

**TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)**

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

**17A-17B Avondale Road,
Waterlooville
PO7 7ST**

**Local Planning Authority Reference:-APP/22/00569
Planning Inspectorate Reference:-
APP/X1735/W/22/331158**

HAVANT BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY Mr Alan Wood AGAINST REFUSAL of Outline Permission with all matters reserved for the Erection of a 1 bedroom bungalow in the rear garden of 17A/B Avondale Road.

AT 17A-17B Avondale Road, Waterloooville, PO7 7ST

Planning Inspectorate Reference: APP/X1735/W/22/3311518

LPA Ref: APP/22/00569

1.0 INTRODUCTION

- 1.1 The officer's report already forwarded with the appeal questionnaire sets out the position of the Local Planning Authority and is considered sufficiently detailed to form the basis of the LPA's Statement of Case. This appeal statement will not duplicate, but will simply provide an update on relevant issue, in particular with regard to Housing Five Year Supply, provide planning history documents, and provide a commentary on the Appellants Statement of Case.
- 1.2 The Borough Map and 1:1250 Location Plan are provided at **APPENDIX A**.

2.0 HOUSING FIVE YEAR SUPPLY AND PLANNING BALANCE UPDATE

- 2.1 The delegated report refers to the Council's Five-Year Housing Land Supply Update at November 2021 which indicated the Borough's housing land supply position was 3.9 years housing supply with 20% buffer applied. This has since been updated and at March 2023 this has now fallen further to 1.81 years with 20% buffer applied.
- 2.2 It is acknowledged that this shortfall engages Paragraph 11d) of the NPPF and its presumption in favour of development in principle. It is accepted that the proposal for a single dwelling, within the main urban area of Waterloooville, would make a very small contribution to housing supply, and this benefit of the appeal proposal must be afforded weight in the overall planning balance. However, it is contended that the adverse impacts of the proposed development on local character would significantly and demonstrably outweigh the minute housing supply benefit when assessed against the policies of the NPPF as a whole.

3.0 PLANNING HISTORY

- 3.1 There is an extensive planning history on the appeal site, which is referenced in the delegated report at section 2. For the Inspectors information copies of the relevant documents can be found as follows:

Appendix B:

Copy of Decision Notice and Site Plan for **04/67971/000** - Outline application for one detached two bedroom, two storey dwelling; Refused 21 December 2004

Appendix C:

Copy of Decision Notice, Site Plan and Appeal Decision Letter for **05/67971/001** - Outline application for 1No. detached bungalow with parking; Refused 28 July 2005 and Appeal Dismissed 2 February 2006

Appendix D:

Copy of Appeal Decision Letter dated 03/12/2020 for **APP/20/00146** - Construction of 1No. 2 bed bungalow

The other relevant plans and documents for this case can be found on the Council's website at the following link:

https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_247696

The plans and documents of the full application for construction of a one bed bungalow on the site made under **APP/21/00944** can be found on the Council's website at the following link:

https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_251673

4.0 COMMENTARY ON APPELLANTS STATEMENT OF CASE

- 4.1 The Appellant has provided a statement of case with appendices, and the LPA's response, where relevant, are as below:
- 4.2 It is argued in the second paragraph under 'applicant response' that the proposed bungalow would be sited 2.6m from the pavement so it would not be in direct line of sight when exiting the cul-de-sac. But because of the dog leg in the road the whole site sits forward of the front façade of number 1 Brooklyn Drive and any development whatsoever on the site would be forward and in direct line of sight to anyone exiting the cul-de-sac. It would be impossible for any development on the site not to be forward of the front elevation of 1 Brooklyn Drive because the site is too shallow. As a result, any development on the site would be in an overtly prominent position and in full view when exiting the cul-de-sac.
- 4.3 The appellant argues that the proposal meets policy CS16 because it is under 200sqm but there are no floorspaces or site areas referenced within policy CS16, so this statement and reference throughout his appeal statement to 200sqm is considered to be flawed and not the LPA's interpretation of policy CS16.
- 4.4 The Appellant also contends that the proposed bungalow would not be contrived because it is similar to other bungalows at numbers 2A, 2, 4, 6 & 8 in Avondale Road, which are alleged to have plots of less than 200sqm and set a precedent for an acceptable pattern of development and character. The LPA note that these properties at the western end of Avondale Road are distanced from the appeal site in Brooklyn Drive, and are not viewed together. Furthermore, they are all set back from the highway by about 5m (i.e. twice the appeal proposal) and although they are shallow plots, each plot has a depth of at least 18m (compared to the appeal site depth of just 8.4m). The LPA can confirm that their plot sizes vary from 280 sqm to 550 sqm, which are all much greater than the appeal site which only has a site area of about 190 sqm.
- 4.5 The LPA therefore contend that the location, and size and shape of these bungalow plots are not particularly relevant to the determination of this appeal, which must be considered on its merits having regard to the context of the actual appeal site, which is characterised by the longer rear gardens of the Victorian two storey semi-detached dwellings fronting Avondale Road and the generous plots of two storey detached properties in Brooklyn Drive. The comparison does however highlight just how small and cramped the proposed appeal site is, at variance with the plot sizes of properties in the immediate area.
- 4.6 With respect to the Appellants comments about on street parking undermining the original Victorian/Edwardian character of Avondale Road, this is a common issue in areas characterised by pre-war developments, when the use of the motor car was not planned for. Current planning policy requires on site parking to be provided to meet adopted standards and in this instance sufficient on-site parking could be achieved. Hence the appeal proposal should not contribute to on street parking demand.
- 4.7 The Appellant refers to the maintenance issue of the garden and site, which has become overgrown. The LPA are firmly of the view that this is an owner responsibility and potentially a 215 Notice could be served on the owner if the site is left in such an untidy state that it affects the amenity of the area.
- 4.8 In terms of densities of development, Policy CS16 clause 5, refers to mixed use developments, particularly in town and district centres, where higher densities of 50+ dwellings per ha are encouraged, where appropriate. This generally appertains to flatted schemes in the designated town centres and not to the residential suburbs, where densities are largely driven by the context of the site and character of the area. Clause 1 of policy CS16 requires development to "*respond to, draw inspiration from and respect local context*" and subclause c) states development should "*use the characteristics of the locality to help inform the design of the new development including heights, massing, existing building lines, plot widths and depths..etc*".

