
Appeal Decision

Site visit made on 15 July 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 18th September 2019

Appeal Ref: APP/A1720/W/19/3227418

185 Segensworth Road, Fareham PO15 5EH

- 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 Richard Lundbech of Moor Construction against the decision of Fareham Borough Council.
 - The application Ref P/19/0176/FP, dated 16 February 2019, was refused by notice dated 4 April 2019.
 - The development proposed is the demolition of existing garage and the erection of new detached dwelling adjacent to existing dwelling with car parking along with the use of existing access onto Segensworth Road.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 1) Whether there would be likely to be a significant effect on the internationally important features of the Solent Special Protection Areas (SPAs), in combination with other plans and projects,
 - 2) The effect on the character and appearance of the area, and
 - 3) Whether the proposal would make adequate provision for external space for both the existing and proposed dwellings.

Reasons

Special Protection Areas

3. The appeal site is within 5.6km of the SPAs. The SPAs comprise a coastline that has an internationally important network of mudflats, shingle and saltmarshes, which provide essential feeding and roosting grounds for overwintering birds. The proposal is for a new dwelling and would therefore result in a permanent increase in people on the site. This increase could have a significant adverse effect on the protected habitats and interests of the SPAs because persons residing at the appeal site could access the protected areas for leisure purposes. Human disturbance can increase bird mortality and affect their migratory journey and breeding, ultimately leading to a population reduction. On this basis, either alone or in combination with other projects, the proposal would be likely to have a significant effect on the integrity of the SPAs and their relevant features.

4. Natural England (NE) as the Statutory Nature Conservation Body was consulted during the appeal process. NE advises that an appropriately calculated contribution towards the Solent Recreation Mitigation Strategy (SRMS) would be sufficient to avoid an adverse impact to the integrity of the SPAs in relation to recreational impacts. The appellant has put forward a direct financial contribution in accordance with Section 111 of the Local Government Act 1972. In its statement the Council confirms that this has been received and adequately addresses this reason for refusal. NE is also satisfied that the payment is sufficient to secure the appropriate mitigation measures. I am satisfied that it meets the appropriate tests and is therefore a contribution I can take into account.
5. However, in addition to recreational impacts, NE have highlighted that there are high levels of nitrogen and phosphorous in the water environment of the Solent region with evidence of eutrophication at some sites. This arises from wastewater from existing housing and from agricultural sources. The proposal is for a new dwelling, which has inevitable waste water implications, and is therefore likely to have a significant effect on the integrity of the SPAs. NE advise that this matter is assessed as part of an Appropriate Assessment and that the existing nutrient and conservation status of the receiving waters be taken into account. I have no information before me in this respect, and no mitigation has been put forward to address this matter. I therefore have no means of ensuring that the proposal would not add to the existing nutrient burden and thereby achieve nutrient neutrality.
6. I am aware of no reasons of over-riding public interest that might justify the grant of planning permission as an exception. Whilst the proposal would accord with Policy DSP15 of the Fareham Local Plan Part 2: Development Sites and Policies adopted 2015 in so far as it relates to the recreational impacts on the SPAs, I cannot be satisfied that the proposal would not adversely affect the integrity of the protected sites in relation to nutrient neutrality, and cannot therefore fulfil the duty placed on me as the competent authority under Regulation 63 of The Conservation of Habitats and Species Regulations 2017. The appeal must therefore fail.

Character and appearance

7. The appeal site is located in a suburban residential area, comprising dwellings that are detached or semi-detached, set back from the road in generously sized plots. The existing dwelling at the site is part of a semi-detached pair. It is smaller than most dwellings in the area, but stands in line with other dwellings, set back from the road, with a garden area to its rear, side and front.
8. The proposal would divide the plot to allow a detached dwelling to be erected alongside the existing dwelling. Parking spaces for both dwellings would be provided at the front of the plots, with the rest of each plot given over to garden uses.
9. In terms of the size and layout of the plots, although both plots would be moderately smaller than others in the area as a result of the development, the proposed dwelling would be set back to occupy a position that is in line with existing buildings fronting Segensworth Road. The proposed dwelling has a modest scale, and would fit between the existing dwelling and the dwelling to the southeast comfortably, retaining gaps between the relative buildings that would be similar to existing gaps between buildings along Segensworth Road.

Furthermore, an area of garden would be provided to the rear of the proposed dwelling which would ensure that development would be brought no closer to No 1 Titchfield Park Road than the existing dwelling. I am therefore satisfied that the proposed dwelling would relate well to the existing layout and pattern of development in the area, without appearing as though the plot has been overdeveloped.

10. The majority of the area fronting the existing dwelling and proposed dwelling would be given over to parking. The plans show areas to either side of the parking areas that could be planted up, which would ensure that the hardstanding areas would not be overly dominant, and would accord with the appearance of other plots in the area. Were the appeal to succeed such landscaping could be secured by an appropriately worded condition.
11. In summary, the proposal would not harm the character or appearance of the area, in accordance with Policy CS17 of the Fareham Local Development Framework Core Strategy adopted 2011 (CS) and the Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne) 2015 (SPD), which together seek to ensure that development proposals are of a high quality of design and garden areas are appropriately sized to preserve the character of an area.

Living conditions

12. The garden area of the existing dwelling would be limited to the rear of the dwelling and a small area to the side. This would be similar in the case of the proposed dwelling. Page 7 of the SPD advises that private gardens should be adequately sized and provide good quality outdoor space, and that a garden length of at least 11 metres should be provided.
13. The rear gardens that would serve both the existing dwelling and the proposed dwelling would be less than 11 metres in length. However, the area of garden to the side of each dwelling would be wide enough that it could function as part of the garden, and I note that the proposed dwelling has been designed to make use of this with a pair of doors facing out in this direction. Furthermore, both garden areas would be orientated to receive good levels of sunlight, without significant shading from adjoining buildings.
14. In summary, the proposal would make adequate provision for external space for both the existing and proposed dwellings, in accordance with Policy CS17 of the CS, which seeks to ensure that development proposals secure adequate external space to meet the requirements of future occupiers. Although I have found that the proposal would not accord with the SPD in terms of the garden length, for the reasons set out above I am satisfied that the private garden areas would be adequately sized and provide good quality outdoor space for future occupiers.

Other Matters

15. The condition of the existing building and plot have had no bearing on my decision. I could see no overriding need to bring development forward at the site based on these matters.

Conclusion

16. I have found that the proposal would not harm the character or appearance of the area and would make adequate provision for external space. However, such matters do not outweigh the conflict I have found in relation to the effect of the proposal on nearby protected sites which are of international importance.
17. Therefore, for the reasons above I conclude that the appeal should be dismissed.

Andrew Tucker

INSPECTOR