
Appeal Decision

Site visit made on 24 June 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2020

Appeal Ref: APP/X1735/W/19/3243426

Land adjacent to 93 Winterslow Drive, Havant, Hampshire PO9 5DZ

- 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 G Comley against the decision of Havant Borough Council.
 - The application Ref APP/19/00883, dated 5 September 2019, was refused by notice dated 31 October 2019.
 - The development proposed is erection of 2 No. 2 bed dwelling houses with associated parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on
 - (a) the character and appearance of the area and on living conditions for existing and future occupiers,
 - (b) designated areas of environmental sensitivity in relation to increased recreational pressures and nutrient discharge.

Reasons

Character and living conditions

3. The main part of the application site comprises a rectangular land parcel to the north-western side of 93 Winterslow Drive. It would appear to have once formed the side garden to no.93 but is now fenced off and overgrown. The application site also includes land to the front of no.93 and an access strip that abuts the carriageway of Winterslow Drive centrally within a row of 6 parking spaces set at right angles to the carriageway. At the time of my site visit there were two cars parked along the access strip.
4. The surrounding area is predominantly residential in character comprising a mixture of similarly designed semi-detached houses and terraces either of 4 or 6 houses. The houses are regularly laid out around a few greens resulting in a distinctive and relatively open appearance to the area. Front garden parking has been provided in several instances, where the front garden is deep enough, and the house has direct access to the road. In other instances, on street parking is available in recesses along the road providing either parallel parking spaces or blocks at right angles, as near to the appeal site. Cars are also parked on grass verges indicating that there is some local parking stress.

5. The proposed houses would continue the terrace 93-99 Winterslow Drive to provide a row of 6 dwellings. They would be set behind the front wall to no.93 but would otherwise resemble the terraced houses in their width, profile and design details. Four parking spaces would be provided directly in front of the new houses and a turning area linking to the existing access strip.
6. At several houses close to the site, a front garden parking space has been formed near to the living room of an adjacent house, thereby potentially resulting in a level of disturbance when a car is manoeuvred. This relationship would be replicated at the appeal site with the 4 parking spaces set about 1m from the front wall of the houses. Yet the impact on living conditions would be more intense at the appeal site, given the number of parking spaces, the need to turn on site and to pass close to the front and side of 93 Winterslow Drive. The appellant points out that the Highway Authority is supportive of the parking layout, but their comments are technical, relating to function rather than to amenity considerations.
7. The parking and turning area would result in an extensive hard surfaced area that would dominate the site's frontage. This would be screened to some degree by front garden walls and parked cars and there would be two soft landscaped areas. But the layout would not be characteristic of the local pattern of development. The number of spaces seems to be in accordance with the Council's parking standards, but there would not appear to be a dedicated parking area for no.93, and the current practice of parking on the access strip would no longer be available if access is to be maintained to the new houses.
8. The appellant has referred to some front gardens nearby having been totally hard surfaced in relation to permitted development allowances, but this is insufficient reason to diminish assessment of the proposal in relation to relevant development plan policies. The proposal would result in an uncharacteristic, more intensive layout that would be contrary to Policy CS16 of the Havant Borough Core Strategy (2011) (HCS). This requires high quality design for development that responds to, draws inspiration from and respects local context and which does not cause unacceptable harm to the amenity of neighbours through matters including in relation to noise.
9. The appellant contends that the Council has relied too heavily on old appeal decisions¹ at the site, despite these schemes being different in form and layout. Local and national planning policy frameworks have also changed since the time of these decisions, but in that there remain some similarities in the schemes, these decisions are nonetheless material considerations.
10. The appellant claims support for the proposal in relation to section 4 of the Council's Design Guide Supplementary Planning Document (2011) (SPD) that covers the layout and design of new development. I acknowledge that in many of the issues examined in the SPD the proposal would be satisfactory. But at Paragraph 5.18 it states that *"the layout of new schemes should not be dominated by the car or highways"*.
11. Reference is made to four residential developments elsewhere in Havant in which more intensive parking arrangement than proposed at the appeal site have been approved. From the information available, the context and character of these sites differ from the appeal site which is set in a comparatively

¹ Appeal Ref: APP/X1735/A/08/2088336 and Appeal Ref: APP/X1735/A/10/2121335

spacious area. Two of the cases² referred to relate to large developments, setting a new character area rather than infilling within an existing character area. The other two cases³ refer to backland developments, set behind established frontages and so also differ from circumstances at the appeal site.

Special Protection Areas

12. The site is within a zone of influence for the Chichester and Langstone Harbours Special Protection Areas (SPA) which are vulnerable to increased recreational pressures from new residential development. The Council has conducted an Appropriate Assessment in accordance with the Habitat Regulations which concludes that impacts could be mitigated in compliance with the adopted Solent Recreation Mitigation Strategy through a financial contribution. The appellant has prepared a Unilateral Undertaking to satisfy the requirement and the Council has confirmed receipt of the required contribution.
13. I have examined the undertaking and whilst it appears complete in most respects, it is not accompanied by a plan that identifies the land to which it relates, and therefore is not complete. Had I been minded to allow the appeal this matter would have warranted fuller consideration. There remains doubt that the requirements of Policies CS11 and CS21 of the HCS and Policy DM24 of the Havant Borough Local Plan (Allocations) (2014) (HLP) in relation to safeguarding the integrity of the SPA would be satisfied.
14. The Council has evidence of high levels of nitrogen and phosphorus in the water environment around the Solent. The integrity of the SPA could be adversely affected by discharges from additional residential development. The appellant has confirmed that the proposal would include an avoidance and mitigation package, in line with the Council's Nutrient Neutrality Position Statement, and is content for a Grampian condition, suggested by the Council, to be used to secure this prior to occupation of the dwellings. I would have included the planning condition in the decision if the appeal had been allowed.

Other matters

15. The proposal would result in the benefit of two additional homes in a sustainable location that would make a small contribution towards the Council's housing need. The two bedroom houses would also be of a size for which there is a demand⁴. However, the Council can currently demonstrate a five year supply of housing land. In my judgement, the adverse effects arising on the character and appearance of the area and on living conditions for existing and future occupiers would outweigh the benefit of two additional homes.

Conclusion

16. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Rory MacLeod

INSPECTOR

² APP/19/00281 (Woodcroft Primary School) and APP/ 16/00774 (Havant Road)

³ APP/19/00021 (26 West Haye Road) and APP/16/00713 (3 Victoria Road)

⁴ Strategic Housing Market Assessment 2014