- 4.9 This Policy CS16 is consistent with the NPPF's aim to achieve well designed places and in particular paragraph 130 which requires development to be "*..sympathetic to local character and history...*". As such the LPA are of the view that the proposed appeal scheme does not respect local context, building lines, or plot widths and depths, and as such is contrary to both the NPPF and policy CS16, clause 1.c).
- 4.10 At section 3 of the Appellants statement it is suggested that the proposal meets various policy references concerning over 60's accommodation. But the appeal is an outline open market proposal, and no legal agreement or supporting information has been offered suggesting it would be restricted for occupancy by older people only. It is acknowledged that as a small one bedroomed bungalow it would be accessible and likely serve an older person(s), but the terms of the proposal would not restrict it to such occupancy.
- 4.11 At section 4 the Appellant references the Council's Housing Delivery Position and the resultant tilted balance. The Council's 5-year housing land supply position has deteriorated further since the determination of the planning application and as at March 2023 is now 1.81 years with 20% buffer applied. The Councils latest Five Year Housing Land Supply Update, March 2023, can be found on the link below for the Inspectors interest.
[Related studies and strategies | Havant Borough Council](#)
- 4.12 The tilted balance as set out at Paragraph 11(d) of the NPPF is engaged for the determination of this appeal, but clause ii) indicates that permission should not be granted if "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole*". It must be noted that the relevant policy, CS16, which seeks high quality design, is largely consistent with the NPPF with its focus on achieving sustainable development, that makes effective use of land and creates beautiful and safe places with a high standard of amenity for existing and future users.
- 4.13 In this instance the proposal would provide a single, one-bedroom dwelling, but its contribution to the housing land supply would be inherently limited. This limited benefit must be assessed against the potential harm of the proposal in terms of its adverse impact on the character of the area. The LPA contend that the proposed dwelling would be highly prominent in street scene terms, largely due to the dog leg in the road and small and shallow depth of the site, which would result in a cramped and contrived development at odds with the more spacious linear pattern of development in the area. The juxtaposition of layouts would result in both visual harm to the street scene and intrinsic harm to the pattern and layout of the area. It is considered that significant weight should be attributed to these harmful effects on the character of the area. As such the adverse impacts of granting permission are considered to significantly and demonstrably outweigh the limited benefit.

5.0 CONCLUSIONS

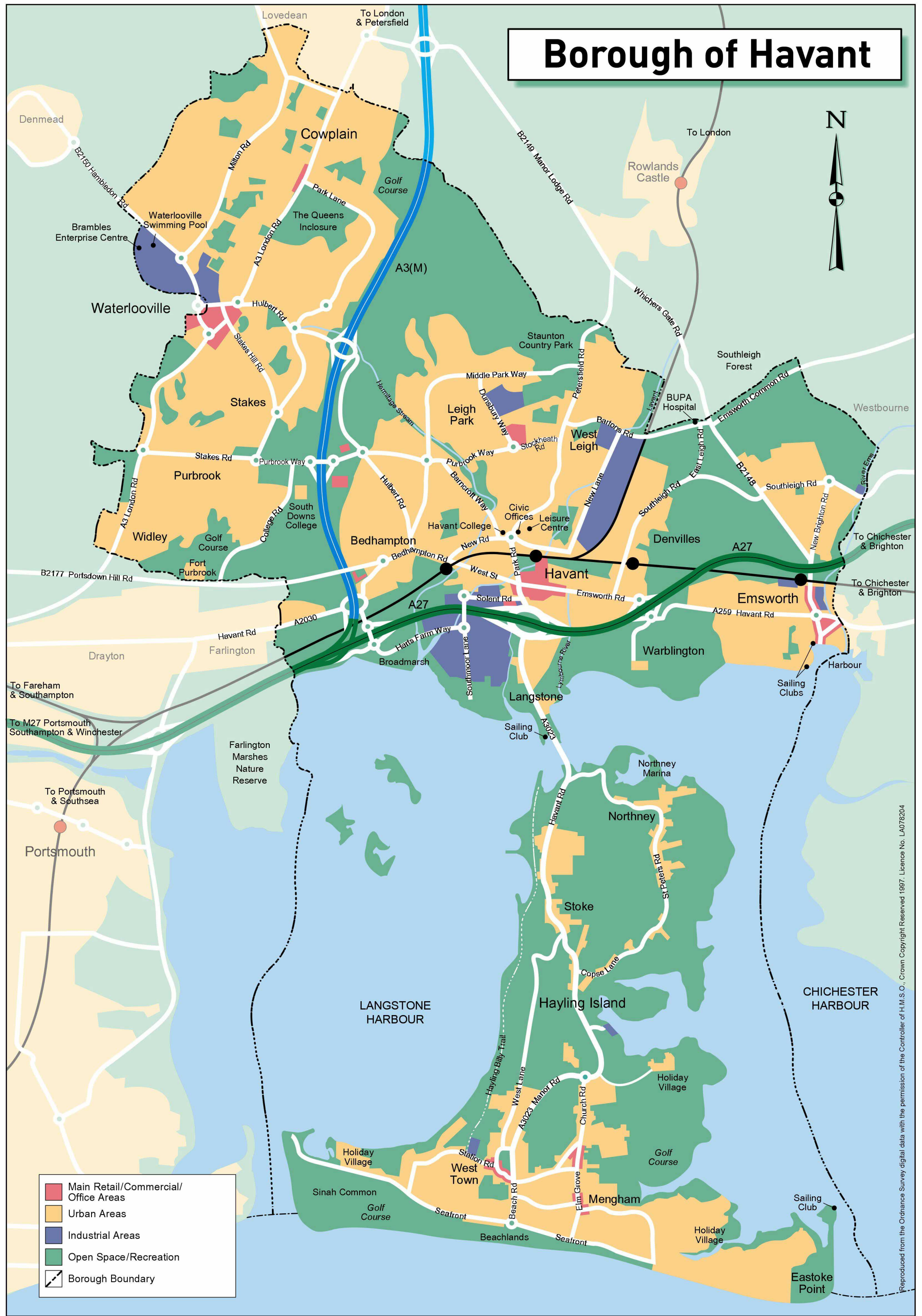
- 5.1 The LPA consider their original delegated report covers all the necessary issues for the determination of this appeal. Together with the housing position update, planning history documents, and comments on Appellants statement provided above, this brief statement is considered sufficient to represent the LPA's statement of case.
- 5.2 The reason for refusal in the decision notice dated 11/11/2022 relates to the harm to the character of area arising from a cramped and contrived development that would be prominent in street scene terms. The site, which is in itself small and out of keeping with the context of the area, would result in harm to both the visual appearance of the area and pattern of development. It is considered that the identified harm is contrary to adopted policy CS16 and the NPPF, in particular paragraph 130.
- 5.3 The Inspector is therefore respectfully requested to dismiss the appeal. In the event that the Appeal is allowed, a list of recommended conditions is provided.

APPENDICES

- (A) Borough Map and 1:1250 Location Plan
(B) Copy of Decision Notice and Site Plan for 04/67971/000
(C) Copy of Decision Notice, Site Plan, and Appeal Decision Letter for 05/67971/001
(D) Copy of Appeal Decision Letter dated 03/12/2020 for APP/20/00146

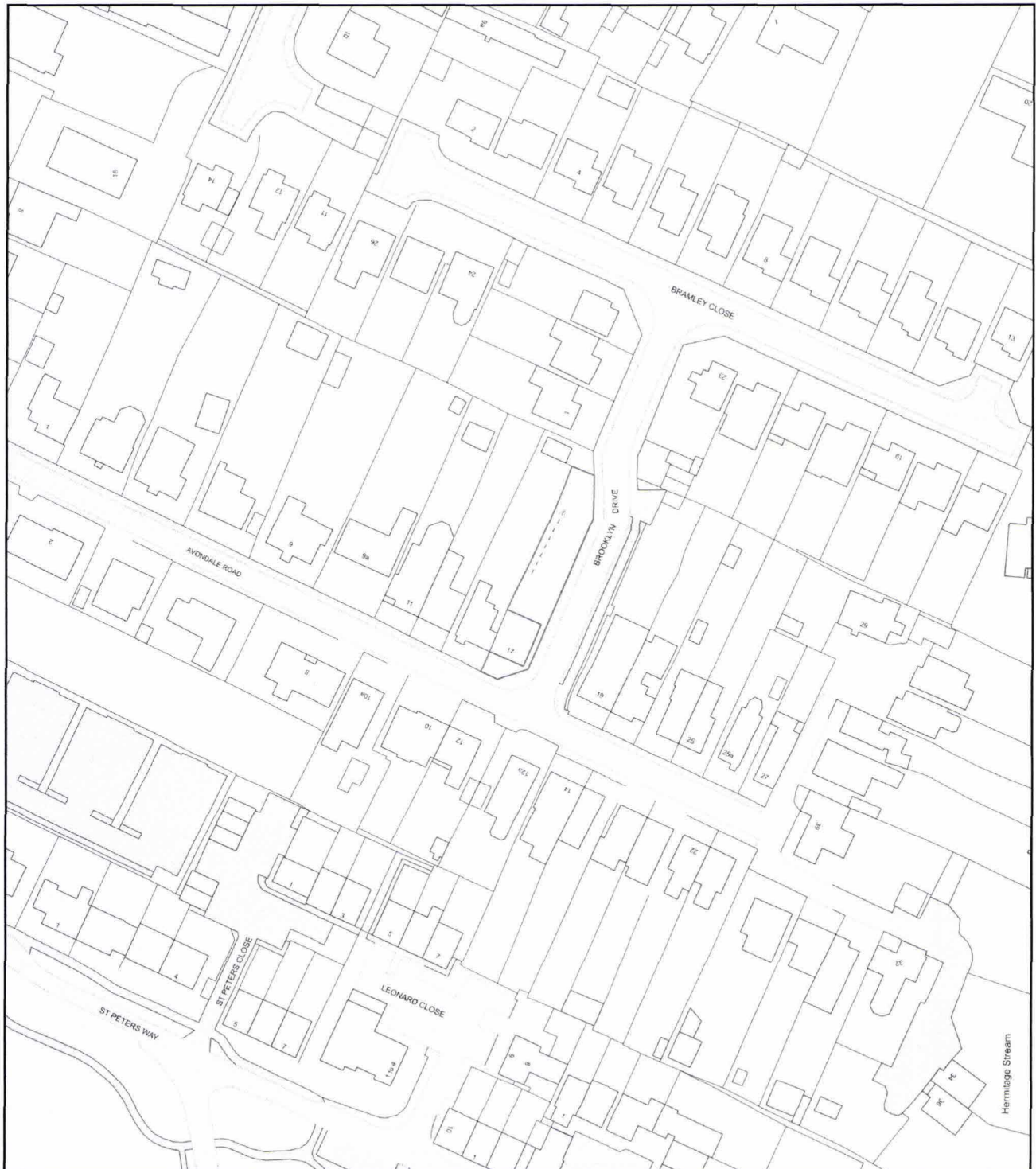
APPENDIX A

Borough of Havant



- Main Retail/Commercial/Office Areas
- Urban Areas
- Industrial Areas
- Open Space/Recreation
- Borough Boundary

1-BED BUNGALOW - Location Plan



0 50
Metres

Plan Produced for: alan wood
Date Produced: 28 Apr 2022
Plan Reference Number: TQRQM22118075141631
Scale: 1:1250 @ A4



APPENDIX B

To:
J Mottershead
Jane Mottershead Designs Ltd
2 Brook Cottages
West Ashling
PO188DY

For: Madala Building Property Ltd

THE TOWN AND COUNTRY PLANNING ACT 1990
Refusal of Planning Permission

Application Number: 04/67971/000

Site Address: 17A-17B Avondale Road, Waterlooville, PO7

Proposal: Outline application for one detached two bedroom, two storey dwelling.

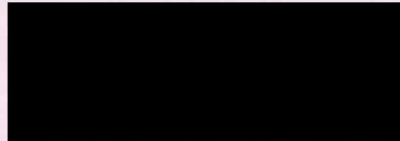
Further to your application received on 22 October 2004 (which was valid from 04 November 2004) Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

The reasons for the Council's decision to refuse planning permission are:

- 1 The size and shape of the plot would not allow for development of a standard compatible with the existing surrounding development and the proposed development would, therefore, be detrimental to the amenities of the area. Consequently the proposal is contrary to policies UB3 of the Hampshire County Structure Plan 1996-2011 (Review), GDD1 and HO6 of the Havant Borough Local Plan 1994, and D2, D4 and D7 of the emerging Havant Borough District-Wide Local Plan 1996-2011.
- 2 The use of the proposed access would be likely to cause undue interference with the safety and convenience of users of the adjoining highway. Consequently the proposal is contrary to policies T5 and T6 of the Hampshire County Structure Plan 1996-2011 (Review), T5 and T7 of the Havant Borough Local Plan 1994, and T14 and T17 of the emerging Havant Borough District-Wide Local Plan 1996-2011.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6573.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Department for Transport Local Government and the Regions, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council.

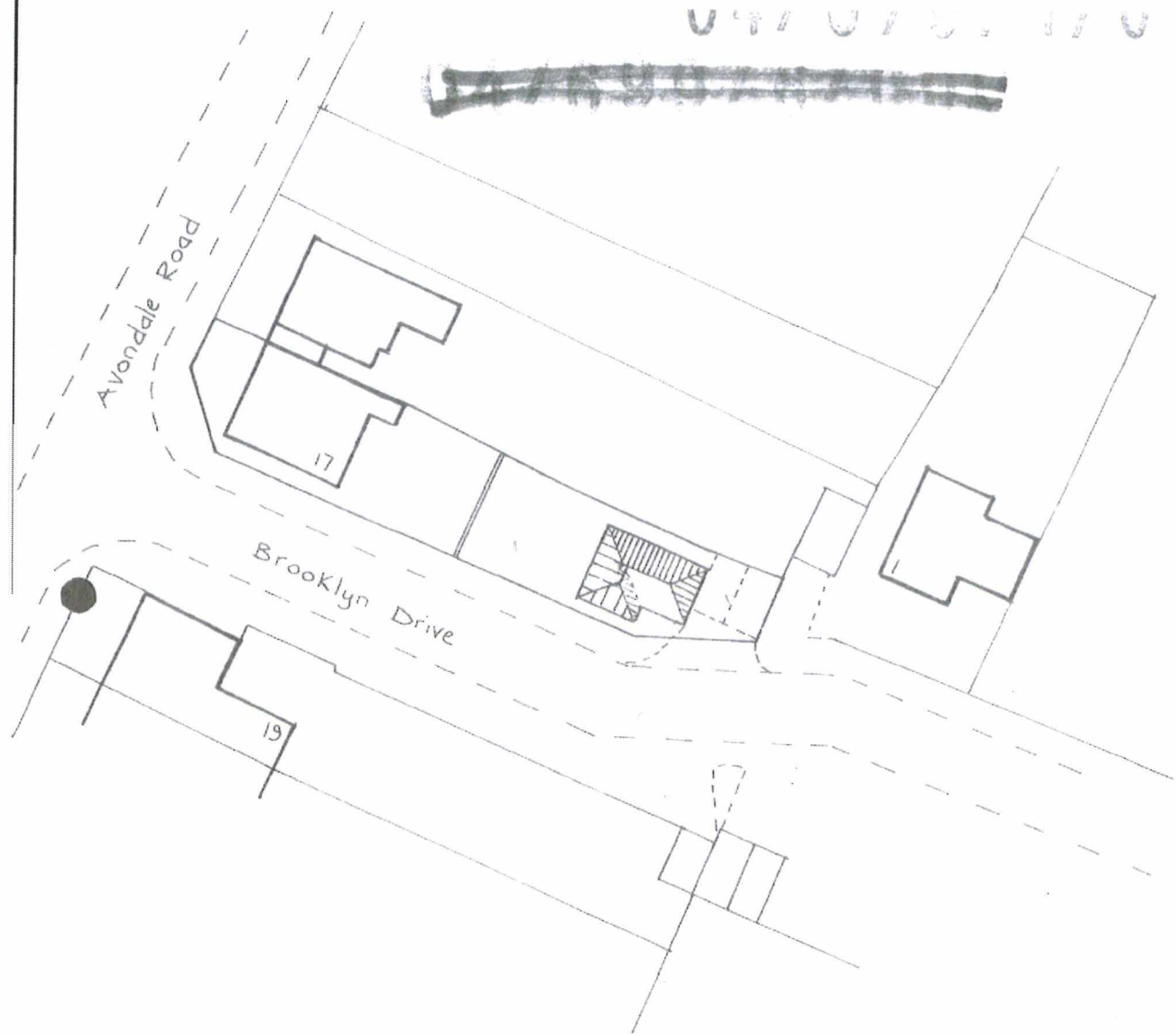


Mrs J A Batchelor
Head of Planning and Development

21 December 2004

047 0787 17000

~~XXXXXXXXXXXXXXXXXXXX~~



HAVANT BOROUGH
COUNCIL
16 SEP 2005
RECEIVED

SCALE 1:500

JANE MOTTERSHEAD DESIGNS LIMITED
2, BROOK COTTAGES, WEST ASHLING,
CHICHESTER, WEST SUSSEX, PO18 8DY
TEL: 01243 575480 MOBILE: 07790 362882
E-MAIL: jbmottershead@aol.com

APPENDIX C

To:
Jane Mottershead Designs Ltd
2 Brook Cottages
West Ashling
Chichester
West Sussex
PO18 8DY

For: Magdala Building Property Limited

THE TOWN AND COUNTRY PLANNING ACT 1990
Refusal of Planning Permission

Application Number: 05/67971/001

Site Address: Land to rear of 17A-17B Avondale Road, Waterloo

Proposal: Outline application for 1No. detached bungalow with parking.

Further to your application received on 03 June 2005, Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

The reasons for the Council's decision to refuse planning permission are:

- 1 The size and shape of the plot would not allow for development of a standard compatible with the existing surrounding development and the proposed development would, therefore, be detrimental to the amenities of the area. Consequently the proposal is contrary to policies UB3 of the Hampshire County Structure Plan 1996-2011 (Review), GDD1 and HO6 of the Havant Borough Local Plan 1994 and D2, D4 and D7 of the emerging Havant Borough District-Wide Local Plan 1996-2011.
- 2 The applicant has failed to demonstrate that the use of the proposed access would not cause undue interference with the safety and convenience of users of the adjoining highway. Consequently the proposal is contrary to policies T5 and T6 of the Hampshire County Structure Plan 1996-2011 (Review), T5 and T7 of the Havant Borough Local Plan 1994 and T14 and T17 of the emerging Havant Borough District-Wide Local Plan 1996-2011.

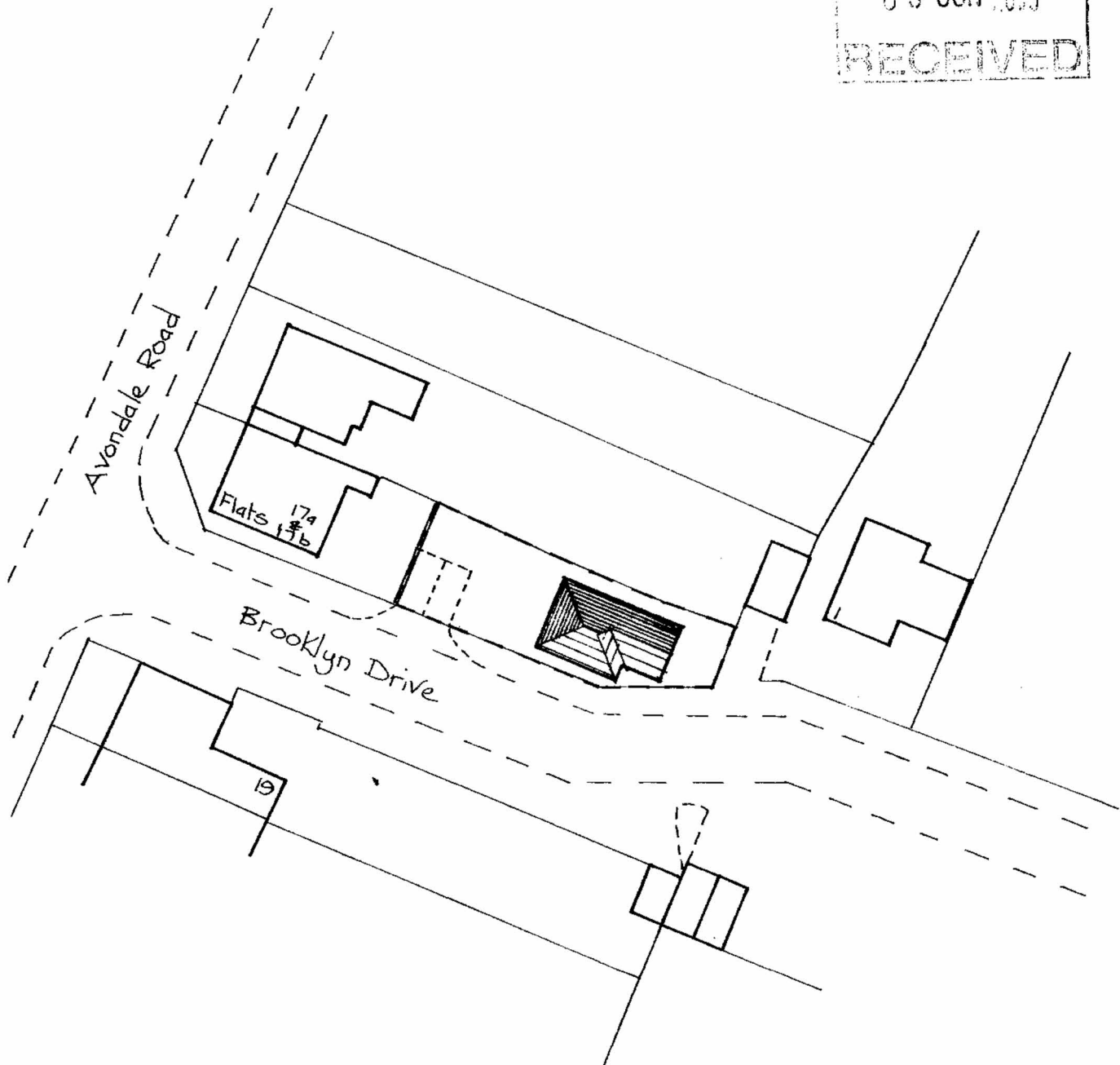
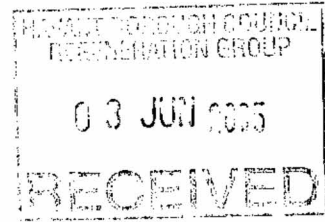
Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6573.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Department for Transport Local Government and the Regions, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council.

Mrs J A Batchelor
Head of Planning and Development

28 July 2005

05/67971/001



SCALE 1:500



JANE MOTTERSHEAD DESIGNS LIMITED
2, Brook Cottages
West Ashling, Chichester, West Sussex, PO18 8DY
01243 575480 Mobile: 07790 362882
Email: jbmottershead@aol.com



Appeal Decision

Site visit made on 23 January 2006

By E C Grace DipTP FRTPI FBEng PPIAAS

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
405 Kings Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PL
Tel: 0117 972 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

02 FEB 2006

Appeal Ref: APP/X1735/A/05/1189390

rear of 17A-17B Avondale Road, Waterlooville, Havant, Hants

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Magdala Building Property Ltd against the decision of Havant Borough Council.
- The application Ref 05/67971/001, dated 3 June 2005, was refused by notice dated 28 July 2005.
- The development proposed is erection of a detached bungalow with parking.

Decision: The appeal is dismissed

Reasons

1. The site comprises the rear garden of a detached 2 storey corner property that fronts onto Avondale Road and which also has a return frontage to Brooklyn Drive. Although there are bungalows on the opposite side of Avondale Road, the character of Brooklyn Drive is mainly comprised of 2 storey detached houses that front the highway. The application was submitted in outline with matters of siting and access to be determined at this stage. Whilst there are no detailed plans or elevations of the proposed bungalow, it is evident that the structure would be sited close to the back edge of the footpath and with very little distance between it and the fence of the adjoining garden to the rear. Hence, the windows to the principal rooms and the amenity space for the dwelling would be arranged to either side of the proposed dwelling. Therefore, the principal elevation would not face the road, whereupon both the style and layout of the dwelling would be out of keeping with the predominant character of the road.
2. Furthermore, its incongruous appearance would be accentuated by the fact that the road has a dog-leg at this point, whereby the proposed bungalow would project in front of the established building line of the dwellings to the east. I consider this combination of incongruity and prominence would result in visual harm to the street scene, which, to my mind, would outweigh the appellant's assertion that the proposal would add to the diversity of dwellings in the area and utilise an unused area of garden.
3. In addition, given the comparatively wide street frontage of the plot and its very shallow depth (between 5.1m and 8.2m), the intended occupants would be afforded very little privacy either within the proposed dwelling or its garden due to the standard development control restrictions upon the height of front boundary walls or fences. As such, the proposed development would be contrary to Policies H2 and D1 of the Havant Borough District-wide Local Plan adopted in September 2005 and I conclude the appeal should not be allowed.

APPENDIX D

Appeal Decision

Site visit made on 16 November 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2020

Appeal Ref: APP/X1735/W/20/3257320

17A-17B Avondale Road, Waterlooville PO7 7ST

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 Ms Linda Gutteridge against the decision of Havant Borough Council.

The application Ref APP/20/00146, dated 18 February 2020, was refused by notice dated 28 May 2020.

The development proposed is construction of 1 no. 2 bed bungalow to the rear of 17A/B Avondale Road, with access via Brooklyn Drive

Decision

1. The appeal is dismissed.

Procedural Matter

2. The decision notice cites policies from the Pre-Submission Havant Borough Local Plan 2036. This plan is yet to be submitted for examination and there can be no certainty that its draft policies will not change. I have therefore attached emerging local plan policy very limited weight.

Main Issues

3. The main issues are:
 - a) the effect of the proposal on the character and appearance of the area;
 - b) the effect on surface water drainage in the locality of the site; and
 - c) whether the proposal would provide adequate private amenity space for the occupants of the new dwelling and Nos 17A/17B Avondale Road.

Reasons

Character and appearance

4. The site comprises the rear garden of a detached two-storey property fronting onto Avondale Road. The building lies on a corner and its garden has a return frontage onto Brooklyn Drive. Although there are bungalows along the south side of Avondale Road, Brooklyn Road is characterised by a homogenous development of two-storey family houses.
5. The proposed bungalow would be set back off the pavement but it would nevertheless be a prominent feature in the street scene. Brooklyn Road does a

dog leg in the vicinity of the site and this would place the development in direct line of sight when exiting the cul-de-sac. The new dwelling would be built up against the boundary with 15 Avondale Road and as such it would fill almost the full depth of this shallow site. The small areas of private amenity space provided for the future occupiers of the development and retained for the existing ground floor flat of No 17A/17B would be at odds with other properties in the area which are characterised by more generous gardens.

6. The resultant effect would be a development which is unduly cramped. In seeking to fit the restricted dimensions of the plot, rather than reflecting the prevailing pattern of development in the area, the development would look contrived and out of keeping with its more spacious surroundings. For this reason, it would cause material harm to the character and appearance of the area. There would be conflict with Policy CS16 of the Havant Borough Core Strategy (2011) (HBCS) insofar as it seeks a high standard of development which responds to, draws inspiration from and respects local context.

Surface water drainage

7. The site lies in Flood Zone 1 which indicates a low probability of flooding. However, local residents report that the area routinely floods. Information from the lead local flood authority suggests that there is a culverted watercourse to the rear of the gardens in Avondale Road. The precise route of this watercourse is unknown but there is a risk that the proposal could sever the outfall. There is a possibility that the culvert is already blocked to the north-west (upstream) and that the flow path is above ground. In such circumstances, the proposed bungalow would provide an impediment to the flow of water; no information is provided to show how water could flow around the site.
8. The appellant's structural engineer has suggested a piled foundation solution. Such a construction method is an option, but without investigations to locate the hidden watercourse it brings the threat of damage to underground pipes which itself could cause flooding.
9. I have noted the other suggestion from the structural engineer that the ground floor of the bungalow be suspending and raised above the external ground. This would have implications for the appearance of the development, but in flood risk terms it does not address the above concerns.
10. It is proposed that surface water drainage be through infiltration techniques but there is no substantive evidence in the form of percolation test data to demonstrate that this would work. The need to establish the viability of soakaways is particularly important given the history of flooding in the area.
11. Accordingly, I conclude that there is inadequate evidence to demonstrate that the proposal would not increase the risk of flooding on the site and elsewhere. This is fundamental to the principle of development and therefore it would be inappropriate to require the information by means of a planning condition. The proposal would therefore conflict with HBCS Policy CS15 and the National Planning Policy Framework insofar as these seek to minimise flood risk.

Private amenity space

12. The Havant Borough Council Borough Design Guide Supplementary Planning Document (2011) does not stipulate minimum garden sizes. The guidance recommends that gardens for two-storey homes should be a minimum of 10 m

in length, but this is to provide appropriate daylight and to minimise overlooking. The primary aim within the guidance is to ensure that all residents have access to private amenity space whether that is the back garden of a house, a private shared space, or balcony of an apartment.

13. The proposed bungalow would be provided with an enclosed garden measuring 54 m². A similar sized garden would be retained for the existing ground floor flat. The Council contends that this would be inadequate for the purposes of 2-bed properties which could accommodate a small family.
14. The garden sizes provided within the appeal scheme would certainly be small, especially by the standards of other properties in the area. Although they would not be of a good size for families with children, they would be adequate for other types of household for whom gardening and outdoor play space are often not priorities. Whilst there will be occasions where larger gardens are necessary, I am not convinced that those circumstances apply here. The proposal would contribute to the mix of homes available in the Borough and it would provide an acceptable level of private amenity space for future occupants. There would be no conflict with HBCS Policy CS16 as regards the quality of the future living environment.

Other Matters

15. The appellant acknowledges that financial contributions are required in line with Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 to mitigate the adverse impact of the development on the Solent European sites. However, there is no planning obligation before me to secure the relevant contribution. Since I am dismissing the appeal for other reasons my decision does not turn on this matter.
16. I have considered all other issues raised in evidence, including the parking and highway safety concerns of residents and the pre-application advice provided by the Council. I have also taken into account the overgrown nature of the site and the benefits of delivering an additional home. However, these matters do not lead me to a different overall conclusion.

Conclusion

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

Robert Parker

INSPECTOR