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# Appeal Decision

Site visit made on 25 October 2016

**by J J Evans BA (Hons) MA MRTPI**

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

**Decision date: 14 November 2016**

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**Appeal Ref: APP/J1725/W/16/3144830**

**11 Brockhurst Road, Gosport, Hampshire PO12 3AJ**

- 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 T Lazenbury against the decision of Gosport Borough Council.
  - The application Ref 15/00004/FULL, dated 31 December 2014, was refused by notice dated 25 September 2015.
  - The development proposed is the conversion of outbuilding to one-bedroom dwelling including construction of rear extension (following removal of existing).
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The Council determined the application with regard to the policies in the Gosport Borough Local Plan Review (2006) (LPR) and the emerging Gosport Borough Local Plan (LP). Since the refusal of the application, the LP has been adopted. The Council have stated that the LP is the development plan under which the appeal must be considered. The appellant has commented on the recently adopted LP with regard to the appeal proposal. I am obliged to determine the appeal against the most up-to-date policy and have considered it on this basis, and am satisfied that natural justice would not be breached.
  3. The Council refused the application for eight reasons, with the seventh and eighth being for the absence of adequate provision for outdoor play space, transport infrastructure, services and facilities. The Council's Community Infrastructure Levy was adopted in October 2015. The Council have stated there is no longer a requirement to secure contributions for these through a legal agreement, and consequently are not seeking to defend these refusal reasons. I have determined the appeal on that basis.
  4. The elevation and floorplan drawings submitted for the appeal were neither annotated nor scaled. The Council have confirmed these were the drawings considered in refusing the application, and have advised that the scale for both drawings is 1:100. As this is consistent with the information shown on the site plan, I have considered the appeal in that respect.
  5. From my site visit it was apparent that the existing stairs within the building are not as depicted on the submitted drawings. Nevertheless, for the avoidance of doubt I have determined the appeal on the basis of the drawings refused by the Council.
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## **Main Issues**

6. The main issues are *firstly*, the effect of the proposed conversion and extension of the outbuilding on the character and appearance of the area; *secondly*, whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to internal and external space, and refuse, recycling and cycle parking arrangements; *thirdly*, whether the proposal would make adequate provision for vehicle parking, having regard to the effect on highway and pedestrian safety; and *fourthly*, whether adequate provision is made for mitigation measures for the effect of the proposal on the Portsmouth Harbour Special Protection Area, the Solent and Southampton Water Special Protection Area, and the Chichester and Langstone Harbours Special Protection Area.

## **Reasons**

### *Character and Appearance*

7. The appeal property lies within a predominantly residential area, within which there is a mix of housing of varying ages and styles. 11 Brockhurst Road is one of several large and imposing dwellings that front this road, and like its neighbours, these properties have deep rectangular-shaped rear gardens in which there are garages and outbuildings. There is vehicular access to the rear of these houses from a service road, the use of which is also shared by the some of the properties at Burnett and Hartington Roads.
8. The conversion of the outbuilding would when combined with the proposed extension, provide a one bedroomed dwelling with part of the rear garden of No 11 being subdivided to provide outdoor amenity space. The Council have raised no objection to the form of the building. However, the converted and extended building would have a notably residential appearance that would be at harmful odds with the utilitarian and subservient form of buildings and uses in and around the service road. Moreover, the proposed dwelling would not have an active frontage and the absence of a legible connectivity with the public realm would be unacceptably different to most of the residential properties within the surrounding area.
9. Furthermore, the subdivision of the garden would appear unduly cramped. I appreciate there are a variety of garden sizes within the area, and that close by there has been residential infill development. The subdivision of No 11's garden would result in a small outdoor space for the proposed dwelling that would have to provide for day-to-day living requirements, including bin and cycle storage. As there would be little opportunity for these facilities to be located elsewhere their provision in the proposed garden would make it unacceptably cramped and cluttered.
10. The appellant has pointed out that there are other backland buildings in the area, and that the appeal buildings are currently underutilised. But at the time of my visit the buildings were being used for storage and as a dark room. I accept there are a variety of buildings around the service road, but they have clearly utilitarian appearances, reflecting the subservience they have with the dwellings they serve.
11. I find that the proposal would unacceptably harm the character and appearance of the area. My attention has been drawn by the appellant to the National

Planning Policy Framework (the Framework) that seeks the delivery of a wide choice of high quality homes. However, the Framework also seeks the promotion or reinforcement of local distinctiveness. The provision of a dwelling in this location would neither accord with this objective, nor that of LP Policy LP10 as this policy seeks, amongst other things, well designed development that respects the character of an area.

### *Living Conditions*

12. Even with the side and rear extension, the size and layout of the proposed dwelling would provide future occupiers with unsatisfactory living conditions. The appellant has pointed out that the size of the proposed dwelling would meet the Nationally Described Space Standards for a two person, one bedroom dwelling.
13. Nevertheless the internal layout of the dwelling would be such that the space within the rooms would be much restricted by the provision of the staircase and the doorways, both internal and external. Day to day living requirements would be constrained by the size of the building and its layout, and this would not be the good standard of amenity for all existing and future occupants as sought by the Framework. Whilst the provision of a dwelling would meet some of the objectives of LP Policy LP24 with regard to previously developed land, it would not meet the requirements of LP Policy LP10 or the guidance within the Council's Design Guidance: Supplementary Planning Document (2014), that seek amongst other things adaptable, flexible and well-designed homes.
14. The position of the dwelling fronting the service road would necessitate bin, recycling and cycle storage having to occur within the rear garden. How this would be accessed is not clear, but it would be likely to involve passing through the house. Furthermore, the provision of these facilities would reduce the usable area of the garden, adding to the harm I have already identified. In such circumstances conditional requirements would not overcome this matter, and as such the proposal would fail to meet the requirements of the LP policy and the Framework referred to above. Nor therefore would it provide the integrated good quality secure cycle parking sought by LP Policy LP23 and the Parking: Supplementary Planning Document (2014).

### *Parking Matters*

15. The Council require the provision of a single parking space. Whilst the appellant considers parking could occur at the end of the service road, it is not clear whether this land is within the ownership of the appellant. Notwithstanding this, the narrow width of this shared road would necessitate reversing either into or out of the proposed space for a considerable distance, including manoeuvring around a corner. Furthermore, the service road provides a pedestrian link between Brockhurst and Burnett Roads. Parking within the service road would for the reasons given pose an acceptable risk to other users, including pedestrians. Whilst I accept there is unrestricted on-street parking nearby, it would be some distance away from the appeal site. The proposal would not therefore be provided with the adequate, safe and convenient parking provision that is required by LP Policies LP10 and LP23.

### *Special Protection Area*

16. The international wildlife importance of the Solent is reflected in the designation of the Portsmouth Harbour, the Solent and Southampton Water, and the Chichester and Langstone Harbours Special Protection Areas (SPAs). LP Policies LP34, LP42 and LP44 seek to protect these areas, and planning permission will not be granted for development which would adversely affect nature conservation and the integrity of these internationally important sites.
17. Natural England has advised all net increases in residential development within the 5.6km zone of influence are likely to have a significant effect on these SPAs, either alone or in combination with other developments. Avoidance and mitigation measures are required to address the increased recreational pressure from future residents to protect the integrity of the SPA. In this instance the Council seek a financial contribution to contribute towards a package of mitigation measures, including access management, rangers and project officers. From the evidence before me, including the Council's Statement of Case and Case Officer report, and the above referenced LP Policies, the required contribution would satisfy the three tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the Framework.
18. The appellant considers a suitably worded condition could be imposed to undertake the mitigation. However, the Planning Practice Guidance (PPG) makes it clear that conditions requiring the appellant to enter into an agreement to secure a contribution before development can take place are not appropriate in the majority of cases. The provision of a single dwelling would not be the development identified in the PPG to make an exception. Consequently the proposal would not make adequate provision to protect the SPAs, and their integrity would be adversely affected. This would be contrary to the above referenced policies and the requirement of the Framework to minimise the impact of development on biodiversity.

### **Conclusion**

19. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

*J J Evans*

INSPECTOR