
Appeal Decision

Site visit made on 20 June 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 07 July 2017

Appeal Ref: APP/J1725/W/17/3171457

69 Seymour Road, Lee-on-the-Solent, Hampshire PO13 9EQ

- 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 A Couzens (Titchfield Builders) against the decision of Gosport Borough Council.
 - The application Ref 16/00124/FULL, dated 1 March 2016, was refused by notice dated 14 December 2016.
 - The development proposed is a dwelling and alteration/additions to an existing house.
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Decision

1. The appeal is allowed and planning permission is granted for a dwelling and alteration/additions to an existing house at 69 Seymour Road, Lee-on-the-Solent, Hampshire PO13 9EQ in accordance with the terms of the application, Ref 16/00124/FULL, dated 1 March 2016, subject to the conditions attached to Schedule A.

Procedural Matters

2. The Appellant has submitted a revised site layout plan which shows four off-street parking spaces within the rear garden. The originally submitted plan showed three spaces. At this late stage in the proposal's determination, I am not satisfied all interested parties have been given adequate opportunity to comment upon this. For this reason, the proposal has been considered on the basis of the original submitted site layout plan.
3. The Council has commented that the Appellant has now made the requisite payment under the Gosport Bird Disturbance Protocol which would ensure that the likely significant effects on Solent Special Protection Areas (SPAs) have been appropriately mitigated. The Council no longer wishes to defend its reason for refusal based on this nature conservation objection but I will comment upon this later in my decision.
4. On my site visit, I also undertook an 'Access Required Site Visit' to a neighbouring property 71 Seymour Road following a request.

Main Issue

5. The main issue is the effect of proposal on the vehicle parking provision in the locality, having regard to the highway safety of pedestrians, cyclists and vehicle drivers and the living conditions of residents, with reference to the convenience of parking.
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Reasons

Vehicle Parking

6. The appeal site mainly comprises garden land to the side of a pair of semi-detached properties which back onto a narrow service road. The surrounding area consists of housing of varied designs and types. An exception is a commercial garage at the corner of Elmore Road and Portsmouth road. Along Seymour Road and neighbouring streets, there is a mixture of street parking and off-street parking. On the appeal side of the Seymour Road, many dwellings have garages located to the rear along the service road.
7. The Gosport Borough Council Parking Supplementary Planning Document Parking (SPD) 2014 advises on off-street parking for dwellings. In this regard, the standard for the proposed dwelling would be two vehicle parking spaces whilst that for the existing dwelling would also be two spaces. The scheme proposes three spaces to the rear and one street space in front of the new dwelling on Seymour Road. However, the SPD states it may not be practical to provide for the maximum parking need of every individual unit of development overtime and a small degree of parking overspill onto the street may be acceptable where there is spare capacity.
8. The Appellant's Technical Note (TN) detailed a measure of overall parking stress, percentage of overall spaces occupied by parked vehicles, for a study area which comprised streets within the vicinity of the appeal site. Over the study area, there was an average parking stress level of 78% whilst for Seymour Road, the level was 86%. The identified capacity of a nearby street, Gosport Road, has been challenged by the Council due to its carriageway width. However, even if the Gosport Road capacity were to be reduced to the level suggested, with "illegally parked" vehicles from Gosport Road and also Elmore Road displaced elsewhere into the study area, there would still be spare vehicle parking capacity under the TN. In this regard, the spare capacity would reduce but it would still be more than sufficient to accommodate the one street parking space proposed.
9. Some discrepancies in the TN's spare parking capacity table have been highlighted which have been put down to how figures have been rounded up/down. However the purported discrepancies would be minor. Even taking them into account along with the adjustment to spare parking capacity indicated above, there would still be significant available street parking in the study area.
10. There is census data showing that car ownership within this area is very high and increasing but nevertheless the TN indicates significant capacity in the surrounding area to accommodate the one car parking space. The Council has undertaken a survey demonstrating high parking stress in the area but without its submission, little weight can be given to it in this decision. Third parties have also undertaken their own counting of parked cars along Seymour Road which is stated not to accord with the TN, indicated that car ownership levels along Seymour Road exceed capacity along the street and that allowance has to be made for visitors associated with the development.
11. However the TN survey is detailed covering not only Seymour Road but neighbouring streets within 200m of the site. It has also been carried on two separate early mornings when residents typically are at home and peak parking

demand would be expected to be exhibited. As such, greater weight is attached to the TN because its assessment is detailed, robust and comprehensive. Therefore, on the balance of evidence before me, there would be sufficient street parking capacity to accommodate the development.

12. The parking of 'recreation' vehicles in Seymour Road exceeding the normal parking space dimension of 6m length has been raised but equally there will be smaller vehicles below this length. Furthermore, it is not clear whether such parking is undertaken on a permanent basis or just at times when such vehicles are to be used for their intended purpose, such as when they are being loaded up. For all these reasons, it has not been demonstrated that there would impact upon the street parking capacity in the street, especially given that only one street parking space is proposed.
13. Existing garages to the rear of properties along Seymour Road may be used more for domestic storage than the parking of vehicles. However, the proposal would be for three vehicle hard surfaced parking spaces which could be conditioned to be made available for their intended purpose. The use of the proposed parking spaces would be a matter for the residents of both the new and existing dwelling. However the availability of the designated on-site vehicle parking would be a strong incentive for residents to make use of them especially as there would only be one parking space in front of the site, which could be used by other residents in the area.
14. A vehicle swept path analysis shows vehicles would arrive and depart from these spaces by 'over-swinging' over neighbouring land. Nevertheless, it is clear from the submitted details that any over-swing could be avoided through an acceptable use of a 3 point manoeuvre. In this regard, the DfT's guidance in 'Manual for Streets' identifies multi-point manoeuvres as appropriate in environments where traffic volumes and speeds are low such as here. The highway authority has raised objections on the grounds of inadequate vehicle parking provision but the value of their comments is limited because these comments have been made without consideration of the TN.
15. In a tight-knit residential environment, it will not always be possible for residents to park immediately outside their homes. However the TN has set out the parking availability within 200m of the appeal site which is not an unreasonable walking distance. In the cases of persons with a disability, I see no reason why specific designated parking provision cannot be made and there is evidence of this in the area. In any case, it has not been demonstrated that parking in neighbouring streets is a frequent occurrence. Incidences of illegal parking have been cited but these have not been linked to the proposal before me and in any case, these are matters to be considered with the relevant authorities and do not fall to be considered within the scope of this appeal.
16. In conclusion, the development would not harm the safety and convenience of drivers, pedestrians and cyclists in the vicinity because the proposal provides adequate vehicle parking provision. Accordingly, the proposal would comply with policies LP10 and LP23 of the Gosport Borough Local Plan (LP) 2015, which collectively and amongst other matters, requires well-designed schemes based on sound supporting evidence and the provision of safe and convenient parking. For the reasons indicated, the proposal would comply with the guidance of the SPD in that convenient, efficient and safe environment for people travelling by all modes to go from one place to another would be

maintained, and there would be street parking capacity to accommodate the one vehicle parking space.

Other matters

17. A two storey part of the dwelling would flank onto the side of a neighbouring property at 71 Seymour Road, including a rear patio. Most of the neighbour's windows directly flanking the proposed dwelling are obscure glazed. There would be clear glazed kitchen window openings facing the proposed dwelling but this would be sufficient distance away to prevent significant loss of light, including both ambient and sun light, and outlook. There would also be no significant loss of light or outlook to the occupiers of No 71 using their patio by reason of the flank of the new dwelling being stepped back from the common boundary with No 71. Additionally, the patio would still have attractive outlook and light from its position facing onto its garden.
18. The proposed dwelling has first and second floor flank windows but these face the side gable of the main part of the neighbours dwelling at No 71 and there would be no significant overlooking of its patio by reason of any obliqueness of view. In terms of the impact of noise and disturbance from the development's rear access, the comings and goings with one additional dwelling would be minor and additionally there is no evidence of any crime risk through reduced security given proposed boundary treatments.
19. The new and altered existing dwelling would have rear first and second floor windows but there would be substantial separation distance between them and neighbouring properties beyond the service road at the bottom of the appeal site. Any views from these windows onto neighbouring properties on Seymour Road, including gardens would be oblique. Therefore, there would be no significant loss of privacy to the surrounding properties arising from these windows. There could be some construction noise and disturbance to residents but this would not in itself be sufficient to outweigh the acceptability of the scheme by reason of the temporary nature of such works. The dwelling would result in the loss of space between Nos 69 and 71 but the street comprises a tight-knit pattern of development with terraces, semi-detached dwellings and dwellings generally close to one another. Thus, there would be no adverse impact on the character and appearance of the area.
20. The Appellant has made a financial contribution accompanied by a legal agreement under Section 111 of the Local government Act 1972 towards habitat mitigation within the Solent SPAs. The mitigation would assist in funding measures to prevent disturbance to wintering waders and wildfowl. These measures would consist of initiatives involving rangers, to reduce disturbance by influencing the behaviour of visitors, including dog-walkers and a monitoring scheme to assess the effectiveness of such measures. By reason of being solely in relation to the operation and maintenance of the SPAs, such measures would not conflict with the pooling requirements of section 123(3) of the Community Infrastructure Regulations (CIL) 2010 (as amended).
21. The contribution is also necessary to make the development acceptable in planning terms, is directly related to the development and is fairly related to it in scale and kind. By reason of the setting up of a Solent Recreation Mitigation Partnership and the Council's commitment set out in the implementation section of the Gosport Bird Mitigation Disturbance Protocol 2017, I am satisfied that the contribution would be towards its intended purpose. For all these

reasons, the contribution would comply with the statutory tests of section 122 of the CIL regulations and consequently I have taken it into account in my decision.

Conditions

22. Suggested conditions have been considered in light of advice contained in Planning Practice Guidance; for clarity and to ensure compliance with the Guidance, I have amended some of the Council's suggested wording.
23. A condition requiring that the development is carried out in accordance with the approved plans is necessary in the interests of certainty. In the interests of safeguarding the character and appearance of the area, conditions controlling external materials and hard landscaping are necessary. In the interests of a properly planned development, conditions are necessary to ensure the provision of the on-site parking, refuse and cycle storage facilities, and boundary treatments. In this regard, the plans show sufficient boundary treatment detail for no further submission and approval of details. The first and second floor windows on the flank of the proposed dwelling would not be required to be obscure glazed and fixed shut by reason of the obliqueness of any views onto sensitive living areas of the neighbouring property.

Conclusion

24. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR

Schedule A of attached conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 5190/01; 1718-L01; 1718-08e: 1718-05a; 1718-03a; 1718-04b; 1718-02a; 1718-06; unnumbered drawing titled Bike Storage High Security Bike locker -3 Bikes and unnumbered and untitled plan showing external, internal and base size of bike locker.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling and altered existing dwelling hereby permitted have been submitted and approved in writing by the local planning authority. Development thereafter shall be carried out in accordance with the approved details.
4. No development above slab level shall take place until details of the hard surfacing works have been submitted to and approved in writing by the local planning authority. The hard landscaping shall be provided before the new dwelling is first occupied and shall thereafter be retained.
5. The dwelling hereby permitted shall not be occupied until vehicle parking space has been laid out within the site in accordance with drawing no 1718-08e. Thereafter these spaces shall not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.
6. The dwelling hereby permitted shall not be occupied until the refuse and cycle storage facilities have been provided in accordance with drawing nos 1718-08e, 1718-06, unnumbered drawing titled Bike Storage High Security Bike locker -3 Bikes and untitled plan showing external, internal and base size of bike locker. The approved refuse storage and cycle storage facilities shall be used for their intended purposes and shall thereafter be retained.
7. The dwelling hereby permitted shall not be occupied until the boundary treatments have been provided in accordance with drawing no 1718-08e. The approved boundary treatments shall thereafter be retained.