



Appeal Decision

Site visit made on 3 September 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/X1735/W/19/3231252

Land to rear of 8 Highfield Parade, Waterlooville PO7 7QH

- 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 T Ware of T Ware Developments Ltd against the decision of Havant Borough Council.
 - The application Ref APP/19/00019, dated 3 January 2019, was refused by notice dated 29 March 2019.
 - The development proposed is the construction of a new dwelling on land to the rear of 8 Highfield Parade fronting Meadway with associated refuse and cycle storage, landscaping and parking with provision of new refuse store for commercial use.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the character and appearance of the area; (ii) the effect of the proposal on the living conditions of future occupiers with particular reference to noise and disturbance; (iii) whether the proposal makes adequate provision for off-street parking and the effect of the proposal on existing off-street and on-street parking and the safety of users of the service yard; and (iv) whether the proposal would provide opportunity for crime and anti-social behaviour.

Reasons

Character and appearance

3. The site of the proposed dwelling forms part of a commercial service and parking area adjacent to a row of garages at the rear of a parade of shops with flats above. It fronts onto Meadway and incorporates a grassed strip of land alongside the pavement and an existing commercial refuse storage area. In addition, the site includes a small parcel of land at the northern end of the row of garages where a new refuse store for commercial use would be positioned.
4. The proposed new refuse store for commercial use would be a building constructed of softwood timber approximately 3.8 metres wide, 3.4 metres deep and 2.2 metres in height at its eaves. It would have a hipped roof and the overall height would be approximately 3.6 metres. Taking into account its construction material, position and scale it would not have a harmful effect upon the character and appearance of the area.

5. The surrounding area is characterised by evenly spaced two-storey, mainly semi-detached houses, aligned in an ordered manner and set back from the road behind grassed verges and open spacious front gardens. Properties in the area are positioned on generous sized plots in an established layout. These characteristics combine positively to give the street-scene an orderly and spacious feel.
6. The proposed dwelling would be a single storey detached bungalow with its front elevation close to the edge of the pavement and approximately 6.0 metres in front of the neighbouring pair of semi-detached properties. Consequently, it would be at odds with the prevailing type, character, position and appearance of properties in the immediate locality. Moreover, it would be conspicuous and incongruous when viewed from the street and upset the overall balanced appearance of properties in the surrounding area. Taking into account the relatively small size of the plot, the proposed dwelling, would result in a cramped form of development out of character with the established spacious pattern of the built form in the area. Thus, it would be significantly harmful to the character and appearance of the surrounding area.
7. The appellant contends that the development of the site would be a good use of under-utilised and unsightly previously developed land, that meets the Council's requirement for a variety of new housing and would be relatively affordable by virtue of being modest in size. Therefore, he says that in this regard it would accord with the objectives of the National Planning Policy Framework (the Framework). Whilst this may be true, this would not outweigh or alter the identified harm that would be caused to the character and appearance of the area.
8. For the reasons outlined above, I conclude that the proposed dwelling would not accord with Policy CS16 of the Havant Borough Core Strategy 2011 (CS) and the Framework which, amongst other things, set out to ensure that development proposals, in terms of design and layout, take full account of the character of existing development in the surrounding area.

Living conditions

9. The commercial service and parking area which serves the eight shops and flats on Highfield Parade can be accessed from either Meadway or Burnside. The latter is narrower than the former and is less accessible for delivery vehicles, especially large lorries. The proposed dwelling and its garden area would be sited immediately adjacent to the vehicular entrance from Meadway and the commercial service and parking area.
10. Taking into account the close proximity of the proposed dwelling to the commercial service area and the main vehicular entrance from Meadway for larger delivery vehicles, the general manoeuvring of delivery vehicles and lorries within the service area would be likely to cause unacceptable noise and disturbance to occupiers of the proposed dwelling. For these reasons, I conclude that the development would have a harmful effect upon the living conditions of future occupiers of the proposed dwelling in terms of noise and disturbance.
11. For the above reasons, the proposal would not accord with Policy DM18 of the Havant Borough Local Plan (Allocations) 2014 and the Framework, which set

out to ensure proposals avoid harmful effects upon the living conditions of the occupiers of proposed development.

Parking provision and the safety of users of the service yard

12. The lack of any signs or markings on the ground, or any other evidence before me, would indicate that there is no formal allocation of parking spaces to individual shop units or flats within the commercial service and parking area. The appeal proposal includes an allocated car parking space solely for the use of the occupiers of the proposed dwelling. It would be sited outside unit 7 and thus would potentially displace existing parking provision for occupiers of the flats and shops. Additionally, the layout of the proposed dwelling and associated garden area would result in the realignment and narrowing of the vehicular access from Meadway so that the space to park a vehicle outside unit 8 would be lost.
13. The appellant asserts that he has full control of the commercial service and parking area. However, in the absence of any substantive evidence before me to demonstrate that the potential loss of off-street parking spaces as a result of the development amounts to a surplus of requirement, the proposal to formally allocate a parking space to the proposed dwelling would not amount to the provision of one on-site parking space as required by the Council's Parking Supplementary Planning Document 2016 (SPD).
14. Thus, on the basis of my observations of the off-street parking provision within the commercial service and parking area, and for the above reasons, I consider the proposal would not make adequate provision for off-street parking. Moreover, the potential loss of space to park would potentially have an adverse effect on the existing off-street parking provision.
15. At the time of my site visit (around 9:30am) there were vehicles parked in front of the garages and outside the rear entrances to the commercial units. There were also vehicles parked within the on-street parking spaces in front of the shops at Highfield Parade and in Meadway. Whilst some space was available to park, I cannot be sure if this would be the case in the evening when some residents would return home in their private motor vehicles from their place of work.
16. Although only one third party representation was received by the Council in connection with this application, my attention has nonetheless been drawn to third party representations received by the Council in connection with a previous application¹ for a similar proposal at the site. Several of these indicate evidence of a local on-street parking issue in the vicinity of the site.
17. Taking into account the evidence, albeit limited, in regard to on-street parking issues, and my observations, I consider the proposal by virtue of the potential loss of existing off-street parking provision, would potentially adversely affect the on-street parking provision as a result of pressure and hence competition for parking spaces in the vicinity of the site. In the absence of any on-street car parking survey information from the appellant, I cannot reach a certain conclusion in respect of the effect of the development on on-street car parking in the locality.

¹ Planning Application Reference APP/18/00822

18. The Council's fourth reason for refusal, regarding the realignment and narrowing of the vehicular access from Meadway, also refers to harm to the safety of users of the commercial service area. However, there is no evidence to indicate that what is proposed would cause highway safety problems. Furthermore, I note the Highway Authority has not raised any highway safety concerns. In this respect, I do not consider that the proposal would conflict with Policies CS16 and DM13 of the CS or the SPD which requires that development proposals should not result in highway safety issues.
19. Whilst I have found that there is no evidence to demonstrate that the proposal would cause harm to the safety of users of the service yard, I cannot conclude that the development would fully accord with Policies CS16 and DM13 of the CS, the SPD and the Framework which, amongst other things, set out to ensure development provides adequate parking provision, protects the living conditions of existing residents and the amenity of road users.

Crime and anti-social behaviour

20. I saw on my site visit evidence of fly tipping adjacent to the garage block in the vicinity of the existing commercial refuse store. Furthermore, I note that the appellant is aware of anti-social behaviour as a result of fly tipping on a regular basis. By virtue of its design the proposed repositioned commercial refuse store would help reduce the incidents of fly tipping therefore potentially reduce anti-social behaviour.
21. However, the rear elevation of the proposed dwelling would be so close and at a similar height to the garage block that it would be possible to step from the roof of the garage block directly onto the roof of the proposed dwelling. Policy CS16 of the CS states that the layout of development should reduce opportunities for crime and anti-social behaviour. In a location where the evidence indicates some history of anti-social behaviour, for the above reason, I consider that future occupiers of the proposed dwelling would be vulnerable to anti-social behaviour and the fear of crime.
22. Consequently, and for the above reasons, I conclude that the proposal would not accord with Clause 2(a) of Policy CS16 of the CS and the Framework which seek to ensure the layout of development reduces opportunities for crime and anti-social behaviour.

Other Matters

23. The appellant contends that the proposed dwelling would extend the street scene thereby providing a visual barrier to the garage block. However, the existing tall brick wall and two trees within the grassed strip of land alongside the pavement already provide adequate visual screening of the garage block when viewed from the public domain. Thus, the proposal would attract neutral weight in this regard.
24. The site falls within the 5.6 km zone of Chichester and Langstone Harbours SPA. However, it has not been necessary for me to undertake an appropriate assessment of the proposal under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 given my overall conclusion on the main issues. None of the other matters raised alter or outweigh my conclusions on the main issues.

Conclusion

25. The evidence before me indicates that the proposal would not cause harm to the safety of users of the service yard. However, and for the reasons set out above, the proposal would cause harm to the character and appearance of the area, to the living conditions of the future occupiers of the dwelling in terms of noise and disturbance and would lead to potential crime and anti-social behaviour activity. In addition, I have not been able to reach a certain conclusion in respect of the effect of the development on on-street car parking demand in the area. I therefore conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR