vehicle movements, and comings and goings would introduce noise and disturbance detrimental to the quiet residential amenity of the occupiers of both No 48a and 50 Silvester Road. The proposed landscape buffer may conflict with a Southern Water easement and not satisfactorily provide appropriate mitigation. The proposal is therefore considered to have an adverse effect on the amenity of occupiers of neighbouring properties, contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

3.0 Planning history

3.1 There is none that is particularly relevant to this appeal except the 1990 appeal decision that is referred to later in this statement.

4.0 Reason for appeal

4.1 The reason for refusal is considered unjust and not in accordance with advice in the National Planning Policy Framework (NPPF) that supports sustainable development and Central Government's drive to build more homes in sustainable locations, such as the appeal site area.

5.0 Planning considerations and policy references

5.1 In agreeing to the principle of an additional dwelling on the appeal site the LPA would have known that this meant utilising the existing vehicular access to gain access for car parking, and furthermore, that part of the existing frontage would need to be set aside for car parking for the retained dwelling.

5.2 It must be recognised that the vehicular access already exists and provides a route to a garage and therefore vehicles already pass by No.48A and the retained dwelling. The amount of vehicular traffic that would be generated by the modest size bungalow proposed is unlikely to be any more than for the existing dwelling on the appeal site.

5.3 The previous appeal relating to the appeal site that was dismissed in 1990 is considered quite different in as much as car parking for the retained dwelling and the proposed dwelling were to be from the same vehicular access. This is clearly not the case in respect of this appeal.

5.4 Car parking for the retained dwelling would be formed in the forecourt to the left hand side of the front door. This would still allow some of the front garden to be retained for tree and shrub planting.

5.5 The appeal proposals indicate that the existing conservatory attached to the retained dwelling on the appeal site would be removed and therefore there would only be one small window on the side elevation (east) of the retained dwelling at ground floor level.

5.6 There is a relatively high fence that separates the appeal site from the neighbour, No.48A. Consequently the use of the access and driveway for the appeal dwelling would not be visually apparent to the neighbour. In terms of noise the number of vehicle movements would most likely be similar to the existing situation, albeit that vehicles would drive deeper into the appeal site. Car engines are much quieter than in the past and therefore the occasional passing of cars along the extended existing access would be unlikely to cause

any significant disturbance to the neighbour at 48A or the occupants of the retained dwelling on the appeal site.

5.7 It is noted there is a precedent for a similar form of development to that forming the appeal proposals that has been accepted by the LPA just a short distance to the west at 78/80 Silvester Road. Planning permission was granted on 8 September 2017 to construct 2, three bedroom bungalows on land to the rear of these two dwellings with the access road running alongside habitable windows in both properties (see photographs as Appendix A).

5.8 Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 is referred to in the reason for refusal. Paragraph (e) appears to be the most relevant part which seeks to ensure that residential amenity is safeguarded in respect of development proposals. It is not agreed that the occupiers of No.48A and the retained dwelling on the appeal site would suffer any significant loss of amenity as a result of the use of the existing vehicular access and associated parking area for the appeal dwelling for the reasons already mentioned in this statement.

5.9 The appeal proposals include some limited landscaping to soften the boundary to No.48A. Furthermore, a good quality means of enclosure would be constructed around the reduced rear garden to the retained dwelling. The closest part of the proposed access road to No.48A is the existing access to the garage and therefore it is not considered that the appeal proposals would have any significant impact on the amenities currently enjoyed by the occupiers of No.48A.

5.10 The appeal proposals would be in line with much of the advice that makes up the NPPF in terms of sustainable development and the presumption in favour of such development. Paragraphs 47 to 55 relate to housing and it is considered that the appeal proposals would be in accordance with the advice; particularly Paragraphs 49 and 50. Paragraphs 56 to 68 are about good design and Paragraphs 60 and 61 are considered most pertinent.

6.0 Consultee responses

6.1 It is noted that the Council's Highway Engineer raised no objection to the appeal proposals. Furthermore, other consultees appear to be generally content with the principle of a new dwelling on the appeal site. The existing sewer is located in a position that would not be affected by the appeal dwelling. Furthermore, no tree planting is envisaged within the protected area. Of course further investigations and discussions would take place with Southern Water if permission is granted for the appeal dwelling.

7.0 Conclusions

7.1 The Inspector appointed to determine this appeal is respectfully requested to support this sustainable development and grant conditional planning permission.

Appendix A

Access road to two new dwellings at 78/80 Silvester Road.

