The Planning Inspectorate

Appeal Decision

Site visit made on 25 April 2017

by J Ayres BA (Hons) Solicitor

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

Decision date: 5th May 2017

Appeal Ref: APP/M1710/W/17/3167645
11 Bridget Close, Horndean, Waterlooville PO8 9NR

- 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 Sellitto Developments Ltd against the decision of East Hampshire District Council.
- The application Ref 54480/007, dated 24 October 2016, was refused by notice dated 19 December 2016.
- The development proposed is the conversion of the existing partially constructed garage into a 1 bedroom detached bungalow within existing footprint and established mass.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the living conditions of the occupiers of the proposal in respect of outside amenity space, (ii) the living conditions of the occupiers of the host dwelling in respect of outside amenity space, and (iii) the character and appearance of the area.

Reasons

Living conditions of the occupiers of the proposal in respect of outside amenity space

3. The area is residential in nature, and the appeal site is part of an estate that is carefully laid out with a mixture of dwelling and plot sizes. The properties within Bridget Close have modest front gardens predominantly laid to grass which assists in creating a sense of openness.

4. Due to the shape of the site and the proposed boundary treatment the outside space is very restricted and would be difficult to use in a functional way. I note the appellant asserts that the amenity space for the proposal is comparable to others in the area. However due to the irregular shape of the site I do not consider these measurements to be a clear representation of the space that is physically provided and capable of being enjoyed.

5. Boundary treatment would be necessary to ensure privacy for the occupiers of the appeal proposal, which would significantly reduce the space further. In addition to this, a considerable part of the site is marked out for the provision of hardstanding for vehicle access and parking. Therefore I do not agree with the appellant's assertion that a substantial area would remain useable. In my view the proposal does not provide adequate outside amenity space.

6. Permission for the garage was granted by the Council in 2012 and I have no evidence to suggest that it has not been built to the approved plans. Therefore I attach significant weight to the fallback position in this appeal. The fallback position is to use the garage for its permitted use, ancillary to 11 Bridget Close. The fallback position introduces additional built form to the amenity space of 11 Bridget Close, however, 11 Bridget Close still benefits from amenity space around the dwelling house itself.

7. In contrast, the appeal proposal would rely on the area of the site that tapers off along the verge of Bridget Close. It is an irregular and ill-shaped piece of land, parts of which, with the addition of boundary treatment, will be practically unusable. In my view the fall back would have no impact on the living conditions of future occupiers, as there would not be any. It is therefore significantly less harmful than the appeal proposal.

8. I conclude in respect of the first issue that there is not any direct conflict with policy CP27 of the East Hampshire District Local Plan: Joint Core Strategy 2014 (EHDLP:JCS) in so far as the policy focuses on the amenity of neighbouring properties. However, I conclude that due to the irregular shape and physical constraints of the appeal site the proposal fails to comply with paragraph 17 of the National Planning Policy Framework by not providing a good standard of amenity for all existing and future occupants.

Living conditions of the neighbouring property in respect of outside amenity space

9. The Council refers in its reasons for refusal as 11 Bridget Close being the existing dwelling on the site. At the time of my site visit the appeal site had been separated from 11 Bridget Close, and as part of the appeal proposal 11 Bridget Close becomes the neighbouring property. As part of the proposal I have considered it as the neighbouring dwelling.

10. I note the Council's concerns regarding the impact of the proposal on the neighbouring dwelling in respect of loss of amenity space.

11. The fallback position introduces an additional built form which does create a physical barrier to the remainder of the site. The introduction of hardstanding to facilitate the use of the garage also removes garden area which might be laid to grass if left undeveloped. Therefore the implementation of the fallback reduces the amenity space of the host dwelling. As the fallback has been implemented it is a matter to which I have attached significant weight.

12. Due to the single storey nature of the proposal and its positioning within the site there would be a limited effect on the privacy of the neighbouring dwelling.

13. Consequently I conclude that due to the single storey nature of the proposal and its positioning within the site there would be a limited effect on the privacy of the neighbouring dwelling and therefore the proposal does not conflict with policy CP27 of the EHDLP:JCS in so far as it seeks to protect the amenity of neighbouring properties.

Character and appearance

14. The appeal proposal has been partially implemented, and as a result the character and appearance of the area has already been affected. I do not consider any additional harm to the effect on the character and appearance of the area to be caused through a change of use of the building itself.

15. As a result I conclude that the appeal proposal does not conflict with policy CP29 of the EHDLP:JCS in respect of its effect on the character and appearance of the local area.

Other matters

16. I have had regards to other matters raised including the effect on highway safety and noise, and the aims of the Horndean Parish Village Design Statement. I am aware of the appellant's willingness to accept conditions relating to permitted development restrictions and soft landscaping, however I do not consider the harm to the outside amenity of the occupiers of the proposal to be capable of being satisfactorily addressed by way of condition.

Conclusions

17. For the reasons given above, I conclude that the proposal would not result in any identifiable harm to the living conditions of the neighbouring property, or any additional harm to the character and appearance of the area.

18. However, the proposal would cause significant and unacceptable harm to the occupants of the proposal in respect of outside amenity space, which could not be overcome by conditions. I have considered all the other matters raised, but in my judgement, the harm to the living conditions of the occupiers of the proposal clearly outweighs any benefits that the scheme would bring. Therefore the appeal should not succeed.

Johanna Ayres

INSPECTOR