



Appeal Decision

Site visit made on 6 February 2019

by Martin S. Lee, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/M1710/W/18/3211019

Land south of 39-41 Victory Avenue, Horndean, Waterlooville PO8 9PJ

- 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 J Wickens against the decision of East Hampshire District Council.
 - The application Ref 56120/001, dated 31 May 2018, was refused by notice dated 31 July 2018.
 - The development proposed is the construction of four dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal submissions a revised site layout plan has been submitted by the Appellant. This revised plan includes additional land to the front of 39 Victory Avenue to allow for a re-aligned access road as a result of the refuse collection area. It also details an amended southern boundary from the site layout plan which the Council considered, although it would appear that this corrects a drawing error as the site location plan indicates a boundary consistent with the revised plan.
3. In deciding whether to accept this amended plan, 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 the application form that the Appellant is not the owner of the appeal site. It is also unclear whether the owner of the additional land proposed for inclusion in the red line boundary as a result of the amended driveway is aware of such an amendment. Taking this into account, I cannot be certain that there would not be any prejudice to any party should I accept the amended plan at this stage. On this basis, I cannot accept the amended plan at the appeal stage, and I have determined the appeal on the basis of the plans considered by the Council.

Main Issues

4. The main issues are:
 - (a) the effect on the character and appearance of the area.
 - (b) the effect on the living conditions of neighbouring occupiers, with particular regard to daylight and noise; and

(c) whether the development would provide acceptable living conditions for the future occupiers, with particular regard to daylight and garden space.

Reasons

Character and appearance

5. The residential character of Victory Road is of frontage development, with detached houses that are quite closely spaced and to an even building line. The appeal site is the rear part of the long rear gardens to Nos 39 and 41. The residential character of The Coppice and The Spinney, the rear property boundaries of which abut the side and back of the appeal site respectively, is typified by a higher density of development with terraced blocks of housing.
6. The Council accepts the principle of the residential redevelopment in the land to the rear of Nos 39 and 41. An example of similar tandem development is evident in the layout and relationship of both Nos 37 and 37a, adjacent to the site, and Nos 46 to 52 The Spinney. Therefore, the issue is the amount and density of built development proposed and the consequent impacts on the character of the area.
7. The proposals represent an over-intensification of development within the rear garden areas of properties fronting on to Victory Avenue. These properties predominantly comprise individual detached dwellings within substantial curtilages. This is an attractive aspect of the current pattern of development as it provides open spacing between the rear elevations of dwellings which allows for more mature garden vegetation further softening the suburban grain. Existing dwellings have high levels of private amenity space as a consequence.
8. The proposals would not provide the necessary space around proposed buildings to provide a comparative sense of separation from neighbouring dwellings or space for the softness of mature vegetation, off-road parking for visitors and a refuse collection area adjacent the public highway. I concur with the Council that the proposals would result in a very cramped layout, which would be out of keeping with the character of the area, where existing 'backland' development is of lower in density.
9. For these reasons the proposal would be out of keeping with the character of the surrounding development. The scheme would therefore conflict with policies CP1, CP27 and CP29 of the East Hampshire District Local Plan: Joint Core Strategy 2014 (JCS). Amongst other matters these policies seek to secure exemplary design standards and ensure high standards of amenity for future and existing residents. The proposal would therefore also be at odds with the similar design aims set out in the National Planning Policy Framework (the Framework).

Living conditions – existing properties

Daylight

10. I note the reduction in overall height compared to a previous submission refused planning permission by the Local Planning Authority. The height, scale, massing, position and proximity of the new dwellings as currently proposed in relation to the rear garden boundaries of adjoining property means that 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 of Nos 9 to 15 The Coppice would experience substantial solid shadow that would otherwise not occur for extended

periods, over and above that from existing boundary trees and other planting. Whilst the majority of this overshadowing would impact the private garden areas and not internal accommodation within the dwellings, this additional shadowing effect would have so substantial a detrimental impact upon the quality of that external amenity space as to merit refusal in its own right.

Noise

11. 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 Victory Avenue and The Coppice, beyond the private manoeuvring and parking area for 37 Victory Avenue. 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.
12. Accordingly, the proposal would not adequately protect the living conditions of neighbouring properties. This would be contrary to JCS policies CP1, CP27 and CP29. These policies seek high quality design that avoids adverse impacts on neighbouring properties such as through overshadowing. These aims are consistent with the advice in the Framework for developments to secure a high standard of amenity for existing users.

Living conditions - proposed properties

13. The gardens of the proposed dwellings would themselves be subject to significant overshadowing from both the remainder of the development and from the substantial degree of tree growth and vegetation around the site boundaries. The dark, over-shadowed gardens would not offer good quality living conditions for the future occupiers of the dwellings proposed.
14. For these reasons the proposal would be contrary to JCS policies CP1, CP27 and CP29 which amongst other matters seek to secure exemplary design standards and ensure high standards of amenity for future residents. The Framework also encourages developments to secure a high standard of amenity for future users.

Conclusion

15. The proposal would result in the benefit of four additional dwellings, but this benefit would be greatly outweighed by the harm I have identified. For the reasons given above, having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Martin S. Lee

INSPECTOR