
Appeal Decision

Site visit made on 15 May 2017

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 6 June 2017

Appeal Ref: APP/A1720/W/17/3169065

52 Church Road, Locks Heath, Southampton, SO31 6LQ

- 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 Regal Homes Ltd against the decision of Fareham Borough Council.
 - The application Ref P/16/0855/FP, dated 22 July 2016, was refused by notice dated 7 October 2016.
 - The development proposed is erection of detached two bedroom bungalow with car port and parking to rear of existing dwelling.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Regal Homes Ltd against Fareham Borough Council. The application is the subject of a separate decision.

Procedural Matter

3. The second part of the Council's reason for refusal relates to the need to provide mitigation to ensure that the development would not result in any harm to the Solent Coastal Special Protection Areas. The appellant accepts that a Habitat Mitigation Contribution is necessary to mitigate any potential harm from the proposal in this regard and to comply with Policy DSP15 of the Fareham Borough Council Local Plan Part 2 Development Sites and Policies (2015). A Section 111 payment has been made to the Council, who has confirmed that this has overcome this part of the reason for refusal. Given this, I have not considered this matter further in my decision.

Main Issue

4. The main issue of the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is located on Church Road and currently accommodates a detached chalet style dwelling and its associated curtilage. The surrounding area is largely residential and is characterised by a range of suburban house types and architectural styles. A key feature of the properties immediately adjacent to the appeal site and further along Church Road to the northwest are
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- long generously sized rear gardens. I observed that this can be appreciated in the street scene at regular points in between the existing dwellings.
6. The proposal seeks to construct a two bedroom bungalow in the rear garden of the host dwelling. The existing vehicular access to No 52 would be utilised and altered to provide access to the proposed dwelling and a new access would be provided for No 52, along with a detached garage.
 7. The appellant has set out that the appeal site is an uncharacteristically large plot in the context of the surrounding properties. Whilst this is not disputed, it is clear that this is because of its width. The rear garden of the host dwelling is the same length as its neighbouring properties, which is characteristic of the northern side of this part of Church Road. The appellant has demonstrated that in terms of plot coverage and density, that the plot of the proposed dwelling and that remaining for the host dwelling would not be dissimilar to those in the immediate area.
 8. Notwithstanding this, a purely numerical calculation ignores the nature and pattern of development that currently exists. The neighbouring properties and all those further along Church Road to the northwest are strongly characterised by dwellings with very long, often narrow rear gardens. This creates a spacious context to this part of Church Road, where there is a largely open area of land enclosed by the dwellings along the north side of Church Road and the south side of Church Close. As set out above, this can be seen frequently between the existing dwellings. Whilst I consider that the proposed dwelling would not appear overly cramped within the plot itself, I agree with the Council that the significant loss of depth within the existing plot and the creation of two much shallower plots would not be in keeping with the pattern of development in the immediate area. Further, the layout of the proposed development, with the bungalow located centrally within the plot with amenity space spread around the outside would not reflect the current pattern of development in the area. The proposed dwelling would also represent the only form of tandem development within this area of open land and the plot would bear no resemblance to those surrounding it. It would therefore, in my view, appear as an incongruous feature within the open area.
 9. The appellant is of the view that the scheme complies with the guidance provided in the Council's Fareham Borough Design Guidance Supplementary Planning Document (2015) (the SPD). This contains specific guidelines with regards to the erection of new dwellings in rear gardens. Whilst this is not dismissive of tandem forms of development, it nonetheless sets out that new dwellings in such locations should not appear out of character. I consider in this case that the scheme would not appear in keeping with the character of the immediate area or the existing pattern of development. Further, whilst the SPD sets out that a garden length of 11 metres should be provided, which would be retained for the host dwelling, the SPD goes on to note that large family homes should have more generous sized gardens in order to preserve the character of an area and larger gardens will be required in more spacious areas. Given the nature of the area and the host dwelling, I consider that this should be the case here and the proposal does not meet such requirements, contrary to the guidance in the SPD.
 10. I cannot agree with the appellant that this scheme is uncannily similar to the 'good practice' diagram in the SPD. This is because, the SPD diagram shows

other dwellings immediately adjacent to the proposed dwelling with similarly sized, and proportioned plots of similar layout, resulting in a development that would be in keeping with the existing pattern of development. For the reasons set out above, that would not be the case here.

11. The appellant maintains that the proposed dwelling would be very well contained by mature and attractive hedges which will serve to screen, and provide a backcloth for the proposed dwelling from all aspects. The appellant has also drawn my attention to the ground levels within the site. However, the tandem form of development, including the proposed bungalow itself would be readily seen from the street scene along the proposed driveway. Such views would contrast significantly to the existing views of long rear gardens viewed between the existing dwellings along this northern part of Church Road. Further, the proposed bungalow would be highly visible from the neighbouring properties.
12. Whilst it could be argued that the removal of the existing single garage would allow for increased views and therefore contribute to the openness of the area, such views would be of a development that would not respect the existing pattern of development.
13. The appellant has drawn my attention to numerous examples of backland development along Church Road and the surrounding roads. I observed the examples provided as part of my site visit. There is a cluster of tandem developments at 6-20 Church Road. However, these are located a significant distance from the appeal site and I consider that this part of Church Road differs notably in its character and appearance, as it is less uniform in terms of the layout of development. The Council has also drawn to my attention that the examples at 6-20 Church Road were permitted before the adoption of the SPD. Consequently, I am not of the view that these existing developments set any sort precedent for this scheme.
14. A development has recently been constructed at No 67 Church Road, a short distance from the appeal site. This includes four new dwellings in a tandem form of development. However, the context of the site is notably different to the appeal site. The site at No 67 is surrounded on all sides by residential development on Laxton Close, Kingfisher Copse and Church Road. Further, the properties that abut the site at No 67 are all of modest plots and have much smaller rear gardens. It also appears from the drawings provided that the original dwelling at No 67 was set well back within its plot, which did not in itself relate well to the linear pattern of development along the southern side of Church Road. For these reasons, I consider that the development at No 67 is not comparable to this scheme.
15. The other examples of tandem developments illustrated on the appellant's aerial photograph are all located in other streets, which have differing characteristics and are therefore not comparable to this appeal scheme.
16. In conclusion on this matter, the proposal by virtue of its siting, layout and form, would cause demonstrable harm to the character and appearance of the area. The scheme therefore conflicts with Policy CS17 'High Quality Design' of the Fareham Borough Core Strategy (2011), which seeks to ensure that new development responds positively to and be respectful to the key characteristics of the area, including (amongst other things) form and spaciousness. In addition, I also consider that the scheme runs contrary to the guidance

provided in the SPD and Paragraph 60 of the National Planning Policy Framework (the Framework) that seeks to reinforce local distinctiveness.

Other matters

17. The proposed dwelling would make a contribution towards the Council's housing land supply, although this would be very modest. I accept that the appeal site is well located in terms of access to local services and facilities. Further, I acknowledge that the Framework encourages the effective use of land. However, I consider that these matters individually or in combination are not sufficient to outweigh the identified harm.
18. Interested parties have raised several other concerns. However, I am dismissing the appeal on other grounds and therefore such matters do not affect my overall conclusion. Consequently, such other matters have not had a significant bearing on my decision.

Conclusion

19. For the reasons set out above and having regard to all other matters raised, the proposal conflicts with the development plan when taken as a whole and does not represent sustainable development, as set out in the Framework. There are no material considerations that outweigh the identified harm and the associated development plan conflict. The appeal is therefore dismissed.

Jonathan Manning

INSPECTOR