



Appeal Decision

Site visit made on 18 February 2019

by Martin S. Lee, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2019

Appeal Ref: APP/M1710/W/18/3216175

57 Chalton Lane, Clanfield, Waterlooville PO8 0PP

- 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 Imperial Homes Southern against the decision of East Hampshire District Council.
 - The application Ref 29605/002, dated 17 July 2018, was refused by notice dated 19 September 2018.
 - The development proposed is demolition of existing dwelling and erection of 2 x detached dwellings and 3 x terraced cottages with associated car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal submissions the appellant company has submitted: a revised site layout plan, modifying the parking arrangements for units 3, 4 and 5 to provide visitor parking; revised floor plans for units 3 and 5 altering their internal layout, and; revised elevations for units 3, 4 and 5 adjusting porches and fenestration. These plans clearly seek to directly overcome some of the Local Planning Authority's (LPA) concerns. In deciding whether to accept these amended plans, I am mindful of the principles of the Wheatcroft case (Bernard Wheatcroft Ltd. v Secretary of State for the Environment and Another 1982). In this case, I note from third party representations that issues of parking and loss of privacy/amenity are raised. I consider that the amended plans could cause prejudice to such a party should I accept the amended plans at this stage. On this basis, I do not accept the amended plans (02 Rev A Block Plan; 03 Rev A Proposed Site Plan; 06 Rev A Proposed Floor Plans Plots 3, 4, 5; and 07 Rev A Proposed Floor Plans and Elevations Plots 3, 4, 5) and I have determined the appeal based on the plans upon which the Council refused planning application.

Main Issues

3. The main issues are the effect of the proposed development on:
 - (a) the character and appearance of the area;
 - (b) the living conditions of the occupiers of the adjoining residential properties with particular regard to loss of privacy, dominance and noise;

(c) whether the development provides for a suitable standard of living conditions for the future occupiers of the development with particular regard to layout and the extent of private amenity space;

(d) ecological impact resulting from loss of flora and fauna within the site; and

(e) highway safety as a consequence of levels of on-site parking provision.

Reasons

Character and appearance

4. The pattern of development fronting on to Chalton Lane provides a character and appearance distinguished by a streetscene of substantial detached properties, of varying form and design, sitting generally centrally within their property frontage, behind parking and manoeuvring areas, with substantial private back gardens. The character of New Road finds detached dwellings, mixed with semi-detached and terraced blocks, whilst Maple Crescent is again detached dwellings fronting the highway, albeit on smaller plots.
5. Whilst the LPA accepts the principle of residential redevelopment, it is clearly not the principle of backland development that is being rejected but the numbers of dwellings and density of built development proposed and the consequent impacts these would have on the quality of the visual character of the area.
6. The proposals would create substantially more hard surfaced area within the site than exists at present in the form of a central, shared driveway running through the centre of the site to a large, communal manoeuvring area, flanked to either side and end by extensive parking areas and new buildings. The proposal provides for substantially smaller plot sizes than adjoining development and whilst the appellant company argues this is an efficient use of land, it would represent a significant and harmful departure from the surrounding more openly spaced built form. The appellant company argues that the lack of a distinctive or attractive built architectural theme is sufficient reason to ignore the pattern of existing development including the extent and arrangement of open spaces between existing buildings and the positive contribution this makes to the overall quality of the character of the area.
7. However, the proposals would be visible from a number of vantage points in the public domain from the highways around the site and through gaps between existing buildings. Notwithstanding the proposed terrace's set back, the proposals would collectively result in a solid block of development in a backland location where none of this intensity and scale exists at present. The dramatic change in the character of the site will be greatest when viewed from the appeal site frontage on Chalton Lane due to the vista between the two narrower dwellings on either side of the plot and the central roadway being abruptly terminated by the terrace. The effect would be the formation of a range of buildings across the site that would prevent views through the site to the rear garden area and planting beyond. As such, the proposal would not contribute towards the space between built form which characterises the area.
8. The density of the proposed built form represent an over-intensification of development within the properties fronting on to Chalton Lane, which comprise individual detached dwellings within substantial curtilages with high levels of private amenity space. As a consequence, the appeal scheme would not provide the necessary space around the proposed buildings to provide a comparative

sense of openness between and separation from neighbouring dwellings, off-road parking for visitors and a refuse collection area adjacent the public highway.

9. The proposal does not allow sufficient space around the built form proposed to accommodate an adequate level of new planting of specimens which could mature to sufficient size to have a genuine mitigating effect. Landscaped plots are a strong characteristic of the area, with mature planting within front and rear gardens and to side boundaries.
10. For these reasons I conclude that the proposed development would not be sympathetic or enhancing high quality character contrary to Policy CP29 of the East Hampshire District Local Plan: Joint Core Strategy (2014) (JCS) which amongst other matters seeks to secure exemplary design standards. It would therefore also be at odds with the design aims of paragraphs 124, 127, 128 and 130 of the National Planning Policy Framework (the Framework).

Living conditions – adjoining properties

Privacy and dominance

11. The height, scale, massing, position and proximity of the proposed dwellings in relation to the side and rear garden boundaries of Nos 53 and No 59 Chalton Lane and No 40 Maple Crescent means that the proposed terrace would appear very dominant within the rear gardens of these adjoining properties. No 61 Chalton Lane would not be likely to be affected in a similar manner due to the intervening distance, the orientation and extent of its rear garden, the position of the garage and its private rear aspect.
12. With the passage of the sun through the day, varying in the degree of elevation above the horizon (as it does) through the seasons, the rear elevations of Nos 53 and 59 would experience substantial solid shadow that would otherwise not occur, for extended periods, over and above that from existing boundary trees and other planting, as well as overlooking of those currently private rear areas of Nos 40, 53 and 59 from the first floor windows of the proposed dwellings in particular. The effect caused in terms of overshadowing and overlooking would be likely to affect the private garden area and not internal accommodation within Nos 40, 53 and 59, notwithstanding the boundary landscaping to be retained within the site and that which lies within each of these neighbouring properties.
13. However, overall, the proposal would not adequately protect the living conditions of adjoining properties, with regards to privacy and dominance. The proposal would be contrary to Policies CP27 (covering privacy) and CP29 (requiring development to be of the highest quality design and sympathetic to its surroundings) of the JCS. In failing to do so it would also be at odds with the design aims of paragraphs 124, 127, 128 and 130 of the Framework.

Noise

14. The layout of the new dwellings as currently proposed means that motor vehicles of all types, both private (homeowners and visitors) and commercial (delivery, etc.) would be drawn into the body of the site to the shared manoeuvring area to the rear of other properties on Chalton Lane. This would introduce a degree of noise and disturbance, particularly noticeable in the late evening, through the night into the early morning that would otherwise not occur, for extended periods, from both the movement of vehicles, the sound of car doors and of engines being started. The majority of this noise would impact upon existing

rear private garden areas of adjoining property and would represent so substantial a detrimental impact upon the private quality of that external amenity space as to merit refusal in its own right.

15. Accordingly, the proposal would not adequately protect the living conditions of adjoining properties, with regards to noise. The proposal would be contrary to Policies CP27 (covering privacy) and CP29 (requiring development to be of the highest quality design and sympathetic to its surroundings) of the JCS. In failing to do so it would also be at odds with the design aims of paragraphs 124, 127, 128 and 130 of the Framework.

Living conditions - proposed properties

16. The gardens of the proposed dwellings would themselves be subject to substantial overshadowing from both the new dwellings and the substantial trees and other plants on or adjacent the site boundaries. Many of these are evergreen and/or lie outside the boundary of the site, and are thus beyond the control of the appellant company. Due to the degree of overshadowing these already provide, and the comparatively small nature of the rear gardens proposed for the terrace of three cottages, the proposal would not provide a suitable and useable outdoor amenity space for future occupants of those new dwellings.
17. For the above reasons the development would not provide suitable living conditions for the future occupiers of the development with regards to private amenity space. As such, the proposal would be contrary to Policies CP27 and CP29 of the JCS and paragraphs 127 f) and 130 of the Framework. Together these, amongst other matters, seek to secure exemplary design standards and ensure high standards of amenity for future and existing residents. In failing to do so the proposal would also be at odds with the design aims of paragraphs 124, 127, 128 and 130 of the Framework.

Ecological Impact

18. The density of development proposed, and the extent of the site covered by new buildings and/or hardstanding would denude the site of all existing mature planting. The Preliminary Ecological Assessment fails to adequately assess the impact of the proposal and/or propose any mitigation or enhancement measures. The proposal does not include any landscaping scheme or planting specification by way of proposed mitigation which could be balanced against that loss. The appellant company argues that the Council has not identified the specific harm this failure would cause should the development proceed and that there is little scope for mitigation in the finished scheme, but the loss of vegetative area resulting from the proposals is clear and there is no indication of any proper assessment of how the proposals might have been modified to provide effective mitigation and/or enhancement. In the absence of such an adequate assessment I consider appeal should not be allowed.
19. For the above reasons the proposed development would not protect, mitigate or enhance the biodiversity of the site and would be contrary to CP20 and CP21 of the JCS which amongst other matters seek to secure exemplary design standards, protect landscape character and quality and avoid adverse impacts on biodiversity. The proposal would also be at odds with the ecological protection and mitigation aims of paragraphs 170 and 175 of the Framework.

Highway Safety – Parking Provision

20. The amended plans submitted as part of the appeal submissions show two residents car parking spaces for each of the three terraced dwellings and three residents car parking spaces for each of the detached dwellings with one additional single car parking space for a visitor in front of the terraced properties. The East Hampshire District Local Plan Vehicle Parking Standards Supplementary Planning Document (SPD) requires one visitor car parking space for every four dwellings. As there are five dwellings on site and it is not practicable to provide part of a car parking space the revised plans still indicate a shortfall in visitor provision by a factor of one. In addition, the layout makes no provision for any cycle parking to meet the requirements of the SPD.
21. This combined shortfall in provision would, as suggested by the Highway Authority, be likely to result in increased demand for on-street parking within Chalton Lane. I note the appellant company's reference to parking space availability between dropped kerbs, but consider this would be likely to cause a restriction of traffic flows along Chalton Lane where it is wide enough for two vehicles. In addition, the presence of level, broad grass verge abutting the northern side of Chalton Lane would provide a ready opportunity for vehicles to be parked on that verge on a regular basis (as opposed to, perhaps, on New Road as suggested by the appellant company), eroding its character and also the integrity of the edge of the carriageway, which has no reinforced kerb edge on that side. I consider, the proposal would be likely to lead to parking on the highway leading to inconvenience and danger to users of the highway and that this would represent an unacceptable, adverse impact on highway safety.
22. For these reasons the development would not provide suitable on-site parking provision capable of effectively mitigating the risk to highway safety of additional on street parking within Chalton Lane contrary to CP31 of the JCS, the SPD and the advice contained in paragraphs 108 and 109 of the Framework.

Conclusion

23. For the reasons give above, having regard to the development plan when read as a whole, notwithstanding my findings in terms of No 61's living conditions, I conclude that the appeal should be dismissed.

Martin S. Lee

INSPECTOR