



Appeal Decision

Site visit made on 18 April 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2023

Appeal Ref: APP/X1735/W/21/3279615

Land between 26 and 32 Padnell Road, Cowplain PO8 8DZ

- 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 Alwyn DeSouza of D & K Contracting Services Limited against the decision of Havant Borough Council.
 - The application Ref APP/21/00024, dated 29 December 2020, was refused by notice dated 12 May 2021.
 - The development proposed is erection of block of 6 flats with associated parking and bin/cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have also dealt with another appeal¹ on this site. That appeal is the subject of a separate decision.
3. Since the determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. The main parties have had the opportunity to comment on the changes. I have therefore determined this appeal with regard to the current version, published in July 2021.
4. The Council has confirmed that the Havant Borough Local Plan 2036 was withdrawn from examination on 16 March 2022, and consequently the emerging policies referred to in its reason for refusal are withdrawn.
5. Since the refusal of planning permission Natural England has written to the Council with updated advice on Water Quality & Nutrient Neutrality. The main parties have been given the opportunity to make any comments on the implications of this, and I have taken the comments into account.

Main Issues

6. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the area;
 - (ii) the living conditions of the occupiers of 26 Padnell Road (No 26) and 32 Padnell Road (No 32) with particular regard to outlook, privacy, noise and disturbance and, additionally with regard to No 32, sunlight; and

¹ Ref: APP/X1735/W/22/3305931

- (iii) the living conditions of local residents and free flow of traffic in Padnell Road from increased pressure for on-street parking.

Reasons

Character and appearance

7. The appeal site is an enclosed parcel of land situated between No 26 and No 32. It occupies a plot on Padnell Road within a predominately residential area. While there is variety in buildings, dwellings are typically arranged to face the street with a somewhat coherent building line behind enclosed front gardens with generous space for off-road parking.
8. Dwellings typically have long rear gardens and are arranged with a relatively even depth of development and rear building line. The arrangement of dwellings fronting the road, and scale and depth of development contributes strongly to the character and appearance of the area. I also noticed at my site visit that some neighbouring properties have outbuildings within the rear gardens. However, these structures are relatively modest and single storey, which results in a spacious character to the rear of properties along this side of the road.
9. Whilst the front elevation of the proposed building would respond to the general line of buildings as observed from the street, the scheme would have long, two storey elevations running back into the site and substantially extending beyond the rear elevations of the adjacent residential dwellings. Moreover, as a result of the depth of the building, the bulk of the building would appear notably different to the established character and appearance of the surrounding area. These factors would fail to reflect the established building rhythm, bulk and depth which persists between the rows of houses along this side of Padnell Road.
10. Although the neighbouring dwellings would obscure views of the side elevations so that they would not be easily seen from wider areas, the sense of incongruity created by its bulk and depth would be given emphasis from glimpse views between the buildings. Moreover, it would be evident from properties nearby. I do not consider that the inclusion of building materials and architectural features reflecting detail of neighbouring buildings within the north elevation offsets the harm that would be caused to the character and appearance of the area.
11. Paragraph 124 of the Framework advises that planning policies and decisions should support development that makes efficient use of land. However, this should take account of, amongst other things, the desirability of maintaining an areas prevailing character and setting.
12. For these reasons, the proposed building would appear as an unsympathetic form of development, which would fail to integrate successfully with the character and appearance of the surrounding area.
13. Nevertheless, the proposal for an area of vehicle parking to the front of the site would not appear inconsistent with the areas of parking at the frontages of properties along Padnell Road. Furthermore, although six car parking spaces could be accommodated, a new boundary would be formed. While not sufficient to screen the building, a suitably worded condition could secure appropriate

landscaping and boundary treatment to ensure the parking area is sympathetic to the character and appearance of the street were the appeal to be allowed.

14. I noticed during my site visit that the extension to No 32 and the dwelling at 20 Padnell Road are noticeably of a different character and appearance to the appeal scheme, including in terms of their depth spanning into rear garden areas. The built form related to Nightingale Lodge and St Wilfrid's Church have an entirely different spatial context and relationship in comparison to the appeal scheme. The buildings relate to larger plots and are read in the context of each other. As such, those developments are directly comparable with the appeal scheme, in terms of the effect on the character and appearance of the area.
15. For the above reasons, the proposal would cause significant harm to the character and appearance of the area. This fails to accord with criteria in Policy CS16 of the HBCS which, amongst other things, seeks a high standard of design and requires that development uses the characteristics of the locality to help inform the design of new development including heights, massing, existing building lines, plot widths and depths. For similar reasons, the proposal would be contrary to paragraph 124 and Chapter 12 of the Framework which requires high quality design.
16. The proposed development would also be contrary to the guidance in the Havant Borough Council Design Guide Supplementary Planning Document (December 2011) (HBCDG), which seeks to ensure development is appropriately designed so that it is sympathetic to local character.

