The Planning Inspectorate

Appeal Decision

Site visit made on 18 April 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 9th May 2017

Appeal Ref: APP/W1715/W/16/3166052
Land adjacent to Hideaway, 12 Cherry Drove, Horton Heath, Eastleigh SO50 7DS

- 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 Jason Wilkinson of Rivendale Homes Ltd against the decision of Eastleigh Borough Council.
- The application Ref F/16/79103, dated 18 August 2016, was refused by notice dated 8 December 2016.
- The development proposed is conversion of double garage to one bed dwelling house, with associated parking and amenity space.

Decision

1. The appeal is allowed and planning permission is granted for conversion of double garage to one bed dwelling house with associated parking and amenity space at land adjacent to Hideaway, 12 Cherry Drove, Horton Heath, Eastleigh SO50 7DS in accordance with the terms of the application, Ref F/16/79103, dated 18 August 2016, subject to the conditions in the schedule at the end of this decision.

Application for Costs

2. An application for costs was made by Mr Jason Wilkinson of Rivendale Homes Ltd against Eastleigh Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Council has referred to policies in the emerging replacement Borough Local Plan in the reasons for refusal. However, that document has not progressed beyond Examination stage. Therefore, I can only give the emerging plan limited weight.

Main Issues

4. The main issues in this appeal are:

   - The effect of the proposed dwelling on the character and appearance of the area.

   - Whether acceptable living conditions would be provided for the future occupiers, having regard to external amenity space.

Reasons

Character and appearance

5. Cherry Drove is a short, narrow cul-de-sac containing detached dwellings of a mix of ages, styles and scales, occupying generous-sized plots. The dwellings are set back varying distances from the street, with the chalet bungalows at *'Hideaway'* and the adjacent recently erected dwelling to the west both situated close to the frontage. Elsewhere on the street the dwellings are situated deeper in their plots behind ample maturing planting, which helps to soften the appearance of the built forms on their surroundings. Consequently, the street has a pleasantly varied suburban character. It forms part of a wider residential area with similar suburban characteristics. The Council's adopted *Bishopstoke, Fair Oak and Horton Heath Character Area Appraisal Supplementary Planning Document* (CAA SPD), references the varying age, scale, design and plot sizes of the properties along Botley Road.

6. The appeal site comprises a detached double garage and an area of land, both formerly associated with *'Hideaway'*. The proposed dwelling would be arranged over two levels, with the bedroom in the existing pitched roof space. A small scale single storey extension would be erected at the front of the building and new openings would be formed in the existing elevations. Two parking spaces would be sited adjacent to the street, utilising the existing access.

7. The dwelling would occupy a much smaller site in comparison with the prevailing plot size in the rest of the street and the surrounding area. Nevertheless, due to the limited size of the proposed extension the dwelling would not be significantly larger than the existing building. Overall, the dwelling would be quite modest in scale compared with that of dwellings in the surrounding area. It would also be set back much further from the frontage in comparison with the adjacent dwellings. As a result, the dwelling would be viewed as a recessive feature from the street particularly in relation to the adjacent dwellings, and it would not appear visually dominant or overbearing.

8. There would be a substantial open space at the front of the dwelling and between it and the western boundary of the appeal site. Consequently, the dwelling would be comfortably situated within its plot. Therefore, notwithstanding its modest sized plot the dwelling would not appear especially cramped or congested in the street scene compared with surrounding dwellings. The sense of space about the dwelling would also mean that there would not be any reduction in the views between buildings. Accordingly, the dwelling would respect the existing spatial characteristics of the locality by not creating a substantially more built-up feel or significantly eroding the existing degree of openness in the street scene.

9. The land associated with the dwelling was formerly used as part of a residential garden. There would be a substantial external area in front of the dwelling, around half of which would be soft landscaped with boundary planting to extend the adjacent hedge along part of the frontage. This space and the landscape planting would significantly soften the appearance of the dwelling as well as its associated parking and storage areas in street views, to an extent which would not be dissimilar to the effects of the existing planted areas on dwellings elsewhere in the street. Consequently, the setting of the dwelling would not be significantly more harsh or urbanised compared with the existing

situation and it would be broadly consistent with the well planted setting of nearby dwellings.

