
Appeal Decision

Site visit made on 13 August 2019

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 8th October 2019.

Appeal Ref: APP/A1720/D/19/3228586

9 Blackbrook Park Avenue, Fareham PO15 5JJ

- 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 P Boden against the decision of Fareham Borough Council.
 - The application Ref P/19/0095/FP, dated 31 January 2019, was refused by notice dated 26 March 2019.
 - The development proposed is described as 'Two storey rear extension, single storey side extension, alterations to main roof'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant submitted an amended plan (Ref 3005-19-02 Rev B) as part of the appeal. The plan corrects errors in the labelling of the elevations and shows the proposed parking spaces in a different configuration. The Council has had the opportunity to provide comments on the amended plan. The amendments do not materially alter the appeal scheme from what was considered by the Council. Therefore, I do not consider that any interested party will be prejudiced by my decision to take the amended plan into account when determining the appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the host property and the surrounding area;
 - b) the living conditions of the occupiers of 7 Blackbrook Park Avenue with particular regard to outlook and light; and
 - c) highway safety, with particular regard to the provision of off-street parking

Reasons

Character and appearance

4. Blackbrook Park Avenue is a residential street with the character defined by the mix of house types. There is no dominant house type but dwellings have features and detailing which add interest and variety to the street scene, including eaves overhangs, bay windows, roof features and chimneys. Most properties have front gardens incorporating planting and parking, with low front boundary hedges, fences or walls. This creates a pleasant and spacious character with a clear sense of enclosure on the frontages.

5. The dwellings in this area predominantly have hipped roofs of various forms. Where there are gables in the vicinity they are either oriented side on to the road, as on 11 Blackbrook Park Avenue, or are smaller features on a larger roof. The proposed first floor extension would have a shallow pitched roof with a wide gable fronting the street and low eaves which would introduce a prominent and incongruous feature into the street scene. While the resulting dwelling would be a similar height to its neighbours, proportionally it would appear wide and squat. This would be reinforced by the use of horizontal cladding across the frontage.
6. The proposed front elevation would be bland, without the articulation and detailing that provide interest on properties in the surrounding area. The wrap-around porch canopy would have an awkward relationship with the first floor window and would provide little relief from the otherwise flat frontage. The use of white render and light grey cladding would exacerbate the contrast between the host property and its neighbours, the majority of which are red or brown brick. The appellant seeks to achieve a crisp, modern appearance that adds visual interest to the street scene. However, the appeal scheme fails to achieve a contemporary, high quality design that would respect the key characteristics of the host property or the surrounding area. It would not respond positively to its context and would harm the character of the area.
7. The removal of the front boundary wall would be necessary to provide the proposed off-street parking. The appellant proposes to extend the dropped kerb and create a hardstanding on the frontage as permitted development, nevertheless this arrangement is clearly shown on the submitted plans and I must consider its effects. The existing enclosed frontage is characteristic of the surrounding area. Its loss would exacerbate the visual impact of the proposed extensions and further harm the character of the area.
8. The rear and side extensions would have little impact in the street scene and would not detract from the character of the area. This neutral impact would not however make the scheme as a whole acceptable.
9. Overall, the form, design and materials of the proposed extensions would result in a dwelling which would be dominant and alien in the street scene. Consequently, the appeal scheme would harm the character and appearance of the host property and the surrounding area. I find that conflict would arise with Policy CS17 of the Fareham Local Development Framework Core Strategy (August 2011) (CS) which requires development to achieve high quality design.
10. Furthermore, the scheme conflicts with the Fareham Borough Design Guidance Supplementary Planning Document (December 2015) (Design SPD) which sets out that front boundary treatments should reflect the positive aspects of a street's character.
11. The appeal proposal would also conflict with paragraph 127 of the National Planning Policy Framework (the Framework) which requires development to be visually attractive and sympathetic to local character. While I recognise that appropriate innovation or change should not be prevented or discouraged, the changes that would result from the appeal proposal fail to take the opportunities available for improving the character and quality of the area. In such circumstances paragraph 130 of the Framework directs that permission should be refused.

Living conditions

12. The proposed rear and first floor extensions would significantly increase the height and depth of the host property. They would create a substantial blank two storey

wall projecting well beyond the rear of 7 Blackbrook Park Avenue. Given the width of No 7's plot the proposed extensions would not create an undue sense of enclosure, nevertheless they would be a dominant and intrusive feature from the rear windows of that property and its garden. Although they would be set off the boundary, the proposed extensions would have a significant overbearing impact on the outlook from No 7, to the detriment of the living conditions of the occupiers.

