



Appeal Decision

Site visit made on 16 May 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2023

Appeal Ref: APP/J1725/W/22/3306881

7 WYCH LANE, GOSPORT, HAMPSHIRE PO13 0SU

- 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 Luke Townsend Brown against the decision of Gosport Borough Council.
 - The application Ref 22/00214/FULL, dated 6 May 2022, was refused by notice dated 15 July 2022.
 - The development proposed is erection of 4 no. garages.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 4 no. garages at 7 Wych Lane, Gosport, Hampshire PO13 0SU in accordance with the terms of the application, Ref 22/00214/FULL, dated 6 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan MT / 1547 / 2 Revision A – Date: May 2022’.
 - 3) The garages hereby permitted shall be used solely for domestic storage or the parking of a domestic vehicle, and shall not be used for any business, commercial or industrial purposes whatsoever.

Preliminary Matter

2. Notwithstanding the plan submitted with the appellant’s appeal documents, the Council has confirmed that it considered the planning application on the basis of drawing number MT / 1547 / 2 Revision A which is dated May 2022. Whilst the plan submitted with the appellant’s document has the same reference number, it is dated August 2021 and differs from the plan on which the Council determined the application in terms of the depth of the proposed building. The appellant has been provided with an opportunity to comment on the matter of the plan. The Council considered the planning application having regard to the plan with the May 2022 date, which shows an external dimension of 6.3m for the depth of the proposed building. Accordingly, I have also determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the amenity of users of the access and on highway safety.

Reasons

4. The appeal site is an area of hardstanding behind residential properties. The existing vehicular access to the site is alongside 7 Wych Lane and provides access to several areas of parking, including garages.
5. Having regard to the application site area, the proposed garages would not reduce the width of the access road compared to the existing situation. Whilst I note the comments concerning landownership, Certificate A was completed for the application and planning appeal forms certifying that the applicant is the sole owner of all the land within the boundaries of the application site. Moreover, I have no substantive evidence before me to show that the proposal would lead to an increase of incidents, including obstruction of access. In any case, any legal issues arising from obstruction of a private access would be a separate matter between the involved parties.
6. The proposed garages would replace existing off-street parking spaces. The garages would have an internal depth of 6.1 metres and a width of 3 metres. Whilst the width would be 20 centimetres below the guidance for size of garages contained in the Council's Parking: Supplementary Planning Document February 2014 (SPD), the shortfall would be modest, and cars would be able to be accommodated within the building. Accordingly, the scheme would not result in any net loss of parking provision. There is no substantive evidence to demonstrate that existing access would be affected by the proposal, nor that the scheme would result in obstruction to emergency vehicles.
7. The garages would be set away from the public highway where it would likely be uninviting for vehicles to reverse along the access and out on to Wych Lane, rather than manoeuvre within the site. Whilst I observed some vegetation within the application site, the drawing submitted shows the vegetation removed. Furthermore, the Council's officer report has advised there would be more than 6 metres between the front of the garages and the far edge of the access road. Therefore, adequate space to manoeuvre vehicles would be achieved.
8. Consequently, I find that the proposal would not cause an unacceptable impact on the amenities of other users of the access or result in an increase in vehicles reversing onto Wych Lane.
9. The proposal would not result in a material increase in traffic movements within the appeal site. I am also mindful that vehicle speeds in this area would be low. As such, the proposal would be unlikely to cause danger to pedestrians. Although I acknowledge interested parties concerns regarding the need for the development, historical uses of the site and previous applications, the appeal scheme relates to existing car parking spaces and, even if there was a lack of a specific need for the proposed development, this does not indicate that permission should not be granted for an otherwise acceptable proposal.
10. While I am mindful of the guidance in the SPD and I am cognisant that the proposed development would not achieve the guidance in respect of the width of garages, the shortfall is minor, and the proposal would not reduce the parking provision. In any event, the SPD is for guidance purposes and as I have found above, the proposal would not lead to harm in respect of this main issue.

11. For these reasons, the proposed scheme would provide satisfactory manoeuvring space for vehicles using the garages and would not result in harm to the amenity of users of the access or to highway safety. As such, the proposal complies with Policy LP23 of the Gosport Borough Local Plan 2011-2029 which, amongst other things, requires development proposals to make adequate provision for access, manoeuvring and parking.

Other Matters

12. Whilst I have noted that in order to provide access to the garages some vegetation would need to be cleared, the Council has not raised concern with regard to the effect of the proposed development on the character and appearance of the area. Furthermore, as noticed during my site visit, the vegetation is limited in scale and has limited value in terms of its contribution to the local environment, as such, I agree that the proposal would have an acceptable impact on the character and appearance of the area.
13. The building would be constructed over an existing area of hard surfacing. I have no substantive evidence before me to show that surface water disposal, including puddles, would be accentuated at the appeal site. The future management and maintenance of the garages is not a matter for this appeal. Any damage caused to property or obstruction of neighbouring occupiers' access during construction would be a private matter between the parties involved.
14. The appellant has exercised their right to appeal. If alterations are required or an alternative scheme with new plans proposed, those may require planning permission in their own right. As no such works are shown on the proposed plan, I cannot consider them in this appeal and a further planning application may therefore be required.
15. The proposal would not result in the loss of existing cycle parking or generate a demand for cycle parking in itself. I am satisfied the details of the appeal scheme as shown on the plan and details in the written evidence allow a reasonable assessment of the development sought. I note the comments regarding the neighbour notification letters and the Council's advice that the planning application was advertised in accordance with the statutory requirements. Consequently, these concerns do not change my findings on the main issue above.

Conditions

16. I have considered the conditions suggested by the Council against the tests in the National Planning Policy Framework (2021) and the advice in the Planning Practice Guidance. In addition to the statutory time limit condition, I agree that a condition specifying the relevant plan is necessary to provide certainty. However, I have made reference to drawing 'MT / 1547 / 2 Revision A – Date: May 2022' in this condition rather than 'MT / 1547 / 2 REV A – Proposed Plans (received 21.06.2022)' for the sake of clarity as this is what is shown on the plan. To safeguard neighbouring occupiers living conditions, I agree a condition controlling the use of the garages is necessary. However, as I have found that there would be adequate access and turning space for the proposed development, a condition requiring such details to be submitted would not be reasonable or necessary.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

J White

INSPECTOR