
Appeal Decision

Site visit made on 15 February 2021

by Robin Buchanan BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2021

Appeal Ref: APP/A1720/D/20/3261938
100 Mays Lane, Stubbington PO14 2ED

- 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 & Mrs K Moya against the decision of Fareham Borough Council.
 - The application Ref P/20/0535/FP, dated 1 December 2019, was refused by notice dated 4 August 2020.
 - The development proposed is an oak frame garage and car port.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form incorrectly refers to the applicant as 'Mr & Mrs K Mora'. While the appeal form correctly refers to 'Mr Kevin Moya', the appellant has since confirmed that the appeal is being progressed by 'Mr & Mrs K Moya'. Both main parties appeal documents refer to a tree in the front garden of the appeal site. I saw at my site visit, and as the appellant explained, that this tree has since been removed. I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is in the built-up area of Stubbington. In this part and side of Mays Lane, from its junction with Stroud Green Lane in one direction and as it becomes Peak Lane in the other direction, there are some houses but the predominant building form is bungalows, as at the appeal site, or dormer bungalows all with low pitched roofs. Most of these properties are sited behind reasonably long front gardens. The garden boundaries with Mays Lane are mainly low walls with taller hedgerow, shrubs or trees along the inside edge, often, as at the appeal site, returning along front garden side boundaries. None of these properties have detached garages or other significant outbuildings sited close to the front garden boundary with Mays Lane. The broadly uniform building line of these properties, set well back from Mays Lane with open undeveloped landscaped front gardens, establishes a verdant and spacious

arrangement of development along this streetscene that is locally distinctive in public views.

5. The proposed development would result in the erection of a building for a garage and car port in the front garden. It would be of high quality design and materials and the building footprint would be limited to that which was required for the intended use. The front garden would be large enough to accommodate this development without causing an overly cramped or dominating relationship to the bungalow. Most of the vertical elevations would be screened to an appreciable degree by existing boundary planting.
6. However, it would be sited close to the front garden boundary with Mays Lane and despite a relatively low pitch and fully hipped roof design, the eaves, apex and roof slopes would nonetheless project upwards. This appreciable part of the building would therefore be visible over boundary planting in views from Mays Lane in either direction. In addition, the roof and a significant part of the full height vertical elevations would be seen through the gap at the vehicular entrance into the appeal site.
7. The building would therefore be unduly conspicuous and consequently would unacceptably erode the openness of this part of the appeal site. In addition, its siting would be at odds with the pattern and sequence of development along this part and side of Mays Lane and as a result would have a jarring effect in the streetscene. Consequently, additional landscaping, which I accept could be secured by a condition were I minded to grant planning permission, would not overcome all of these matters. Such planting would in any event likely take some years to mature and have a meaningful screening effect and would not therefore mitigate adverse impact meantime.
8. I saw that some residential properties elsewhere in Mays Lane have detached garages in front gardens, including some that are a similar distance or closer to front garden boundaries compared to the proposed development at the appeal site. However, Mays Lane is quite a long road and it is therefore unsurprising that 'others [*garages*] are already found'¹ elsewhere along this road, but these are the exception and the majority of properties do not have such garages. Furthermore, the garages and properties referred to by the appellant in this regard are at least 150m away from the appeal site and in some cases around bends in the road. As a result, these do not have any meaningful visual or physical relationship to the appeal site. In addition, these other parts or sides of Mays Lane are more intensely developed, including with properties and outbuildings appreciably closer together or tighter to the road edge giving a noticeably less spacious and more built-up urban feel.
9. The circumstances of these other properties can therefore be clearly distinguished from the appeal site and its immediate neighbouring properties and streetscene context. Accordingly, these examples of garages elsewhere do not provide a compelling context or comparable precedent for the appeal proposal, as the appellant otherwise suggests.
10. Considering the above, the proposed development would cause significant harm to the character and appearance of the area. Consequently, it would not accord with Policy CS17 of the Fareham Borough Core Strategy, August 2011. This policy includes that development should respond positively to and be

¹ Council's 'Design Guidance' supplementary planning document, December 2015 (SPD) – page 3.

respectful of the key characteristics of the area, including scale, form and spaciousness, should provide continuity of built form and create a sense of identity and distinctiveness that is legible.

11. It would also conflict with the SPD insofar as garages are not 'already found' in front gardens within this particular part of Mays Lane near the appeal site and would conflict with the National Planning Policy Framework paragraphs 8, 124 and 127. These include that development should protect and enhance the built environment, create high quality places, be visually attractive as a result of good layout, be sympathetic to local character including the surrounding built environment and maintain a strong sense of place by using the arrangement of streets and spaces to create distinctive places to live.

Other Matters

12. I have taken account of the personal reasons given by the appellant. In this regard, I appreciate that the existing single garage may be too small to use for parking modern cars, or enough cars, and that the proposed garage and car port would be the appellant's preferred solution. While I sympathise with the appellant's needs, I have borne in mind that this development would remain long after these personal circumstances have ceased to be material. Therefore, these considerations would not outweigh the harm that I have identified in the main issue above.
13. I acknowledge that there would be no harm to protected species. The proposed development would not have any consequence for crime or anti-social behaviour and there would be no harm to the living conditions of existing occupiers of neighbouring dwellings, including that if I were minded to grant planning permission a condition could control hours of working during construction and the arrangements for site waste management. The vehicular access would be suitable to serve the garage and car port and there would be a satisfactory number of car parking spaces provided, no trees would be harmed and there would be no unacceptable flood risk. The absence of harm in these regards is a neutral factor in my decision.
14. I also recognise that the appellant has sought to work constructively with the Council's officers through pre-application discussions and revisions to a previously refused similar proposal. Despite what officers may have indicated to the appellant, the proposed development has not resolved the Council's outstanding concerns as reflected in the decision that it ultimately made. I also appreciate that there were no interested party representations on the proposed development but the absence of public objection does not mean absence of material planning harm. I have, in any event, considered the appeal on its individual planning merits.

Conclusion

15. For the reasons given, the appeal does not succeed.

Robin Buchanan

INSPECTOR