10. The Council's adopted *Quality Places* Supplementary Planning Document (SPD) sets a minimum size for private amenity space but indicates that garden sizes may need to be larger in suburban areas, where the context requires. The amenity space associated with the dwelling would exceed the minimum size in *Quality Places*, but would be much more modest when compared with the more expansive gardens typically associated with nearby dwellings. Nevertheless, the amenity space would take up a substantial proportion of the plot. For the reasons set out above, its size would assist significantly in softening the effect of the dwelling on its surroundings and it would not appear unusually small. Given the plot sizes of *'Hideaway'* and its neighbour, the appeal site is not immediately adjacent to the most spacious plots in the street. Also, due to the restricted width of the street and existing and proposed planting, the amenity space would be open to limited public views. For all of the above reasons, the size of the amenity space would not be viewed as being obviously more restrictive than the spaces associated with nearby dwellings.

11. I acknowledge that planning permission was refused and a subsequent appeal was dismissed in 2016[1] for the erection of two dwellings to the west of *'Hideaway'*, on grounds of harm to the character and appearance of the area. Even so, for the reasons identified above the current appeal scheme is materially different. I also note that the Council refused a previous application to convert the garage to a dwelling[2]. However, that scheme involved a more significant increase in new built form extending up to the site boundaries. Therefore, the appeal scheme is substantially different.

12. Accordingly, I find that the dwelling would not cause unacceptable harm to the established suburban character and appearance of the surrounding area. Therefore, the dwelling would accord with saved Policy 59.BE of the adopted *Eastleigh Borough Local Plan Review 2001-2011* (LP), as it would take full and proper account of the context of the site including the character and appearance of the locality and it is appropriate in terms of mass, scale, materials, density, design and siting in itself and in relation to adjoining buildings, spaces and views. The dwelling would also therefore be consistent with *Quality Places* in terms of its appropriate response to the site context.

13. Further, the dwelling would be consistent with the CAA SPD, as it would respect the identified character of Horton Heath and would not be at odds with any guidance contained therein. Moreover, the dwelling would be consistent with paragraphs 56, 58 and 64 of the National Planning Policy Framework (the Framework), as it would represent good design which would, amongst other matters, function well and add to the overall quality of the area; respond to local character and reflect the identity of local surroundings and materials; and it would take the opportunity to improve the character and quality of the area and the way it functions. The dwelling would also be consistent with paragraph 53 of the Framework, as it would not cause harm to the local area.

[1] Ref APP/W1715/W/15/3132064.
[2] Council Ref F/16/78527.

Living conditions

14. The size of the amenity space would be almost double the minimum size required in *Quality Places* and would therefore be generous in relation to the size of the dwelling. Consequently, it would afford future occupiers of the dwelling an ample, practical outdoor space for informal relaxation as well as for day-to-day domestic activities such as gardening and drying washing. Given the modest size of the dwelling, future occupiers would be unlikely to require the substantial areas of amenity space associated with larger dwellings in the locality. As a result, the amenity space and the parking and storage areas associated with the dwelling would not create a cramped, poor quality living environment for the future occupiers.

15. Therefore, the dwelling would accord with saved LP Policy 59.BE, which does not contain any relevant criteria concerning safeguarding the living conditions of future occupiers and it would be consistent with *Quality Places* in terms of residential amenity. Moreover, the good standard of amenity for future occupiers would be consistent with one of the core planning principles at paragraph 17 of the Framework and there would be no inconsistency with paragraphs 56, 58 and 64 in relation to this matter.

Other matters

16. The Council acknowledges that it does not have a five-year housing land supply. However, as I have found that the dwelling would accord with the Development Plan, it is unnecessary to consider the dwelling against the other decision taking tests in paragraph 14 of the Framework.

17. Both main parties have compared the dwelling with a recent appeal decision concerning the residential conversion of a garage elsewhere in the Council's area[3]. However, I have determined this appeal on its individual merits. Therefore, I have given that decision limited weight.

