
Appeal Decision

Site visit made on 16 November 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2020

Appeal Ref: APP/J1725/W/20/3257602

53 Marine Parade East, Lee-On-The-Solent PO13 9BW

- 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 Paine of Imperial Homes South Ltd against the decision of Gosport Borough Council.
 - The application Ref 20/00151/FULL, dated 28 April 2020, was refused by notice dated 30 June 2020.
 - The development proposed is demolition of existing dwelling and the erection of a new block of 5No. apartments comprising of 2No. one bedroom and 3No. two bedroom units with car parking and use of existing accesses.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During my site visit, and at the prior written request of the occupants, I was able to assess the proposal from 52 Marine Parade East.

Main Issues

3. The main issues are:
 - a) the effect of the proposal on the character and appearance of the area;
 - b) the effect on the living conditions of the occupiers of 52 Marine Parade East, with particular reference to outlook, daylight and sunlight;
 - c) whether the development would make satisfactory arrangements for refuse storage; and
 - d) whether there would be adequate provision for parking.

Reasons

Character and appearance

4. The site is located within the Marine Parade Area of Special Character. Within this designation, Policy LP14 of the Gosport Borough Local Plan 2011-2019 (GBLP) requires development to demonstrate a high standard of design and layout that reflects the townscape qualities and visual appearance of the seafront. Proposals will be subject to the criteria and guidance in the Marine Parade Area of Special Character Supplementary Planning Document (SPD).

5. The SPD divides Marine Parade into four distinct character areas. The site lies within the Eastern Section¹ which is dominated by buildings of up to 2 storeys. There is a limited number of flatted blocks but the majority of these are located to the north of the site in the general vicinity of Cambridge Road. As the photomontage in Appendix B of the SPD clearly shows, the appeal property lies within the stretch of low-rise development, mainly comprising detached houses, which is more domestic in scale and almost overwhelmingly 2-storey.
6. The proposed development would follow the rhythm of plot widths along this part of Marine Parade and in maintaining the same general width as No 53 it would achieve a reasonable degree of separation with adjacent buildings. The eaves height would be broadly comparable to that of other properties in the row. In these respects, the scheme would adhere to SPD guidance.
7. However, the new flatted block would be appreciably taller than adjoining buildings. The incorporation of an apartment within the roof would add to the size of the building. The mass of the roof would be dominant and it would be increased by the significant depth of the building and the inclusion of a flat section of roof and blind dormers on the side facing roof slopes.
8. The SPD states that where considered permissible any development above eaves line should have a character which is noticeably lighter, and subservient to, the mass of the building below: the slope of the roof should remain the dominant feature. The proposal would not conform to this guidance. The roof would have excessive height and bulk and this would not be disguised by the use of contrasting materials for the walls of the third storey.
9. The guidance stipulates that a minimum of 6 m should be retained between the most forward part of any part of the proposed building and the back of the north side footway to Marine Parade. Although the proposal would meet this requirement insofar as the principal wall is concerned, the first floor balconies would extend closer to the pavement and the building as a whole would sit forward of 52 Marine Parade. This would increase the prominence of the development and reinforce its overly assertive appearance.
10. For the above reasons, the proposal would be discordant and it would not reflect the townscape qualities and visual appearance of the seafront. I conclude that it would cause material harm to the character and appearance of the area contrary to GBLP Policy LP14. There would also be conflict with GBLP Policy LP10 insofar as it expects new development to be well-designed and respectful of the character of the Borough's distinctive built environment.

Living conditions

11. No 52 Marine Parade is a 2-storey house with single storey lean-to extension at the back. The rear-facing windows nearest the boundary with No 53 serve a bedroom at ground floor and main living room on the first floor. The latter is dual aspect with balcony doors at the front of the property overlooking the Solent.
12. The footprint of the proposed development would extend beyond the rearmost extent of 52 Marine Parade. The building would be a dominant and overbearing feature when viewed from the neighbours' patio and garden. It would also have a significant adverse impact on outlook from the first floor window, due to the oppressive mass of built form close to the boundary.

¹ No.6 Marine Parade East to No.68 Marine Parade East (Queens Road)

13. The size of the proposed building and its position relative to No 52 would have implications for the level of daylight and sunlight enjoyed by the neighbours. I have not been presented with any technical evidence in the form of a daylight and sunlight study but, based on the information before me and my own observations at the site visit, there is great potential for overshadowing and loss of daylight. This would add to the harm arising from loss of outlook.
14. GBLP Policy LP14 states that development in the Marine Parade Area of Special Character will only be permitted where there is proper and adequate protection given to the residential amenities of neighbouring properties. GBLP Policy LP10 places a general duty on proposals to avoid harm by reason of loss of light and outlook. In having an unacceptable adverse impact on the living conditions of the occupiers of 52 Marine Parade the proposal would conflict with these policies.

Refuse storage

15. The Council has not directed me to any specific development plan policies relating to refuse storage. However, the SPD recommends that the layout and design of new development should provide adequate space to facilitate sorting and storage of waste materials prior to collection. The Design Guidance: Supplementary Planning Document (2014) further states that there must be sufficient room within communal bin stores for access to each individual bin, to be opened from the front and space to lift waste/recycling and place in the bin. Alley widths should be at least 2 metres wide to allow for safe manoeuvring and transfer of the collection containers to the vehicle.
16. Consultation responses indicate that the bin storage requirements of 5 flats would be 1200 litres (5 x 240 litre) each for recycling and general waste. The scheme meets this requirement; however, the provision would be via 360 litre communal bins. Although this would deliver the necessary storage capacity, the bin cupboard would be cramped making it impractical and difficult for residents to use the bins. The alleyway along the side of the building would be narrow and the cupboard doors would interfere with the safe and convenient manoeuvring of bins to the kerbside for collection.
17. I therefore conclude that provision within the scheme for refuse storage would be unsatisfactory. The proposal represents poor design contrary to GBLP Policy LP10.

Parking

18. Appendix A of the Parking: Supplementary Planning Document (2014) (Parking SPD) sets out the minimum number of spaces required to meet the needs of residential development. The appellant has indicated that the proposed parking spaces would be unallocated and this gives rise to a minimum requirement for 7 parking spaces. The scheme would provide a total of 6 spaces, 4 in a parking area to the rear of the building (accessed off the rear lane) and 2 to the front (accessed off Marine Parade East). The scheme as a whole would therefore be deficient of 1 space against the Council's adopted standards. There is no evidence before me in the form of a parking survey to demonstrate that there is capacity to accommodate any overspill parking on-street without compromising the safe and efficient operation of the highway or the amenity of existing residents.
19. The Parking SPD states that for all developments served by classified roads, sufficient space must be provided to enable vehicles to park and turn around independently and enter the highway in a forward direction. Marine Parade is

classified (B3333) and therefore this requirement would apply to the front spaces in the appeal scheme. Recent developments on Marine Parade provide parking similar to that proposed, but I do not know what these schemes were replacing and this does not make the proposed arrangement safe or desirable.

20. The Council has also raised concerns regarding the front spaces which fall half a metre short of the length stipulated in the Parking SPD. I am not convinced that the size deficiency in this case would necessarily give rise to significant highway safety issues, but the failure to comply with the Council's adopted design guidance is another factor weighing against the scheme.
21. The proposal falls short in a number of areas relating to the provision of parking. It therefore conflicts with GBLP Policy LP23 insofar as it requires that adequate provision is made for parking cars in line with the adopted Parking SPD.

Other Matters

22. The appellant recognises that financial contributions are required in line with the Solent Recreation Mitigation Strategy, in order to secure compliance with GBLP Policies LP42 and LP44. There is also an acceptance that the proposed development would not be nitrate neutral and that mitigation measures are required to offset the increased nutrient discharge associated with the proposal. The nature of those mitigation measures is unclear based on the evidence before me. Nevertheless, I am told that the appellant is willing to enter into legal agreements to ensure compliance with the Conservation of Habitats and Species Regulations 2017. There is no planning obligation before me and this omission is fatal to the appeal. However, since I am dismissing the appeal for other reasons I do not need to discuss this matter in any depth.
23. There are some parallels between the appeal proposal and a recent flatted development at 30 Marine Parade. However, I do not know the background to the Council's consideration of that case and moreover that scheme has a different context, being adjacent to much larger flatted blocks. The appeal site sits amongst buildings of more domestic scale and for this reason the schemes are not directly comparable.
24. I have taken account of all other matters raised in representations, including those concerning the suitability of the rear service lane, the potential for overlooking and the adequacy of foul drainage. However, no matter is of such significance as to outweigh my findings on the main issues.

Planning Balance and Conclusion

25. The proposal would make efficient use of land within the urban area to provide new homes. However, the benefits of housing delivery would be outweighed by the adverse impacts on the character and appearance of the area and the living conditions of neighbours, together with the harm arising from poor design in respect of parking and refuse storage.
26. For the reasons given above, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR