
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/20/3255635

Land to the rear of Nos 2 and 4 Gosport Road, Lee-On-The-Solent PO13 9EL

- 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 Mrs J Cherryman against the decision of Gosport Borough Council.
 - The application Ref 19/00509/FUL, dated 15 November 2019, was refused by notice dated 17 February 2020.
 - The development proposed is construction of two storey dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the area;
 - b) the effect on the living conditions of the occupiers of properties in Gosport Road, with particular reference to outlook and privacy; and
 - c) whether the scheme would ensure adequate provision for car parking for future occupants of the dwelling and existing local residents.

Reasons

Character and appearance

3. The site is disused, but formerly comprised the rear gardens of a pair of detached bungalows that face onto Gosport Road. It has a frontage onto Elmore Avenue and the proposed dwelling would address this road.
4. Gosport Road and the connecting streets to the south have a mixed character, with an organic blend of bungalows and houses of differing ages and style. Elmore Avenue, where it connects onto Gosport Road, has more of an estate feel with homogenous building designs and a planned layout.
5. The appeal site lies at the interface between these two character areas, sandwiched between the rear gardens of bungalows and a block of flats. As an infill development in Gosport Road the proposed dwelling could be argued to contribute positively to the eclectic mix of designs in the street scene.

However, standing alone on this narrow plot to the rear of Nos 2 and 4, the development would appear cramped and out of context. The dwelling would be visually discordant as a result of its form and massing – the deep flank walls and barn hipped roof contributing to an incongruous appearance.

6. Accordingly, I conclude that the proposal would be harmful to the character and appearance of the area. It would conflict with Policy LP10 of the Gosport Borough Local Plan 2011-2029 (GBLP) insofar as it seeks to ensure that new development is well-designed to respect the character of the Borough's distinctive built environment.

Living conditions

7. The flank wall of the proposed building would be sited parallel to the rear boundary of the retained garden belonging to 2 Gosport Road. The distance between the bungalow and the new dwelling would be roughly 7 m at the closest point. This is well below the minimum separation distance of 12.5 m recommended in the Council's Design Supplementary Planning Document (Design SPD). Residents of No 2 would have an outlook onto a blank wall in excess of 10 m wide. The appellant argues that the relationship would be acceptable on the basis that the proposed dwelling would be 1½ storey. However, the reduction in eaves height would be token and the gutter line would be somewhere in the region of 4.5 m high with a further mass of roof on top of that. This would be overbearing and oppressive for existing and future occupants of No 2.
8. The first floor windows on the rear wall of the proposed dwelling would provide occupants of the development with views over the gardens to bungalows in Gosport Road. Some of these views would be oblique whereas others would be more direct in character. The Design SPD explains that some overlooking of gardens from upper storeys of adjoining dwellings is unavoidable in urban and suburban areas. However, it also states that a high standard of privacy should be sought for outdoor private garden space, particularly near the house. The relationship of the proposed development to existing properties is such that there would be a material loss of privacy for the occupants of Nos 4 and 6 Gosport Road. The gardens to both properties are largely private, but the proposed development would be intrusive by creating opportunities for overlooking.
9. I therefore find that the proposal would be materially harmful to the living conditions of adjoining residents in Gosport Road. It would thus conflict with the requirement of GBLP Policy LP10 that development should create high quality neighbourhoods and avoid harm by reason of loss of privacy or outlook.

Parking

10. GBLP Policy LP23 requires provision to be made for parking. The supporting text references standards that are set out in the Parking Supplementary Planning Document (Parking SPD). These stipulate that a 2 bedroom dwelling should be provided with 2 allocated parking spaces. The plans do not show dedicated parking, but there is an area to the front of the building which could be marked out for the purpose. However, this is compromised by a projecting bay window and it does not meet the Parking SPD requirement for spaces to be a minimum of 6 m in length. The consequence of this is that vehicles may overhang the footway.

11. The site is not presently used for parking but the derelict remains of a garage and vehicular access gates indicate that it has historically been available for the purpose. The Council has raised the concern that the removal of this provision and the creation of a dropped kerb in connection with the development would place additional demands on the existing on-street parking. This has the potential to lead to inconsiderate and unsafe parking and inconvenience for existing residents. Although there was some on-street parking available at the time of my visit there is no evidence before me in the form of a parking survey to demonstrate that there would be capacity at times of peak demand such as evenings and weekends. This factor weighs against the proposal.
12. The appeal scheme would not make adequate provision for parking in line with the Council's adopted standards. Moreover, it fails to demonstrate that there would not be adverse impacts on existing on-street parking. For these reasons the proposal would not comply with the requirements of GBLP Policy LP23.

Other Matters

13. The Council states that the appellant has already paid a contribution to mitigate the effect of additional recreational disturbance on the Portsmouth Harbour and Solent and Southampton Water Special Protection Areas. I have not been provided with a signed legal agreement to confirm that the contribution is secure and ringfenced for its intended purpose. However, since I am dismissing the appeal for other reasons I have not pursued this with the parties.
14. The appellant does not dispute that the development would adversely impact upon European protected sites by increasing the discharge of nitrates through foul discharge to sewers. I note the willingness to sign a S106 agreement to secure contributions to mitigate the harmful impacts. However, the lack of an agreed protocol means that there are significant uncertainties over the nature of any mitigation and the costs of delivering it. Based on the information before me, some form of mitigation will be required to address the requirements of the Conservation of Habitats and Species Regulations 2017. However, the fact that I am dismissing the appeal for other reasons means that I do not need to discuss this matter in any further detail.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR