



Appeal Decision

Site visit made on 14 July 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2020

Appeal Ref: APP/M1710/W/20/3246412

11 Bridget Close, Horndean, Waterlooville, PO8 9NR

- 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 Nick Sellitto against the decision of East Hampshire District Council.
 - The application Ref: 54480/015 dated 17 July 2019, was refused by notice dated 13 November 2019.
 - The development proposed is erection of a detached bungalow with associated parking and amenity space, following the demolition of the existing garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant's surname is spelt 'Sillitto' on the application form and 'Sellitto' on the appeal form. However, the correct spelling of 'Sellitto' was confirmed by email from the appellant's agent dated 24 February 2020 and I have therefore used this spelling in the banner heading above.
3. Wastewater from the Horndean area eventually discharges, after treatment, into the Chichester and Langstone Harbours Special Protection Area, a designated habitats site. I return to this matter below.

Main Issues

4. The main issues are i) the effect of the proposed development on the character and appearance of the area and ii) whether the proposed development would provide acceptable living conditions for future occupiers of the property with regard to the external garden area.

Reasons

Background

5. The appeal site has been the subject of a number of planning applications, including for a detached garage which was permitted and has been substantially constructed. A previous application for a single storey detached dwelling and three applications for the conversion of the garage to a 1 bedroom dwelling have been refused. Subsequent appeals against the refusals for conversion were dismissed, with the Inspectors concluding, in summary, that the garden area proposed would not provide adequate living conditions for the future occupiers of the proposed dwelling¹. The appellant contends that the proposal before me addresses this issue through the demolition of the garage and relocation of the proposed dwelling. I return to this matter below.

¹ APP/M1710/W/17/3167645, APP/M1710/W/17/3183281 and APP/M1710/W/17/3183272

Character and appearance

6. Bridget Close is a small cul-de-sac forming part of a larger established residential area. The dwellings in the Close are predominantly on the west side, 2-storey and semi-detached, set back from the Close with modest frontages laid to lawn or hardstanding. This setting back and predominantly open front boundaries of these properties give a spacious feel to the Close. These properties are also consistent with the prevailing pattern of development in the area of regularly shaped and reasonably generous plots, with dwellings set back from the road. This general consistency in design, appearance and pattern of development gives the vicinity of the appeal site a strong character.
7. The appeal site is currently occupied by a garage and is located on the east side of the road, to the south of No. 11 Bridget Close, a single detached bungalow (No. 11). Although the form of this dwelling and the solid front boundary treatment to its plot are at odds with the character of the area, it is set back from the road in a plot of a reasonable size and reasonably regular shape. It thus conforms with the general pattern of development and is not prominent in the street scene.
8. The proposed dwelling would be similar in appearance to No. 11 but it would be sited hard against the new footway proposed as part of the scheme with no room for planting to soften its appearance. Whilst this pattern of development might be found elsewhere in Horndean, in this respect the dwelling would be inconsistent with other properties in Bridget Close. The proposed dwelling would thus be incongruous in the street scene, in which it would be prominent when entering Bridget Close due to its positioning and the curve of the road.
9. Furthermore, the appeal site is long and narrow, tapering towards its southern end. Although not significantly dissimilar in size to a number of other plots in the area, its shape is markedly different. As a consequence of the narrowness of the plot, the proposed dwelling would be very close to the eastern boundary of the site, formed by a high fence shielding the site from the A3(M) to the east. The proposed development would therefore be very cramped and appear contrived rather than as a natural infill development. It would be at odds with the prevailing pattern of development in the area and the existing spacious character.
10. The effect on character and appearance was not a reason for the dismissal of the previous appeals relating to this site. However, the proposal before me is significantly different to the schemes considered by the previous Inspectors in that it is proposed to erect a new dwelling on a narrower part of the appeal site rather than use the existing garage. It is therefore not unreasonable for me to consider character and appearance or to decide on this matter as I have.
11. I therefore conclude that the proposed development would be harmful to the character and appearance of the area. Accordingly, in this respect, it would be contrary to Policy CP29 of the East Hampshire District Local Plan Joint Core Strategy (2014) (the JCS), which requires, amongst other things, the layout and design of new development to contribute to local distinctiveness and sense of place.
12. I find no conflict in this respect with Policy CP27 of the JCS which focuses on the effects of development proposals on neighbouring land uses and occupiers. However, the proposal would not accord with paragraph 127 c) of the National Planning Policy Framework (the Framework) which requires decisions to ensure that developments are sympathetic to local character.

Living conditions

13. The proposed dwelling would have garden areas both to the north and the south totalling, from the evidence before me, approximately 242 m². The southern area is long but tapers substantially and so is very narrow at its end, making it an awkward and inconvenient area for practical garden use. It would be hard against Bridget Close

with no intervening verge or footway and with no room to move away. It would also be split in two by and in proximity to the proposed parking area and the proposed fence and hedge would create a tunnel effect. These factors increase its unsuitability for garden activities.

14. However, the siting of the proposed dwelling further to the south on the site than the existing garage would result in a garden area to the north of the dwelling of approximately 90 m², which is within the range of rear garden sizes of properties in Bridget Close. This area would be a suitable size and shape for drying clothes and sitting out for a 1-bedroom dwelling. Although the fence proposed to the highway boundary at 1.2 m high would not ensure privacy from public gaze, there would be room in the garden for planting along this boundary to provide privacy, if so desired, as shown on the submitted plan, without significantly compromising the remaining space available.
15. The provision of a reasonable garden area to the north is a significant difference to the previous schemes dismissed on appeal by my Inspector colleagues. Although I noted during my site visit that noise from traffic on the A3(M) is audible, I have no evidence that this would be unacceptably harmful to the occupiers of the proposed dwelling when using the garden.
16. I therefore conclude that the proposed development would have an adequate and suitable garden area. Accordingly, in this respect, I find no conflict with the requirement of Policy CP29 of the JCS for development to create places where people want to live. As Policy CP27 relates to the effects of development proposals on neighbouring land uses and occupiers, I find no conflict with this policy either in this respect. Furthermore, I find no conflict with paragraph 127 f) of the Framework, which requires planning decisions to ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

Designated habitats sites

17. The mudflats, shingle and saltmarshes of the Chichester and Langstone Harbours, Portsmouth Harbour and Solent & Southampton Water Special Protection Areas (the SPAs) provide essential feeding and roosting grounds for an assemblage of internationally important water birds. Together, these comprise the qualifying features of the SPAs. The Conservation Objectives of the SPAs are, in summary, to ensure that the integrity of the sites is maintained or restored as appropriate and that the sites contribute to achieving the aims of the Wild Birds Directive.
18. Natural England has identified that high levels of nitrogen and phosphorus, mostly from agricultural sources or wastewater from existing housing or other development, are being discharged to the water environment in the Solent². These levels are causing eutrophication of the SPAs, with a consequent impact on the Solent's protected habitats and bird species. The proposal would result in an additional dwelling, with an additional occupier or occupiers, which would result in additional wastewater. In turn, this could affect water quality in the SPAs which could harm their integrity and compromise their Conservation Objectives.
19. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) require the decision maker to undertake an Appropriate Assessment (AA) before giving any permission where there are likely significant effects on the integrity of designated habitats sites from the proposal, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.

² Advice on Achieving Nutrient Neutrality for New Development in the Solent Region' (version 4) March 2020

20. Therefore, had I reached a different conclusion on the main issue, it would have been necessary for me to undertake an AA and give consideration to the likely effectiveness of mitigation measures associated with the SPAs. In doing so I would have had regard to the Council's proposed use of a 'Grampian condition' prohibiting the occupation of the development until an avoidance and mitigation package had been provided as I would have had to be certain that the integrity of these protected sites would not be adversely affected. However, as I am dismissing this appeal for another reason, this has not been necessary.

Other considerations

21. The site is a plot of land with a permanent building which, although now severed from No. 11, formerly formed part of its garden. I note that the application form describes the current use of the site as 'residential garage and storage' but I have no other evidence of any change of use of the site. Therefore, I consider the site to be residential garden land. Notwithstanding the appellant's contentions to the contrary, the site thus falls outside the definition of previously-developed land in the Glossary to the Framework.
22. The Framework sets out the Government's objective of significantly boosting the supply of homes. The proposal would represent an addition to the district's housing stock, and I note that the proposed development is supported by a third party on the basis of a need for more houses. The development would have social and economic benefits. However, an additional dwelling would make a very modest contribution to the housing supply in the district and the benefits would be very limited. Even in combination, and even if the site was to be considered as previously-developed land, these matters are not sufficient to outweigh the harm I have identified and consequent conflict with the development plan. Whilst the proposal would make an effective use of the site, it would not safeguard and improve the environment.
23. I acknowledge that the proposed development would not have any significant effects on the living conditions of the occupiers of neighbouring dwellings. The proposed internal space and parking arrangements are adequate. However, these matters represent an absence of planning harm rather than benefits of the proposal and I therefore give them neutral weight in my decision.

Conclusion

24. For the reasons given above, and having had regard to the other matters raised, the appeal is dismissed.

Martin Small

INSPECTOR