18. I have taken account of the additional matters raised by local residents concerning an increase in traffic and the level of visibility from the access. However, given its modest size the dwelling is unlikely to generate a significant number of additional traffic movements over that which would have been associated with the former garage use. Vehicle speeds are likely to be low in street given its limited width and lack of footways. Therefore, the level of traffic movements and the visibility available from the access are unlikely to result in any significant erosion of existing highway safety conditions. Whilst the street is narrow, there is no firm evidence to suggest that the dwelling would cause significant disruption to existing residents in terms of noise and disturbance during the construction period, having regard to the limited scale of the proposed works. Therefore, I have given these matters limited weight.

Conditions

19. In addition to the standard commencement condition I have imposed a condition specifying the approved plans, in the interests of certainty. I have imposed conditions requiring the submission, implementation and maintenance of a landscaping scheme in the interests of securing a satisfactory setting for the dwelling. Whilst some planting already exists and other planting is indicated on the approved plans, there is insufficient detail shown to form the

[3] Ref APP/W1715/A/14/2213059.

basis of an adequate landscaping scheme. I have amended the Council's suggested condition to require submission of the scheme at an early stage during the construction process. This is because I am not persuaded that the scheme is so fundamental to the development that it would otherwise have been necessary to refuse the whole permission.

20. I have imposed a condition requiring the details of foul and surface water drainage arrangements to be submitted, approved and implemented, in order to ensure the provision of adequate drainage and to reduce the risk of flooding. Such a condition is relevant to planning and it would satisfy the other tests at paragraph 206 of the Framework. However, I have amended the suggested condition to require provision of the drainage prior to occupation of the dwelling, for similar reasons to the landscaping condition.

21. I have imposed a condition to ensure that adequate provision is made on site for refuse and recycling storage and to ensure that adequate provision is made for cycle storage, to promote sustainable modes of transport. I have also imposed a condition requiring the provision and retention of off-street parking in the interests of highway safety. I have imposed a condition requiring the materials and finishes of the extension to match those of the existing building. This would ensure a harmonious appearance. A requirement to submit material samples to the Council for approval is therefore unnecessary.

22. I have imposed a condition removing 'permitted development' rights for the future enlargement of the dwelling on its western side. In doing so, I am mindful of the Planning Policy Guidance (PPG) advice that such conditions should only be used exceptionally[4]. Nevertheless, in my view such a condition would be reasonable and necessary, in order to avoid future harm occurring to the character and appearance of the area as a result of extending the dwelling. I have precisely defined the Class A rights removed to accord with the PPG.

23. However, I have not imposed two suggested conditions, as they would not satisfy the Framework tests. Suggested condition 4 requires development to be carried out in accordance with a construction method statement. The development is of modest scale. The appeal site is not so constrained in terms of its proximity to adjoining residential properties or its road access that it would be necessary or reasonable to restrict construction activity. Suggested condition 6 deals with energy and water efficiency. In the absence of specific requirements in the Development Plan, these are matters generally dealt with under the Building Regulations.

Conclusion

24. For the reasons given above I conclude that the appeal should be allowed.

Stephen Hawkins

INSPECTOR

[4] Paragraph: 017 Reference ID: 21a-017-20140306.

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 101 Rev A, 102, 103 & 300 Rev H.

3) No development shall take place on site above the level of the foundations of the extension to the existing building until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

5) The dwelling hereby permitted shall not be occupied until works for the disposal of foul sewage and a sustainable surface water drainage system have been provided on the site in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage systems shall be retained in accordance with the approved details.

6) The dwelling hereby permitted shall not be occupied until the refuse and recycling storage and cycle storage facilities shown on drawing no. 103 have been constructed and provided in accordance with the approved details. Thereafter, both storage facilities shall be retained and kept available for use in accordance with the approved details.

7) The dwelling hereby permitted shall not be occupied until two car parking spaces have been provided within the site. Thereafter, both parking spaces shall be retained and kept available for vehicle parking.

8) The materials and finishes used in the permitted extension to the building shall match those of the existing building.

9) Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement of the dwelling on its western side.