Living conditions

17. The properties of No 26 and No 32 lie either side of the appeal site. Both dwellings have windows, including patio windows in the rear elevation as well as decking/patio areas adjacent to the dwelling. There is a high close board timber fence along the side boundaries of the site. The rear gardens of No 26 and No 32 back on to a small area of woodland. This, together with the presence of garden areas either side of the properties and the scale and arrangement of adjacent buildings, means that the rear elevations and gardens of No 26 and No 32 are relatively private and with a sense of spaciousness.
18. The proposed building would be in close proximity to the rear elevations and gardens of No 26 and No 32, despite its angled position relative to No 26 and the presence of a Southern Water surface water drain. It would extend a considerable depth into the appeal site and, due to its two-storey height and bulk, it would loom large over the outside areas and rear windows of No 26 and No 32. This would be significant in terms of creating an overbearing and obtrusive development, despite the recess along its side elevation, causing significant harm to the outlook of the occupiers of No 26 and No 32.
19. There is already mutual overlooking between residential neighbours, including between 34 Padnell Road and No 32. However, the balconies proposed in the rear elevation would allow clear short-range views from a first-floor level into the rear gardens of No 26 and No 32 from a position not currently experienced. This is despite the balconies being limited in size.
20. Without precise details of privacy screens, given the relative height and proximity of the proposed balconies, I am not persuaded these would

satisfactorily address this concern. Consequently, there would be unacceptable harm to the living conditions of No 26 and No 30, with regard to privacy.

21. The proposed development would result in increased activity at the site, with increased comings and goings and use of balconies. However, given the number of occupants, boundary treatments and relatively limited number of traffic movements associated with the residential use of the site, the proposal would be unlikely to cause unacceptable noise and disturbance to neighbouring occupants.
22. The proposal would cause a degree of additional overshadowing to No 32, particularly during the evening. However, the extent of that would be for a limited period in the day given the position of the appeal scheme to the southwest side. In this context, any additional overshadowing would not be significant given the position of the appeal scheme to the side. Even if the proposal did breach the 45-degree angle, I find no reason that the proposal would cause detriment to the living conditions of No 32, with particular regard to sunlight.
23. There are no details of external lighting before me. Nonetheless, I noted during my site visit that there is street lighting along Padnell Road, and a suitably worded condition could secure appropriate external lighting to ensure it is sympathetic to neighbouring living conditions were the appeal to be allowed.
24. For the above reasons, I find the proposal would not result in significant harm in terms of either noise and disturbance or sunlight. Nonetheless, I conclude that the proposal would have a significant harmful effect on the living conditions of the neighbouring occupiers of No 26 and No 32 with particular regard to outlook and privacy. As such, with regard to this main issue, there would be conflict with Policy CS16 of the HBCS which, amongst other things, requires that development does not cause unacceptable harm to the amenity of neighbours. For similar reasons, the proposal would also be contrary to Chapter 12 of the Framework which requires high quality design and states that developments should create places that promote health and well-being, with a high standard of amenity for existing and future users.
25. The proposed development would also be contrary to the guidance contained in Section 5 of the HBCDG, which amongst other things seeks to ensure development of infill sites does not have an adverse impact on neighbouring properties.

Car parking

26. There are some restrictions on parking on Padnell Road including double yellow lines from its junction with the A3 London Road to the west, double yellow lines along the St Wilfrid's Church access and single yellow lines to the east in the vicinity of bus stops and the school access road. Policy CS16 of the HBCS requires, amongst other things, that development contributes to improving community safety and to safeguard residents living conditions.
27. Policy DM13 of the HBCS requires that residential development provides car parking in accordance with the standards set out in the Residential Car Parking and Cycle Provision Supplementary Planning Document July 2016 (RCPCP). In accordance with the RCPCP, the proposed development would have a requirement for 6.2 parking spaces if the spaces are communal, or 8 parking

spaces if they are to be allocated. As such, the scheme would have a shortfall of between 0.2 and 2 parking spaces. However, the RCPCP allows for some flexibility in the number of parking spaces in certain circumstances.

28. There are concerns from interested parties and the Council regarding on-street parking pressures, including with existing parking pressure arising from school drop off and pick-ups, and the use of local facilities such as St Wilfrid's Church, although this would be limited to certain times of day.
29. The parking surveys submitted by the appellant were carried out during Covid-19 tier restrictions and conducted on two occasions. This does not satisfy the guidance within the RCPCP. However, these surveys do suggest parking spaces are available on the street. Moreover, the submitted Transport Statement notes that based on census data, car ownership levels for those households in the area who live in flats is lower than that for households who live in houses, and that the proposal would be likely to produce a potential demand for 3.1 car parking spaces. I have been presented with no compelling evidence to the contrary.
30. Nevertheless, I observed the parking situation on Padnell Road and the area in the vicinity of the appeal site during my site visit on a weekday around midday. Whilst this was only a snapshot in time, from my observations and the evidence before me it is clear that on-street parking is a feature of the area and there appeared to be several unallocated parking bays along Padnell Road, which at the time of my visit were mostly vacant.
31. The appeal site may not be within or close to the town centre, however, it is within comfortable walking distance of shops and facilities to the west on the A3 London Road and is close to bus services. Occupiers of the proposed development would therefore have easy access to transport modes other than the private car and would not necessarily have to rely on a car for day-to-day requirements.
32. Having regard to these matters, whilst Padnell Road is a busy through road and bus route, there is little substantive evidence to demonstrate that the existing on-street parking situation has reached saturation point or that highway safety issues have occurred as a result of the current levels of on-street parking. Whilst I note interested parties concerns regarding highway safety, including access for emergency vehicles, even if there were a small shortfall in on-site parking provision, there would be space on the street. Therefore, the proposal would not lead to issues from indiscriminate parking. As such, I conclude that the proposal would have no detrimental impact on highway safety or operation.
33. Whilst there would be some conflict with the guidance set out in the RCPCP in relation to car parking provision and, therefore, there would technically be conflict with Policy DM13 of the HBCS, I am satisfied overall that the parking facilities would be sufficient. Consequently, there would be no harmful impact on the living conditions of local residents or the free flow of traffic in Padnell Road from increased pressure for on-street parking. As such, on this main issue, there would be no conflict with Policy CS16 of the HBCS. Having regard to the lack of harm identified, I attach limited weight to the conflict with Policy DM13 of the HBCS.
34. I find no conflict with Chapter 9 of the Framework which states that development should only be prevented or refused on highway grounds if there

would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Planning Balance

35. There would be benefits with the construction of six flats in a location with good access to facilities and services to serve the day to day needs of prospective residents. Given the small number of units proposed, the contribution would be limited, and I give this factor modest weight. There would be benefits arising from the construction period and future spend of occupants giving support to local services and facilities. Nevertheless, as construction benefits would be short term, and given the scale of the proposal, these factors attract little weight.
36. The proposal would significantly harm the character and appearance of the area and living conditions of the occupiers No 26 and No 32. The Framework advises that the creation of high-quality buildings and places is fundamental to what the planning process should achieve. It also states that developments should be sympathetic to local character and provide a high standard of amenity for existing users. Paragraph 219 of the Framework is clear that the weight to be given to local policies depends on their consistency with the Framework.
37. The proposed development would conflict with Policy CS16 of the development plan and it as a whole. I give the conflict with this policy substantial weight as it is generally consistent with the Framework.
38. The Council accepts that it is not possible to demonstrate a five-year housing land supply at present. Moreover, the appellant states that the Housing Delivery Test measure shows that the Council's has fallen below 75%. This is not disputed by the Council.
39. The application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed, as outlined in paragraph 11d)i. Therefore, the presumption in favour of sustainable development outlined in Paragraph 11d)ii of the Framework is engaged.
40. The proposal would align with the aims of the Framework to significantly boost the supply of housing and that small-scale developments can make an important contribution to meeting the housing requirement and different types of need (paragraphs 60 and 69). As a proposal for six flats there would be modest benefit.
41. There would be economic and social benefits from the build and occupation of the dwellings as well as support for local services, facilities and the community. The development would make use of underutilised land. Such benefits would be minimal given the size of the development, and I give each limited weight.
42. A finding of no harm in relation to car parking provision weighs neither for nor against the appeal scheme.
43. I give significant weight to the harm that would occur to the character and appearance of the area and to the living conditions of the occupiers of No 26 and No 32. The proposal would be contrary to the Framework where it seeks to

ensure proposals are sympathetic to local character and provide a high standard of amenity for existing users (paragraph 130).

44. Overall, having considered the above factors, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Other Matter

45. The appeal site lies within the 5.6km zone of the Chichester and Langstone Harbours Special Protection Area. However, there is no need to consider the implications upon it because the scheme is unacceptable for other reasons.

Conclusion

46. The proposal would conflict with the development plan and the Framework as a whole. There are no material considerations of such weight that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

J White

INSPECTOR