



Appeal Decision

Site visit made on 11 November 2022

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2022

Appeal Ref: APP/X1735/W/22/3299101

57 London Road, Cowplain, Waterlooville PO8 8UJ

- 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 Kirkpatrick for the Trustees of the Barford Trust against the decision of Havant Borough Council.
 - The application Ref APP/21/00433, dated 13 April 2021, was refused by notice dated 17 November 2021.
 - The development proposed is the erection of a pair of semi-detached dwellings, following demolition of existing wall with associated parking and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is accompanied by a unilateral undertaking that obligates the appellant to contribute to measures designed to mitigate harm to the Solent special protection areas. I comment further on the undertaking in other matters.
3. The Submission Version Havant Local Plan referred to in the Council's reason for refusal has now been withdrawn. The policies in it therefore carry no weight and I have not considered them in reaching my decision.

Main Issues

4. The main issues are the effect of the development on:
 - The character and appearance of the area
 - The living conditions of future occupants, with regard to garden space and outlook.
5. It is also necessary to consider what effect the lack of housing land supply should have in the decision. I address this issue in my conclusion.

Reasons

6. The area consists of a small shopping parade with a public car park to the rear, set within an otherwise largely residential neighbourhood. The site itself forms part of the rear service yard of commercial premises in the parade fronting London Road. Other service yards used mainly for parking and incidental storage flank the site to either side and between it and the public car park. First floor accommodation above the shops appears to be used either for

ancillary purposes or as residential flats. Positioned obliquely to the site in the public car park is a set of public toilets. There is a mix of building styles and materials, reflecting the incremental development of the area. These features give the area a somewhat utilitarian if varied character and appearance.

7. The proposed building would occupy almost all of the available site, other than for a parking area adjacent to the access and a small amount of land between it and the rear of the commercial premises that would be used for pedestrian access and to accommodate bin and bicycle stores. In my view such a development would appear cramped and overdeveloped, with the building hard up or very close to the flank and rear boundaries, and also to the rear elevations of the commercial premises. While surrounding buildings are set close alongside one another they do have space at the rear, which provides for a degree of separation between them and the private and public car parks. That would not be the case with the proposed development.
8. The height and design of the building would exacerbate the sense of overdevelopment. The somewhat incongruous part pitched, part flat roof form would rise to the same height as buildings fronting London Road, but in a much more cramped setting, and the clerestory windows in the elevation facing the car park would give the impression of a 3 storey building, at odds with the 1 or 2 storey buildings otherwise surrounding the car park, making it overly prominent and obtrusive.
9. Taken together, I conclude that the form and size of the building would appear cramped and obtrusive on its restricted site. This would harm the character and appearance of the area contrary to Policy CS16 of the Havant Borough Core Strategy 2011 which requires new development to be designed to a high standard.

Living conditions of future occupants

10. Because of the cramped nature of the plot, the outlook from the ground floor bedroom windows would be blocked by the adjacent timber fence to the neighbouring car park. As the primary, and only, bedroom space in each unit, this would result in a very poor outlook for future occupiers.
11. The Havant Borough Council Borough Design Guide supplementary planning document (the 'Design Guide') states that the garden of a two storey home should be a minimum of 10m in length, although recognises there may be exceptions, giving a townhouse with a small courtyard garden as an example.
12. The proposed units would have no private outdoor garden space. Both would have a balcony at first floor level which would allow occupiers to sit outside in a relatively sheltered space. This would be similar to the balconies to first floor accommodation above some of the commercial premises. The difference however is that these are flats rather than houses, where there are different expectations as to the size and nature of the outdoor space associated with them.
13. Although gardens of 10m in length may be unrealistic in such a setting as the appeal site, it is clear that at least some useable private garden space is expected by the Design Guide for new houses, as distinct from flats, however urban their situation. The proposed scheme does not achieve that design aim. The presence of public open space nearby, including Padnell Recreation Ground

and the Queens Enclosure, does not obviate the need for such private garden space.

14. I conclude that because of the obstructed outlook from the ground floor bedroom windows, and the lack of private outdoor garden space, the development would result in poor living conditions for future occupants. This would conflict with Policy CS16 of the Havant Borough Core Strategy 2011 and the Design Guide, which require development to be designed to a high standard, which helps to create places where people want to live, work and relax.

Other Matters

15. Several areas of international ecological importance in and around the Solent are experiencing eutrophication from increased nutrients in waste water, as well as informal recreational pressure disturbing feeding grounds of migrant bird populations. The creation of additional dwellings has the potential to add to the disturbance of the special protection areas. The appellant has submitted a unilateral undertaking that aims to mitigate such potential harm in a manner agreed by the Council. Although it seems likely that harm could be mitigated, given my decision on the appeal there is no need for me to undertake an appropriate assessment and I have not considered this matter any further.

Conclusion

16. I have found that the development would harm the character and appearance of the area, and result in poor living conditions for future occupants. For those reasons, I consider that the scheme would conflict with the development plan when taken as a whole.
17. The Council is currently only able to demonstrate a 3.9 years' supply of housing land, which is less than that required by national planning policy. In such circumstances, paragraph 11 of the National Planning Policy Framework says that planning permission should be granted unless policies in the Framework provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
18. In this case the provision of 2 additional dwellings would be beneficial in helping to meet housing need, especially given the shortfall in housing land, and therefore carries weight. However, I consider the adverse impacts identified above are significant and would demonstrably outweigh the provision of 2 small units of accommodation, beneficial though that would be. The presumption in favour of sustainable development does not therefore apply in this case.
19. The development would conflict with the development plan when taken as a whole, and there are no material considerations which outweigh that conflict. Accordingly, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR