
Appeal Decision

Site visit made on 7 February 2017

by Kenneth Stone BSc Hons DipTP MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/J1725/W/16/3160854
Boat Shed, Haslar Road, Gosport PO12 1HT

- 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 S Smedley against the decision of Gosport Borough Council.
 - The application Ref 16/00005/FULL, dated 22 October 2015, was refused by notice dated 29 June 2016.
 - The development proposed is described as the 'construction of a two storey detached house following the demolition of an existing boat shed'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regard to privacy, outlook, the provision of private amenity space and internal space;
 - Whether the proposed development makes adequate provision for vehicle and cycle parking;
 - Whether the proposed development makes adequate provision for the mitigation of the effect of the proposed development on the Portsmouth Harbour and Solent and Southampton Water Sites of Special Scientific Interest, Special Protection Areas and Ramsar Sites; and
 - Whether the proposed development would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

Character and appearance

3. The appeal site is presently occupied by a single storey boat shed in relatively poor condition. It is bounded on all sides by public footpaths and fronts onto Haslar Road. The general area is of mixed character close to Haslar Marina and
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accommodating an eclectic mix of building styles and forms. There is no strong distinctive character or use of materials in the immediate area, with properties to the north being, primarily residential, of two and three storeys, of dark brick construction and incorporating balconies. Opposite the site is a collection of buildings, in commercial use, in bright colours with render at ground floor and wooden cladding at upper floors.

4. Whilst there is little to co-ordinate the architectural styles of surrounding properties they are set back from the road and footpaths, and have landscaping or shallow gardens behind fences separating them from the roads and footpaths. The buildings are therefore not directly abutting the footways as would be the case for the appeal building. The proposed detached house would in effect take up the whole of the site with the footprint of the house and the adjoining car port. The building would appear as an isolated element in the street directly abutting the public highway and footways and would appear as a very strident and dominant element.
5. The site is located on the outside of the bend on the approach to Haslar bridge and therefore holds a prominent position; the forward position of the site and lack of space would result in the proposed building being much closer to the footway and road than other buildings in the area and accentuate its prominence.
6. The design of the building whilst seeking to take design references from the buildings opposite would be read in relation to the buildings on this side of the road and appear as an oddity in the street. The integration of a car port and terrace over would add further elements which are unrepresentative of development in the locality and further add to the alien appearance of the proposed property.
7. Overall the proposed development would appear an incongruous addition to the street, excessively strident and dominant in this prominent position and would therefore detract from the character and appearance of the area. Consequently, it would conflict with policies LP10 and LP24 of the Gosport Borough Local Plan 2011-2029 (GBLP) which seek to ensure high quality development.

Living conditions of future residents

8. The appellant points out that the Council has no standards against which to assess the residential environment and contends that the scheme complies with the national space standards for a two bed room three person house. The Council do not dispute this and from the plans and details of the scheme it would appear the proposed house would make provision in accordance with the national space standards. These are however only standards related to internal floor space, and which is only one aspect of the matters that would describe and contribute to the living conditions of future residents.
9. The Council note that the only open amenity space provided for the future occupiers would be the elevated terrace above a car port, which would have an outlook to Haslar Road Bridge and the marina areas. Given the lack of separation between the proposed building and the site boundaries and the immediate public space and footways adjacent there would be a lack of privacy for future occupiers in this area. Whilst it is elevated, people using the surrounding footpaths and marina spaces would have views into this space and

the only way to protect that would be to employ screening that would reduce outlook for the future residents. This is not a satisfactory arrangement and would result in poor accommodation for the future occupiers.

10. The ground floor windows to the property would all be on the back edge of footways with no intervening amenity space or other form of mitigation to prevent or reduce clear views into the ground floor rooms, including the main living room, study and kitchen. When added to the lack of privacy for the outdoor space this lack of privacy would make for a poor living environment for future occupiers.
11. Overall, albeit that the scheme would provide for internal space standards that meet the national standards, the overall level of privacy, outlook and private outdoor amenity space is such that the development would not provide for acceptable living conditions for future occupants. Consequently the proposal would conflict with policies LP10 and LP24 of the GBLP which amongst other matters require well designed high quality sustainable homes. These policies are consistent with the National Planning Policy Framework (the Framework) which advises the planning system should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land.

Parking provision

12. The Council's Parking Supplementary Planning Document (Feb 2014) (SPD) is linked to policy LP23 of the GBLP. The policy requires, amongst other matters, that provision is made for parking of cars and cycles. The standards in the SPD would require two car parking spaces and two cycle spaces for a development of the nature of that the subject of this appeal. The car port makes provision for one car space and there is surplus space. I am of the view there would be sufficient space within the car port to accommodate two bicycles and this matter could be secured through the imposition of a suitably worded condition.
13. There is a shortfall of one car space against the standards but as noted by the appellant Haslar Road has parking restrictions and therefore there would be unlikely to be parking in the vicinity of the site. The development would not lead to indiscriminate parking on the highway affecting the free flow of traffic, given these restrictions.
14. I am also conscious of the proximity of public transport and the nature of the accommodation and road layout. I would suggest it would be unlikely that anyone would park outside the property for any period of time given the proximity to the bridge the traffic lights, parking restrictions and road layout. I am not convinced that the lack of parking as such is sufficient to resist the proposals and would not result in material harm. The provision of cycle parking and proximity to public transport would provide alternative sustainable means of transport.

Sites of Special Scientific Interest, Special Protection Areas and Ramsar Sites

15. Policy LP 42 of the GBLP indicates that planning permission will not be granted for development that affects the integrity of internationally important sites and that all residential development will be required to avoid or mitigate likely significant effects. The development of single properties with additional occupation would in combination add additional recreational pressure on these

important sites and therefore any such impact needs to be mitigated. The Council has a Solent Recreation Mitigation Partnership.

16. The applicant does not dispute that the scheme as a residential development would lead to additional recreational pressure on the designated sites and has stated that in the event the appeal is allowed a condition is suggested under Regulation 75 of the habitats Regulations. However I have no planning obligation securing the required contribution and I have no evidence that a condition is a suitable mechanism to secure such, given the advice in the Planning Practice Guidance on conditions securing financial contributions and planning obligations. Given the nature of the sites that may be affected and that I must adopt a precautionary principle I have insufficient information before me to conclude that the proposal would not result in likely significant effects and therefore the scheme should not proceed in such circumstances.

Flood risk

17. Whilst the Council did not refuse planning permission on the grounds of flood risk it has raised the issue in its response to this appeal. There is national advice in the Framework on flooding and this is a material consideration in the determination of this appeal. I note that the appellant has submitted a Flood Risk Assessment with the application but this suggests that neither a sequential nor exception test is required as the scheme is small scale.
18. The appeal site is in flood zone 3. The sequential test requires that development should be directed towards the lowest possible flood zone. In this case that would mean that if there were sites that could accommodate a development of this nature in zones 1 or 2 the sequential test would be failed. The appellant has not undertaken the sequential test. The Framework at paragraph 100 advises that assessment should apply a sequential, risk based approach to the location of development to avoid where possible flood risk to people and property and manage residual flood risk. Paragraph 101 goes on to advise that the purpose of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
19. The Environment Agency standing advice for Minor extensions is not applicable to this development. The scheme is for a more vulnerable use and their advice is applicable to the scheme in that regard. As a more vulnerable use the development would require an exception test to be undertaken. The Environment Agency's advice makes reference to the need to carry out a sequential test before moving forward with a site specific Flood Risk Assessment.
20. As the site has not been sequentially tested or had an exception test carried out it does not comply with the guidance in the Framework and associated technical guidance. On that basis the evidence does not exist to enable me to conclude that the site is located in the lowest possible flood zone or that it meets an acceptable exception. I therefore conclude that it would lead to increased flood risk to people and property and conflicts with the advice in the Framework.

Overall conclusions

21. The proposal would result in material harm to the character and appearance of the surrounding area, would not provide adequate living conditions for future residents, would have likely significant effects on the SSSI, SPA and Ramsar sites and would increase flood risk to people and property. Consequently the proposal does not meet the environmental and social roles required to ensure it would be sustainable development and it would conflict with the development plan.
22. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR