
Appeal Decision

Site visit made on 7 June 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 6 July 2017

Appeal Ref: APP/X1735/W/17/3167867
13-15 Park Parade, Havant, PO9 5AA

- 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 T Singh of Heathrow Homes against the decision of Havant Borough Council.
 - The application Ref APP/16/00630, dated 17 June 2016, was refused by notice dated 14 September 2016.
 - The development proposed is the redevelopment of existing retail and formation of 4 no. 2 bed dwellings. Change of use from D1 to A1. Re-siting external staircase.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site visit was arranged as an 'access required site visit'. However, at the time of my visit there was no one available to provide access to the site. Nevertheless, I am satisfied that I was able to see everything I needed to determine the appeal unaccompanied and I have therefore proceeded on this basis.

Main Issues

3. The main issues are:
 - The effect of the development on the living conditions of future occupiers having particular regard to matters of outlook, privacy, noise and disturbance, private garden space and light, and;
 - The effect of the development on the Solent Special Protection Areas (SPAs).

Reasons

Living conditions

4. Park Parade is a pedestrianised street. Like many of the properties along Park Parade, 13-15 Park Parade has commercial units at the ground floor and residential flats above. Tidworth Road provides access to the rear of the properties on the south side of Park Parade, most of which have service yards here which provide for, amongst other things, bin storage and deliveries.
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5. The proposal includes the conversion and extension of an existing single storey rear projection at No 13, right up to the rear boundary with Tidworth Road, in order to create four dwellings. These would look out to the side onto the retained yard at No 15 which is approximately 5m wide and enclosed partly by an adjoining two storey building and partly by a fence with barbed wire above. Future occupiers would therefore have a very restricted, enclosed and harsh environment to look out onto.
6. The appellant makes the point that the outlook would be no different to mews court developments in central and west London. However, no specific examples are referred to, nor are any further details provided in order for me to make any meaningful comparisons. In any event, the Havant Borough Design Guide Supplementary Planning Document (2011) (SPD) advises a 10m separation between a dwelling and a blank gable in order to maintain a reasonable relationship between buildings. This would not be met in the case of two of the dwellings proposed.
7. The yard onto which the houses would look out onto would not be solely for access for future occupiers' rather it would include parking for delivery vehicles and the storage of waste, to be used in conjunction with the other uses at the appeal site. These activities would be carried out directly outside of ground floor living room windows and underneath bedroom windows in the proposed dwellings which would be detrimental to the privacy of future occupiers. Furthermore deliveries and the removal of waste would also create a certain level of noise and are activities which are often, in my experience, carried out early in the morning or later in the evening. This would therefore have an unacceptable impact on future occupiers living conditions in terms of noise and disturbance given the close proximity of these areas to the proposed dwellings.
8. No garden space would be provided for the proposed dwellings. The only space would be the yard to the front which, as discussed above, would be used for other purposes. I acknowledge that the flats above the parade of shops generally have no access to private garden space and note the town centre location of the appeal site. I also accept that there are areas of public open space in the area. Nevertheless, public open space cannot provide for all of the needs of residential dwellings, particularly those capable of housing a family, (which a two bedroom dwelling could), such as hanging out washing or relaxing in privacy. This matter, therefore, although not determinative, further weighs against the development in respect of living conditions.
9. Finally, the proposed dwellings would have a single aspect with all of the windows facing west. This would seriously restrict light to the properties, which would be further limited by the close proximity of surrounding built forms.
10. Taking the above points together the proposed development would be harmful to the living conditions of future occupiers of the proposed development. I therefore find conflict with Policy CS16 1(e) of the Havant Borough Core Strategy (2011) which requires development to not cause unacceptable harm to amenity through the loss of privacy, outlook and noise, and the relevant parts of the SPD which, as well as the above considerations, also require the design of new homes to maximise the amount of penetrable daylight to dwellings.

SPAs

11. The Solent coastline provides feeding grounds for internationally protected populations of overwintering waders and wildfowl. It is also extensively used for recreation which is harmful to the populations of some SPA species. The in-combination effect of net additional dwellings is therefore considered to have a significant effect on the Solent SPAs.
12. In order to mitigate this harm Policy DM24 of the Havant Borough Local Plan (Allocations) (2014) sets out that mitigation can be provided through, amongst other things, a financial contribution towards the Solent Recreation Mitigation Partnership. I have not been provided with all of the supporting evidence with respect to these matters but the Council have advised that a payment of £759.20 is required for the proposed development.
13. A signed and dated deed which covenants to pay the above contribution on or before the agreement date (18 August 2016) is before me but the Council say this has not been paid. Notwithstanding my concerns above, as I am dismissing for other reasons, it is not necessary for me to reach a finding on the above matters.

Conclusion

14. I have had regard to all matters raised including the fact that the appeal site is close to local services and facilities and that it would provide housing which would be particularly attractive to young first time buyers. These matters do not, however, override the harm I have found to the living conditions of future residents.
15. The appeal is therefore dismissed.

Hayley Butcher

INSPECTOR