



Appeal Decision

Site visit made on 8 August 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 6th September 2017

Appeal Ref: APP/X1735/W/17/3174481

The Railway Inn, 95 North Street, Emsworth, Hants PO10 7PQ

- 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 David Lucas against the decision of Havant Borough Council.
 - The application Ref APP/16/00821, dated 31 July 2016, was refused by notice dated 18 October 2016.
 - The development proposed is 'demolition of existing outbuildings to rear of site, construct 4 No new three storey town houses with parking and raise height of roof to existing pub to form self contained managers flat to second floor roof area'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect of the proposed development upon the character and appearance of the area,
 - ii) The effect upon the living conditions of the occupiers of neighbouring residential properties, with particular regard to outlook and privacy for 93 North Street,
 - iii) The effect upon the integrity of the Solent Special Protection Area, and
 - iv) Whether the proposed parking arrangements are appropriate, with particular regard to the amenity of the immediate locality.

Reasons

Character and appearance

3. Sultan Road is predominantly characterised by modest two storey terraced properties which are generally uniform in their appearance. New development has recently taken place immediately to the east of the appeal site.
4. The proposed row of four terraced properties would be higher than the other terraced houses prevailing in the streetscene, although it would provide a stepping down from the main public house building on the corner. However, the four front dormer windows would be prominent features in the roof slope, in contrast to the simpler roof forms of the other terraced properties, adding to the dominance of the proposed roof form.

5. The proposed front balconies would also contrast significantly with the plainer elevations of most other properties in the road and the adverse impact upon the streetscene would be exacerbated by the undercroft parking areas which would create a sterile, uninviting and unattractive ground floor frontage to the development.
6. Whilst the design of proposed buildings can sometimes deviate from others, this depends upon the particular nature of each case. However, the National Planning Policy Framework ('the Framework') states that it is proper to promote or reinforce local distinctiveness. In my consideration, the design of the proposed development would deviate from that of existing development to an unacceptable degree resulting in visual harm to the streetscene. Whilst the recent development adjacent to the appeal site differs in some respects to the remainder of streetscene, it is more consistent with it than the proposed development.
7. Whilst the appellant refers to the overall unit sizes of each town house, and has sought to provide amenity space through the balconies, this does not outweigh my findings regarding the harmful external appearance of the proposed development. Although the appellant states that the balconies could be removed, I have based my conclusion on the appeal drawings before me, which have been subject to public notification and consultation. It is not the role of appeal process to refine proposals in a manner which could prejudice the interests of other interested parties. In any case, I am not convinced that the removal of the balconies would overcome the harm I have found to result from the overall appearance of the development.
8. Whilst the impact of the alterations to the main public house building appear to be satisfactory (and I note have been separately approved by the Council), the proposed terrace of four dwellinghouses would appear as being incongruous within the streetscene resulting in significant harm to the character and appearance of the area. The proposed development would therefore not accord with the design aims of policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the Framework.

Living conditions

9. The south elevation of the proposed four houses would be of a significant size. Its overall height, bulk and massing would be considerably greater than the existing south elevation of buildings on the appeal site. The proposed development would immediately adjoin and would be highly visible from the rear amenity area of 93 North Street. Due to the excessive height, bulk and massing of the proposed south elevation, it would appear as unacceptably overbearing in the outlook from the rear amenity area and rear windows of this neighbouring property. There would consequently be significant harm caused to the living conditions of the neighbouring occupiers.
10. In relation to privacy, I am satisfied that the proposed first floor windows to the staircases/kitchens could reasonably be required to be both obscure glazed and fixed shut. The open plan first floor areas would contain front windows which could be opened for ventilation to both the kitchen and living room areas. As the rear windows could be fixed shut, no unacceptable noise impacts would be likely to result. In terms of the second floor velux windows, the adjacent parapet wall would limit any possible overlooking and I am also

satisfied that no overlooking would result from the higher roof lights. Whilst light would be visible at night through these windows, I do not consider that this would be so significant to cause a harmful impact on neighbouring living conditions.

11. Therefore, whilst I find that there would be no significant harm in terms of privacy, noise or light impacts, the proposal would result in an unacceptably overbearing appearance in the outlook from 93 North Street. The resulting significant harm upon the living conditions of the neighbouring occupiers would be contrary to the relevant amenity aims of policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the Framework.

Solent Special Protection Area (SPA)

12. The Solent coastline provides feeding grounds for internationally protected populations of overwintering waders and wildfowl. From the evidence before me, the proposal resulting in new residential units would lead to the likelihood of increased recreational activity adversely affecting the integrity of the Solent SPA. In accordance with the Solent SPA Interim Planning Framework, the Council seeks a financial contribution with the aim of mitigating the impacts upon the SPA.
13. The appellant has not provided any means of paying such a contribution, including through any S106 agreement. The appellant says that no such request has been made by the Council during the application process. The Council states that this was because it had advised early on that the application was to be refused. In any case, in the absence of any appropriate mitigation measures being both proposed or secured, I cannot be satisfied that the proposed development would not result in significant adverse effects upon the integrity of the Solent SPA.
14. The proposed development would not therefore accord with the habitat protection aims of policy DM24 of the Havant Borough Local Plan (Allocations) 2013 and the Framework. It would also be contrary to the Conservation of Habitats and Species Regulations 2010.

Parking

15. The under croft parking areas for each house would make provision for one car parking space per unit. I also note that several on street spaces would be lost adjacent to the proposed houses. The Council states that the resulting parking shortfall would have a highly adverse impact on the amenity of the occupiers of properties in the immediate locality who depend on on-street parking.
16. The Council's Parking Standards set out a minimum requirement of 2 spaces per unit for 2 bedroomed houses. However, paragraph 3.06 of the Standards recognises that on brownfield sites outside of town centres, it may be possible to reduce the number of car parking spaces where the development is within a reasonable distance of good public transport links. In this case the appeal site is located close to Emsworth railway station and is within reasonable walking distance of local services and facilities.
17. Given the accessible location of the site with very realistic alternatives for travel by methods other than the private car, I consider that a reduction from

the Council's usual parking standards is justifiable in this case. This is particularly the case given the limited size of the proposed houses containing only two bedrooms. The site is in a location where reduced car ownership could realistically be encouraged. I acknowledge the loss of a small amount of on street parking spaces and the high demand for parking spaces from train station users. Nevertheless, I do not consider that there is any persuasive evidence that the parking implications of the proposal, including the loss of a modest amount of on-street parking spaces, would result in any significant harm to the amenity of surrounding residents. There is also no compelling evidence to suggest that any highway safety implications would arise.

18. I therefore find that no significant harm would arise from the proposed parking arrangements. There would be no breach of the parking aims of policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the Parking Supplementary Parking Document 2016.

Other matters

19. Although the proposed development would make a modest contribution of four two-bedroomed dwellings to the local housing supply and seeks to maximise the use of the site, such benefits would be outweighed by the harm I have found would result. The appellant also states that the proposal seeks to provide finance to sustain the continued opening of the public house and retain it as part of the local community. However, no detailed evidence has been provided to justify this and I have accordingly given this little weight.
20. The appellant has expressed concern with the way that the Council dealt with the planning application, including not providing an opportunity for amendments. However, these are procedural matters which if necessary should be raised with the Council away from this appeal. They have had no bearing on the main planning merits of the proposed development.

Conclusion

21. Although I have found no harm to result in terms of parking provision, significant harm would result upon the character and appearance of the area, neighbouring living conditions and the SPA. This harm is the overriding consideration and leads me to conclude that the proposal would be contrary to the development plan when considered as a whole.
22. Consequently, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR

