



Appeal Decision

Site visit made on 9 August 2019

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/X1735/W/19/3230318
108 Woodgreen Avenue, Havant PO9 3EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Kerrigan against the decision of Havant Borough Council.
 - The application Ref APP/18/00885, dated 3 September 2018, was refused by notice dated 10 December 2018.
 - The development proposed is described on the application form as '2 x 1 bed dwellings with associated parking and bin storage'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding the preparation of a new local plan which I understand is underway, albeit yet to be submitted for examination, the development plan in this instance includes policies of the Havant Borough Core Strategy (adopted 1 March 2011, the 'CS'). I have also had regard to various other material considerations including the National Planning Policy Framework ('NPPF'), the Planning Practice Guidance ('PPG'), the Borough Design Guide and Parking Supplementary Planning Document (adopted respectively on 14 December 2011 and 27 July 2016, though not as elements of the development plan, the 'Design Guide' and the 'Parking SPD').
3. The appellants sought pre-application advice regarding the potential for development here, albeit of a different type (Ref GEN/17/01457). I understand the appellants sought to respond to issues raised by the Council in respect of that scheme via application Ref APP/18/00885, the subject of this appeal. Whilst I note that history, my decision focusses squarely on the planning merits of the development proposed as opposed to its administration. The PPG explains that pre-application advice is not binding as, inevitably, it cannot substitute for a formal decision of the Council.¹

Main issues

4. Based on all I have read and seen, the main issues are (i) the effect of the proposal on the character and appearance of the area, (ii) whether or not the

¹ Reference ID: 20-011-20140306.

dwelling proposed would provide for adequate living conditions for future occupants, with particular regard to the extent and quality of outside space provision, and (iii) whether or not parking provision would be adequate.

Reasons

Character and appearance

5. No 108 is an end-of-terrace property set within a corner plot by the junction of Woodgreen Avenue and Fraser Road, and at a higher ground level than the adjacent pavement. It appears of mid twentieth century design, as is the prevailing era of nearby properties. There is some variety in the built form in the wider area, notably a collection of non-residential uses around Havant Rugby Club. However in the immediate vicinity of the appeal site the character of properties and their layout is strongly uniform (attesting to their common origins as a planned post-war estate).
6. As with No 108 surrounding properties are universally modest two storey brick-faced dwellings arranged in terraces,² typically of four or more, along a broadly consistent building line. They have been built to an understated consistent typology with two windows at first floor level, and a door and window broadly in line below. Some have been altered to account for changing tastes over time. However those alterations are predominantly cosmetic, for example replacement windows, new doors and porches. Dwellings have a strong street presence, typically with open front gardens without mature planting demarcated by low brick walls. The area therefore has a distinctive harmonious and ordered character.
7. CS policy CS16 and NPPF paragraph 127 share common aims. They set out, in summary, that development should be sympathetic to, and integrate appropriately with, the character of the surrounding built environment. Paragraph 5.33 of the Design Guide also explains that infill development should 'look to the immediate site context for reference and respect the layout and character of the surrounding area, looking to immediate neighbouring properties in the first instance' (my emphasis). The PPG similarly guides as to how development may be designed sensitively so as to integrate appropriately with its surroundings, including in respect of layout, form, scale and detailing.³
8. The proposal is to create two single-bedroom two storey dwellings in what is presently the side garden of No 108, i.e. projecting towards Fraser Road relative to the existing property. 'Dwelling 2' would be accessed off Woodgreen Avenue, and 'dwelling 1' off Fraser Road via a porch projecting beyond a gable ended elevation of that unit. The existing rear garden to No 108 would be truncated and its garage demolished in order to provide some outside space for the new dwellings, with a single parking space proposed for each including No 108 (as addressed subsequently).
9. The Council has no intrinsic objection to residential development in this location, with CS policy CS16, criterion 4 offering some support for higher densities. The corner plot that No 108 occupies is, I accept, somewhat more spacious than that which is associated with other houses nearby, and the area

² The original roof spaces of some in the wider area have been converted to accommodation.

³ Including at Reference ID: 26-023-20140306.

is subject to no particular designations relevant to its character. I acknowledge that a number of similar properties in the wider area are accessed via a gable ended elevation, several have been extended, and infill development has occurred elsewhere. Other features, such as boundary walls, also result in a qualified sense of openness on occasion. Some open space and landscaping would also be retained or reinstated as part of the proposal.

10. Nevertheless the dwellings proposed would be markedly smaller than the prevailing scale of properties nearby. The Council sets out that the typical width of neighbouring dwellings is about 5.4 metres, whereas the dwellings proposed would be around 3.7 to 3.9 metres wide each. That represents a reduction of around a third. In my view that would be readily apparent given the ordered nature of the area, resulting in dwellings out of proportion with the typical scale and form here. Two dwellings of that type would inevitably draw the eye to a greater degree than a single dwelling by virtue of their combined presence.
11. Whilst there is some variance in the plot size of properties nearby, the ratio of footprint to plot size that would result would be excessive. That would likely be readily apparent given the prominence of the appeal site in the street scene, including on account of the likely increased level of domestic paraphernalia and parked associated with the dwellings proposed (over which planning may only legitimately exercise limited control).⁴ Dwelling 1 would also come close to the pavement beside Fraser Road, significantly forward of the line of the principal elevation of No 34, an arrangement which would appear discordant given the more-or-less regular set-back of properties in this location.
12. I acknowledge that, in materials, overall height, and in the alignment of windows, the dwellings proposed would reference their immediate neighbours. However the scheme would inevitably disrupt the symmetry between the properties comprising Nos 108, 106, 104 and 102. The two dwellings would not read as a single dwelling from Woodgreen Avenue as their combined width of around 7.6 metres would appear excessive relative to others, as the first floor windows in the east-facing elevation are intended to be set closer to one another than is typical, and as the dwellings would have one porch fronting Woodgreen Avenue and another fronting Fraser Road.
13. Taken collectively, although I accept there are certain moderating factors, the proposal would result in dwellings which are notably out of keeping with their immediate neighbours and the harmonious feel of the area. By contrast they would appear excessively cramped within unduly confined plots and detrimental to the ordered street scene. I therefore conclude that the proposal would adversely affect the character and appearance of the area, in conflict with the relevant provisions of CS policy CS16, the approach in the SPD, and relevant elements of NPPF paragraph 127.

Living conditions

14. My finding in respect of the first main issue has some bearing on my reasoning in respect of the living conditions that would result. I acknowledge that there is

⁴ I accept that what has become 7A James Road is less wide than its attached neighbour and contains only a single street-facing first floor window (to which planning permission Ref APP/15/00603 relates). Nevertheless that dwelling is less prominent in the street scene than the appeal site here. Moreover there is little substantive evidence as to the planning considerations that applied in 2015 to the Council's consideration of that scheme.

some variance in the scale of nearby gardens and that there are publicly accessible green spaces in the area. Some outside space would be provided, which could be used for both functional purposes and for recreation.

15. However the area has a strongly uniform pattern resulting in comparable plot sizes. That, in my view, results in a fairly consistent baseline for the level of outside space that would reasonably be expected. I note in that respect that the remaining garden of No 108 would be approximately 9.2 metres in length by about 5 metres in width. That is slightly below the minimum of 10 metres advocated by the Design Guide to maintain a reasonable level of light and seclusion.⁵ That suggests some flexibility is due given existing gardens are, on occasion and with reference to other more spacious patterns of development, relatively modest.
16. The Council's statement of case explains that the proposed rear garden of dwelling 1 would be around 4.3m long by 2.4 metres wide (notwithstanding that there would also be some front garden facing Fraser Road and Woodgreen Avenue, albeit not a typical location for more private outside space with reference to the prevailing arrangement). Similarly the dimensions for the rear garden of dwelling 2 are given as around 6.6m and 3.4m. Therefore the resultant rear garden of No 108 would have be approximately 46 sqm, whereas that for dwelling 1 would be just over 10 sqm and for dwelling 2 just over 22 square metres.
17. Those figures are substantially smaller than what I saw to be the prevailing benchmark for the area, and limited in absolute terms. The rear gardens proposed would feel highly constrained and likely be shadowed for a significant proportion of the day given the dwellings proposed would fall to the east or south-east (setting aside any additional enclosure from boundary features or by neighbouring properties).
18. Purely by way of illustration, the minimum gross internal area for a one bedroom property arranged over two storeys set out in table 1 of the Government's Technical housing standards- nationally described space standards (published March 2015) is 58 square metres. I understand the proposal would result in an approximate internal floorspace of 101.6 sqm, a shortfall of some 12%.
19. Whilst some flexibility is appropriate and individuals will make an informed choice as to where to live based on their needs and preferences, it is nevertheless the function of planning to ensure a high standard of amenity for all. Both in terms of outside space provision and internal floorspace the dwellings proposed would fall markedly below the prevailing nature of properties in the area and standard metrics.
20. Taken together the limited garden space and nature of the accommodation would in my view result in relatively poor living conditions for future occupants, in particular a sense of being unduly hemmed in. I therefore conclude that the proposal conflicts with the relevant provisions of CS policy CS16, with reference to the Design Guide, and NPPF paragraph 127 bullet f) which seek to ensure a high standard of design and an appropriate level of amenity.

⁵ Noting that the rear gardens of Nos 34 and 40 Frazer Road are also smaller than the prevailing norm.

Parking provision

21. Presently there is off-street parking and a garage between the appeal site and No 34 Fraser Road, together capable of accommodating a number of vehicles. That is the only dedicated parking provision associated with No 108, although it is common for properties to remove front boundary walls so as to make space for parking, as has occurred at neighbouring No 104 and 102 beyond that.
22. In the immediate vicinity of the appeal site on-street parking is generally unrestricted, albeit there are double yellow lines around the junction of Fraser Road and James Road nearby, and, it seemed, more limited availability along New Road towards Bedhampton station. The plans show that each new dwelling and also No 108 would have a single off-road parking space as a result of the development proposed (whether by the retention of some existing off-street space or creation of new provision forward of the principal elevation of No 108).
23. Amongst other things, CS policy DM13 sets out that residential development will only be permitted where car parking is provided in accordance with the Parking SPD. Table 4A of the SPD indicates that for the development proposed four parking spaces should be provided, whereas only three are proposed. That shortfall is modest. It is a relatively short and convenient walk or cycle to various services and facilities, with bus services available along New Road and Barncroft Way. I also acknowledge that there is some availability of on street parking relatively nearby as indicated in the appellants' parking survey, and as I observed during my site visit in the early evening.⁶ Such a shortfall in provision would not in that context, in itself, be particularly significant.
24. Cross referencing the Government's Manual for Streets ('MfS'), the Parking SPD recommends that parking bays are a minimum of 2.4m wide and 4.8m long. Those measurements are consistent with the width given in MfS paragraph 8.3.49, and also the depth given in the associated diagram on page 110. MfS paragraph 8.3.58 recommends 4.8 rather than 4.2 metres depth for accessible parking spaces. Some flexibility should be applied, with both the Parking SPD and MfS representing guidance.
25. The dimensions of the proposed parking spaces are set out in the Council's statement of case and are not specifically disputed. At face value the width and depth of all would exceed 2.4m and 4.2m respectively, and I acknowledge there are some examples of limited forecourt parking space in the area. However the space proposed for dwelling 2 appears to overlap part of that proposed dwelling itself, and the space practically available there would be very limited on account of the location of the bin storage proposed (plan PL.156.18 10 Revision C).
26. Taken together the numerical shortfall in spaces relative to the Parking SPD alongside the constraints on provision in respect of dwelling 2 would not represent an appropriate level of parking provision, and thereby the development proposed would fail to function well in the context of the local area. Given the availability of on street parking relatively nearby and proximity of the site to services and facilities, I acknowledge the implications of that

⁶ Based on surveys undertaken between 8 and 9 May 2019, following an earlier assessment of September 2018.

shortfall would be relatively limited. Nevertheless in this respect the proposal conflicts with the relevant provisions of CS policy DM13, as implemented via the Parking SPD, and of NPPF paragraph 127 bullet a).

Other matters and planning balance

27. The Council no longer maintain their objection to the development proposed in respect of the fourth reason given in their decision notice. That was, in the absence of an associated contribution towards mitigation, likely significant adverse effects to the ecological integrity of the Chichester and Langstone Harbours Special Protection Area could not be ruled out, contrary to the provisions of policy DM24 of the Council's Allocations Plan adopted on 23 July 2014. That is on the basis of a contribution ventured via unilateral undertaking dated 4 June 2019 which makes provision in line with the approach set out in the Solent Recreation Mitigation Strategy 2018, adjust to reflect current rates.
28. That is notwithstanding that likely significant effects may only be ruled out through the mechanism of appropriate assessment in the event that permission is intended to be granted.⁷ I also note in that context that there are some intricacies with nutrient deposition which have arisen in the course of the appeal.⁸ Nevertheless, if treated at its highest and the scheme were to entail no likely significant effects, including in combination with other development, that would be neutral in the planning balance. It would not lend weight to allowing the appeal relative to the harm identified above.
29. I acknowledge that the proposal would have certain benefits. Numerically it would result in an addition to housing stock. There would also be benefits in supporting employment during construction and as future occupants would bring trade to nearby services and facilities. However the benefits of two new homes would inevitably be limited, particularly when set relative to the scale of development that the CS seeks to enable (policy CS9 setting a requirement of 6,300 dwellings between 2006 and 2026). Moreover, neither the support for housing provision or increased or optimised densities in general terms in the development plan or NPPF is at the expense of ensuring that all development integrates appropriately with its surroundings.
30. In that latter respect various permissions for development nearby have been brought to my attention.⁹ I have considered them all and accept that the prevailing character in each of those instances is similar. Nevertheless no other example before me relates to the provision of two homes, there is little methodological information as to the floorspace or garden space created in those instances, there are inevitably differences in the nature of each proposal and its relationship to the prevailing built form, and various decisions were taken some time ago. As such neither those examples, nor any other matters, are sufficient to outweigh the harm that I have identified would result.
31. The Council set out, notwithstanding pressing needs for housing nationally, that they are able, as of 2019, to demonstrate around 5.1 years' worth of housing

⁷ People Over Wind and Sweetman v Coillte Teoranta, Environment – Conservation of natural habitats [2018] EUECJ C-323/17, Article 63(1) of the Conservation of Habitats and Species Regulations 2017.

⁸ As reflected in Appendix C to the Council's statement of case and responded to by the appellants' Nutrient Balancing Assessment prepared by WYG dated 13 August 2019.

⁹ Including APP/15/00603 at 7A James Road, APP/10/00491 at 19B Ibsley Grove, APP/11/01087 at 21A Ibsley Grove, and APP/13/01108 at 1 Blendworth Crescent.

supply relative to needs with regard to NPPF paragraphs 67, 73 and 11. There is no robust evidence before me to counter that point, including with reference to Housing Delivery Test data published on 19 February 2019. However even were such a supply not in evidence, inherent in my reasoning above is that the adverse effects of allowing the appeal would significantly and demonstrably outweigh the limited benefits.¹⁰

Conclusion

32. For the above reasons, having considered the development plan as a whole, the approach in the NPPF, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

¹⁰ Noting that the age of policies is not in itself determinative of their currency, and, in so far as relevant to the circumstances of this case, I have found no substantive conflict between the provisions of the development plan and of the NPPF.