13. The appellant contends that such relationships are not uncharacteristic of the pattern of development in the locality however they have not referred me to any specific example. No 11 projects past the rear of the host property but to a lesser degree and with greater separation from the windows of the host property, so is not a comparable situation.
14. The first floor side window of No 7 would face the new first floor and roof in relatively close proximity, significantly constraining the outlook from this room. I was unable to gain access to No 7 at the time of my site visit and it is unclear from the evidence before me whether this is a habitable room, the impact on which would carry greater weight. Nevertheless, I understand that it is the sole window to that room. The loss of outlook to this room would further diminish the living conditions of the occupiers and weighs against the appeal scheme.
15. The orientation of the host property relative to No 7 means that it would not result in any significant additional shading. Consequently, the appeal proposals would not harm the living conditions of the occupiers in this respect. This would be a neutral effect which would not justify the harm identified above.
16. I therefore find that the appeal proposal would harm the living conditions of the occupiers of 7 Blackbrook Park Avenue with regard to outlook. As such, conflict would arise with Policy DSP3 of the Fareham Local Plan Part 2 (June 2015) (LP2) which requires development to ensure that there will be no unacceptable adverse impact on living conditions of neighbouring properties. Furthermore, the proposals would conflict with the Design SPD which encourages well designed extensions which have a minimal effect on the living conditions of neighbours, including their outlook.
17. The Council has also cited Policy DSP2 of the LP2 in its reason for refusal. That policy seeks to prevent development which gives rise to significant adverse environmental impacts by reason of noise, heat, liquids, vibration, light or air pollution. None of those apply to the appeal proposal and as such this policy has not been determinative in my decision.

Highway safety

18. The Council cites the Residential Car & Cycle Parking Standards Supplementary Planning Document (November 2009) (Parking SPD) in their reason for refusal. That document sets out standards and key requirements for new residential developments and as such is not directly applicable to the appeal scheme. Furthermore it pre-dates the National Planning Policy Framework (the Framework) and is not based on up to date information. I therefore give it only limited weight as a material consideration in this appeal.
19. The appellant is seeking to provide 3 car parking spaces on site to meet the requirements of the Parking SPD for a 4+ bedroom property. The Council contends that the space to the front of the site is insufficient for 3 cars. The Parking SPD does not set a minimum size for car parking spaces other than within garages and for disabled spaces, and I have not been directed to any other policy that sets such standards. With the loss of the bay windows from the host property the frontage would be approximately 5.5m in depth. With the removal of the front boundary

wall I consider that there would be sufficient to accommodate 3 cars parked perpendicular to the road as indicated on the appellant's amended plan.

20. Even if the Council were correct and there was insufficient space to accommodate 3 cars, I do not consider that the appeal scheme would have a significant impact on highway safety. The appeal site is in an accessible location close to Fareham railway station and local services and facilities. It is therefore in a location where a lower demand for car parking could reasonably be expected. Furthermore, I saw on my site visit that some on-street parking was available, with sufficient space remaining for vehicles to pass due to the width of the road and the presence of multiple driveways. Therefore, any overspill parking onto the road would not have a significant impact on the capacity of, or congestion on, the local highway network.
21. Consequently, I find that the appeal scheme would not have an unacceptable impact on highway safety in relation to the provision of off-street parking. I find no conflict with Policy CS17 of the CS which requires development to provide appropriate parking for the intended uses. Furthermore, I find no conflict with paragraph 108 c) of the Framework which seeks to avoid significant impacts on highway safety.

Other matters

22. The appellant has submitted an Arboricultural Report which demonstrates that the construction of the extensions could be achieved without harm to the protected tree in the garden of No 7. I am satisfied that this could be secured by an appropriately worded planning condition.
23. I also note that the proposal would not have a significant effect on the living conditions of 11 Blackbrook Park Avenue and that the occupiers of No 7 have not raised any objection to the scheme. These would be neutral effects however, that would not weigh in favour of the appeal scheme.

Conclusion

24. The proposed development would harm the character and appearance of the host property and the surrounding area. While it would not result in any significant overshadowing of 7 Blackbrook Park Avenue, it would result in loss of outlook for that property and as a result would harm the living conditions of the occupiers. Although I have found no significant impact on highway safety as a result of the parking provision, this does not justify the harm identified. Therefore, for the reasons above the appeal should be dismissed.

L McKay

INSPECTOR