

Appeal Decision

Site visit made on 5 December 2016

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 28 December 2016

Appeal Ref: APP/J1725/W/16/3155125

Unit 3-4, Camden Street, Gosport, Hampshire PO12 3LU

- 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 John Bland of TecSew Ltd against the decision of Gosport Borough Council.
 - The application Ref 16/00059/FULL, dated 26 January 2016, was refused by notice dated 30 June 2016.
 - The development proposed is demolition of existing B2 unit and erection of 7x new 2-3 bed dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Revised plans were submitted during the course of the planning application. My determination of this appeal has been made based on those plans.

Main Issues

3. The main issues in this case are:
 - a) the effect of the proposal on the character and appearance of the area;
 - b) whether the development would provide acceptable living conditions for future occupiers, with particular regard to external amenity space;
 - c) whether there would be sufficient off-street parking to prevent harm to the safe and efficient operation of the highway and the amenity of existing residents; and
 - d) whether arrangements for the storage of refuse would be satisfactory.

Reasons

Character and appearance

4. The appeal site lies on the east side of Camden Street and comprises an industrial unit together with associated yard and parking area. The surrounding area is mainly residential, characterised by terraced housing fronting directly onto the pavement. The pattern of deep narrow plots has been disrupted by the industrial unit and modern flatted schemes to the south and east of the site but otherwise the urban grain is well defined.
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5. The proposed housing would be terraced and in this regard it would reflect the character of the neighbourhood. However, the axis of the terrace would be perpendicular to the street with the majority of dwellings addressing a private parking court. This arrangement would be at odds with the prevailing grain of development and the sense of enclosure provided by buildings fronting the street.
6. During my visit I saw that much of the existing terraced housing in the area benefits from modest rear gardens. The proposed development would not provide back gardens due to the fact that the dwellings would be pushed up against the southern site boundary. This aspect of the development would fail to respect its surroundings.
7. The Council raises concerns regarding the architecture of the building itself. It is evident that the appellant has made a conscious decision to pursue a modern design solution. Such an approach is not precluded by development plan policy. However, the policy requirement is for schemes to respond to the character of the area and reinforce local distinctiveness. It therefore follows that contemporary design will be most successful where it takes cues from its context.
8. The terraced housing in Camden Street has a strong rhythm created by repetitive plot widths, vertically proportioned fenestration and the different colours and materials used for individual properties. In my view, the proposal would fail to echo these distinctive characteristics and as a consequence it would lack affinity with the local townscape. Furthermore, the prominent south facing elevation would have undue horizontal emphasis and its appearance would be bland and unattractive. This would add to the harm.
9. Policy LP10 of the Gosport Borough Local Plan 2011-2029 (GBLP) (2015) makes clear that planning permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It states that new development should be well-designed to respect the character of the Borough's distinctive built and natural environment. In my judgement, the proposal would conflict with the requirements of this policy. Notwithstanding any visual benefits afforded by the demolition of the industrial unit, I conclude that the development would be materially harmful to the character and appearance of the area.

Living conditions

10. Relevant advice on the provision of external amenity space is set out in the Council's Design Guidance: Supplementary Planning Document (2014) (Design SPD). This states that an important component of good quality residential design is the provision of useable outside private space where residents can take advantage of fresh air and direct access to the natural environment. The guidance does not contain any minimum size standards, although it does advise that a rear garden length of 10.5 metres would provide a functional area of private outdoor space.
11. None of the proposed dwellings would have a rear garden. Instead, they would each be provided with a garden to the front of the property. These areas would average 20 square metres in size, with the smallest measuring approximately 15 square metres. The development would comprise a mixture of 2-bed and 3-bed dwellings. Although modestly sized, these units would be suitable for small families. It is particularly important that such households are provided with

outdoor space for activities such as general relaxation, clothes drying and children's play. The Design SPD states that the space should also allow for a certain measure of privacy.

12. Having regard to the above, I consider that the proposed gardens would be too small to meet the day-to-day needs of the household – particularly in light of the fact that some of the space would be taken up by cycle parking. Moreover, the garden areas would be overlooked from the public realm and therefore they would lack privacy. They would also be overshadowed by the building due to their northern aspect. Taking these factors together, the front gardens would not be useable or of adequate quality.
13. The appellant contends that the gardens would be larger and no less private than those in Camden Terrace which adjoins the site. However, this layout is not typical of the wider area and does not justify substandard provision in a new development. I saw that the majority of dwellings in the local area have more generous rear gardens with a much greater degree of privacy.
14. It is put to me that Lansdowne House lacks any form of garden provision. However, this is a flatted development and as such its requirements for external amenity space are not directly comparable to those of family housing. Furthermore, whilst I acknowledge that there is public green space a short distance away on Forton Road, this is no substitute for private outdoor space which should be provided with each new dwelling as required under Key Design Principle 9 (Residential Amenity) of the Design SPD.
15. Accordingly, I conclude on this issue that the lack of suitable external amenity space would lead to unacceptable living conditions for future occupiers of the development. The scheme would therefore conflict with Policy LP10 of the GBLP, insofar as it seeks safe and high quality neighbourhoods, and residential development which has regard to the guidance that is set out in the Design SPD.

Car parking

16. The Council's parking standards are contained in the Parking: Supplementary Planning Document (2014) (Parking SPD). The standards vary depending upon whether the parking is allocated or unallocated. The appeal scheme falls into the latter category. The minimum requirement is for 11 parking spaces, plus an additional space for visitor parking¹. The Council calculates the latter at 2 spaces, but this figure is incorrect. The Parking SPD makes clear that the figures should only be rounded up where the application of the car parking standards give rise to a fraction of a space value of 0.5 or greater.
17. The submitted plans make provision for a total of 10 off-street parking spaces. The scheme is therefore deficient by 2 spaces when measured against the Council's adopted standards. The appellant argues that this shortfall would be met by additional on-street parking created following the removal of parking restrictions in front of the existing loading bay. However, there is evidence that these spaces are already in regular use for parking, indicating that parking in the local area is under stress. There is no parking survey to satisfy me that there is spare on-street capacity. As a consequence, I consider that a relaxation of the parking standard has not been properly justified.

¹ 1.5 spaces per 2 bed unit, 1.75 spaces per 3 bed unit and an extra 0.2 spaces per dwelling for visitors.

18. I acknowledge that the industrial unit is already substandard in terms of the off-street parking it provides. However, parking is less likely to be an issue in the daytime when local residents are at work, as evidenced by the plentiful supply of kerbside parking at the time of my visit. Consequently, the uses are to a large extent complementary. In any event, the current deficiency in parking is not justification for providing inadequate parking in the new scheme.
19. The Council states that some of the parking and manoeuvring spaces would not comply with the minimum dimensions required by the Parking SPD. However, I consider that these aspects of the scheme would be acceptable.
20. Policy LP23 of the GBLP and the Parking SPD jointly seek to ensure that all new development is provided with sufficient convenient parking to meet its reasonable needs. In the absence of any evidence to demonstrate that sufficient on-street capacity exists to accommodate overspill parking, I conclude that the appeal scheme would threaten the safe and efficient operation of the highway and the amenity of existing residents by reducing their ability to park in locations convenient to their homes. As such, it would conflict with the aforementioned development plan policy and guidance.

Refuse storage

21. The development would include refuse storage not within individual domestic curtilages, but using a communal bin store. This would be located adjacent to the public highway with a sliding entrance gate. There is no dispute that the store would be able to accommodate the number of wheeled bins required by the development. However, the Council is concerned that not all bins would be accessible.
22. The Design SPD states that where communal bin areas are provided there must be sufficient room for access to each individual bin, to be opened from the front and space to lift waste/recycling and place in bin. Self-evidently this would not be the case for the appeal scheme. Residents would need to pull bins out onto the pavement in order to access those at the back. This would be impractical and wholly unsatisfactory.
23. The Council further argues that the refuse storage arrangements would have a detrimental effect on the occupiers of the proposed 3-bed property at the western end of the terrace. The Design SPD advises that the siting and design of communal bin stores should have regard to the impact of noise and smell on the occupiers of neighbouring properties. Given the proximity of the bin store to the adjoining garden and the volume of refuse stored therein, it seems to me that odour nuisance would be extremely likely.
24. I note that residents of the scheme would need to carry their refuse along a narrow pathway between the parking spaces and their front property boundaries. This route would be unduly narrow and it would also hinder access by cycles and pushchairs, particularly if vehicles are overhanging the pathway. This further weighs against the scheme.
25. I therefore conclude that the arrangements for refuse storage would constitute poor design, contrary to Policy LP10 of the GBLP.

Other Matters

26. The decision notice includes a reason for refusal in relation to the inadequacy of cycle parking. The Council concedes that the objection could be overcome using a planning condition to secure details of cycle parking in accordance with the relevant standards. Consequently, it is not an issue which is central to my decision.
27. The Council refers to the need for a financial payment to mitigate the adverse impact on the Solent Special Protection Areas, in accordance with the Gosport Bird Disturbance Mitigation Protocol (2015). The appellant states that payment was made on submitting the application. However, there is nothing before me to confirm that the monies have been properly secured. In any event, I am dismissing the appeal for other reasons and therefore the decision does not turn on the matter.
28. It is alleged that the Council has been inconsistent with its treatment of other applications which were on the same committee agenda. However, I do not have full details of those cases and cannot establish whether there are any direct parallels. I have determined the appeal on its own merits, as I am required to do.
29. I note that submissions from residents of Camden Terrace raise concerns regarding the implications for their present parking arrangements. However, disputes over landownership are generally civil matters that are not for me to consider in the context of an appeal under s78 of the Act. I have therefore confined my considerations to the planning merits of the case.
30. I have taken into account all other matters raised in representations, but none is of such strength or significance as to outweigh the considerations that led me to my conclusions.

Conclusion

31. Drawing matters together, I have established that the development would make inadequate provision for external amenity space, refuse storage and off-street parking. I have also found that the scheme would be materially harmful to the character and appearance of the area. These harmful impacts would be significant, individually and cumulatively, and in my judgement they would outweigh the benefits of the scheme in terms of housing delivery and any assistance it would provide to relocating the appellant's existing business.
32. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR