
Appeal Decision

Site visit made on 21 February 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 7 April 2017

Appeal Ref: APP/A1720/W/16/3161637

Wheatsheaf Inn, 1 East Street, Titchfield, Fareham PO14 4AD

- 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 David Humphrey against the decision of Fareham Borough Council.
 - The application Ref P/16/0711/FP, dated 22 June 2016, was refused by notice dated 14 September 2016.
 - The development proposed is construction of two-storey dwelling and alterations to public house curtilage.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council's decision notice includes an objection on the basis of the proposal's effect upon the Solent Coastal Special Protection Areas. However, in its subsequent planning statement the Council states that its objection on this basis has been addressed following a commuted payment secured under section 111 of the Local Government Act 1972. I return to this matter later in my decision.

Main Issues

3. The main issues are:
 - i) Whether the proposal would provide for a satisfactory living environment for future residents, and
 - ii) The effect upon parking provision, highway safety and local traffic conditions.

Reasons

Living environment for future residents

4. The Fareham Borough Design Guidance Supplementary Planning Document 2015 (FBDGSPD) requires that a garden length of at least 11m should be provided for new dwellinghouses. The rear garden for the proposed dwelling would measure 8m in length and have a fairly narrow width. The dwellinghouse contains three bedrooms and therefore it is very possible that it might be occupied by a family including children.
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5. Although the appellant draws attention to other dwellinghouses with small gardens in the vicinity of the site, no specific details are provided of their particular circumstances. Indeed from my observations several other dwellinghouses with similarly constrained gardens are of a smaller size than the appeal proposal.
6. Each case needs to be considered on its merits and in this case it has not been demonstrated that the rear garden would provide adequate private amenity space for the proposed three bedroom dwelling, contrary to the FBDGSPD.
7. The proposed waste, recycling and keg storage area would be located close to the proposed rear garden. Refuse and recycling areas in connection with licensed premises can be particularly noisy given the need to dispose of glass bottles. Whilst the proposed enclosure would reduce levels of noise and disturbance to a certain extent, noise would still be likely to be audible in the adjacent rear garden. This would further reduce its suitability as a private amenity space for a family dwelling.
8. Given its proximity to habitable room windows of the proposed dwellinghouse, it would also result in the likelihood of unacceptable noise and disturbance for the occupiers. This likelihood of noise and disturbance for future occupiers of the proposed dwellinghouse would be exacerbated by the location of the first floor bedroom window immediately adjacent to the shared parking/servicing area.
9. I note that the existing refuse area is located adjacent to the rear garden of the existing neighbouring dwellinghouse. However, this arrangement is likely to pre-date current planning policies and I do not consider it appropriate to re-introduce such a relationship in the context of a new development, noting the aim in paragraph 17 of the National Planning Policy Framework to always seek a good standard of amenity for future occupants of buildings.
10. Furthermore, I consider that limited harm would arise from the shared parking area for both the new dwellinghouse and the public house. Whilst I acknowledge that similar relationships might be in evidence in older urban areas, there would be some potential for conflict between residents accessing their vehicles and servicing vehicles in association with the public house.
11. As a result of these factors I consider that the proposal would not provide for a satisfactory residential living environment for future occupiers of the dwellinghouse. This would be contrary to the relevant design aims of policy CS17 of the Fareham Borough Core Strategy 2011, the FBDGSPD and the National Planning Policy Framework.

Highway safety and local highway conditions

12. The existing parking and servicing area provides opportunity for both a limited amount of car parking and servicing though I understand there to be some existing conflict between the two as it cannot be fully utilised for car parking when servicing is taking place.
13. Tracking drawings provided with the application demonstrate that the resulting parking/servicing area could still be used for deliveries following the proposed development. Indeed there may be some advantage in this respect as deliveries could take place without displacing the five car parking spaces

indicated on the proposed drawings (two of which are allocated for the proposed dwellinghouse).

14. Whilst there are no marked spaces, I am satisfied that the existing yard can accommodate up to 8 space, albeit with some tandem parking. Although the actual number of parking spaces lost is not agreed by the parties, I am clear that the proposed development would result in the loss of some car parking, including one on-street parking space, in comparison with the existing situation. However, this loss of parking spaces would be fairly limited and, whilst both the existing and proposed provision is below the Council's standards, it appears to me that a large proportion of existing customers are unlikely to park in this car park in any case, or would arrive or foot or by other means of transport.
15. The location of the free community car parking close to the site is a material consideration of significant weight in this regard. At my site visit, I noted the fairly short walking distance from this car park to the public house and there seems no reason why customers arriving by car would not wish to park in there, rather than the constrained yard area or on-street where parking opportunities appear to be limited. Whilst I note that the community car park is busier on some days than others, it is a reasonably sized car park and it would appear to provide available spaces for the large majority of the time.
16. There is also no detailed evidence to suggest that there are any significant traffic hazards on East Street in relation to the existing situation and I do not find that the proposal would result in a materially worse situation.
17. For the above reasons, I do not consider that the proposed development would result in any unacceptably adverse impacts upon parking provision, highway safety or local traffic conditions. It would accord with the relevant highway and parking aims of policies CS5 and CS17 of the Fareham Borough Core Strategy 2011.

Other matters

Solent Coastal Special Protection Areas (SPAs)

18. On the basis of the evidence before me and acting in accordance with the precautionary principle, I consider that the proposal in combination with other developments has the potential to result in significant adverse impacts upon the SPAs through the increased recreational use that is likely to result from new residential development. DSP15 of the Fareham Borough Local Plan Part 2 (2015) seeks to ensure that necessary mitigation measures are provided to prevent harmful impacts upon the integrity of the SPAs. The Council requires that relevant proposals make a financial contribution that is consistent with the approach taken in the Solent Recreation Mitigation Strategy.
19. The Council has confirmed in its appeal statement that a commuted payment has been secured under Section 111 of the Local Government Act 1972. The appellant states that a direct financial contribution has occurred and I have been provided with a copy of a Habitats Mitigation Contribution Form in relation to the payment of the sum of £176 as a contribution towards the cost of measures to mitigate the impact of the development upon the SPAs.
20. Nevertheless, I have certain reservations about the payment arrangement in this case. Firstly, the Habitats Mitigation Contribution form before me has not

been signed by the Council. There is therefore no formal receipt of the payment by the Council, nor is there a formal or binding agreement by the Council as to the terms in which the payment has been made. Furthermore, there are no details of the specific kind of mitigation the contribution would provide for in this case. The form also does not have the same legal basis as a S106 agreement. Consequently there is no legal certainty or guarantee that the contribution would be used for its intended purpose and that the necessary mitigation would be secured.

21. From the information before me, I am therefore unable to conclude that the proposal would not adversely affect the integrity of the SPAs. However, as I have found harm in relation to the first main issue, and given that the resolution of the SPA issue would not outweigh that harm, it has not been necessary for me to consider this matter any further in this instance.

Conservation Area

22. The scale, proportions and external appearance of the proposed dwellinghouse would be in keeping with existing residential development in East Street. Infilling part of the existing parking area of the public house, I consider that it would amount to a small enhancement to the character and appearance of the Titchfield Conservation Area. However, whilst this small enhancement would be desirable it would not outweigh the harm I have identified in relation to the first main issue.

Conclusion

23. Whilst I have concluded that no harm would result upon highway safety and local highway conditions, the proposed development would result in unacceptable harm in respect of the living conditions of future occupiers of the development. That harm is the overriding consideration.
24. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR