



Appeal Decision

Site visit made on 6 June 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/A1720/W/22/3305214

93 The Hillway, Portchester, Fareham, Hampshire PO16 8BP

- 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 K Bennett against the decision of Fareham Borough Council.
 - The application Ref P/22/0615/FP, dated 27 April 2022, was refused by notice dated 14 July 2022.
 - The development proposed is use of annexe as an independent dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Fareham Local Plan 2037 (FLP) was adopted on 5 April 2023, while the appeal was under consideration. The FLP replaces the Council's Core Strategy 2011 and Local Plan Part 2: Development Sites and Policies 2015. The Council has provided an update on the newly adopted Local Plan, including specific policies which are relevant to the reasons for refusal. The appellant has also had the opportunity to respond to this change in the policy context. I have considered the appeal based on the adopted development plan.

Main Issues

3. The main issues are:
 - whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to the extent of internal floor area and outdoor amenity space, and
 - the effect on the character and appearance of the area.

Reasons

Living Conditions

4. The appeal concerns the use of a two-storey side extension to an existing dwelling. Based on planning permission granted in 2020¹, its authorised use is as a self-contained annexe associated with the attached dwelling. The internal accommodation comprises an open plan living room and kitchen, with one bedroom and an en-suite shower room above. The appeal site comprises the annexe, part of an existing driveway to the front and a fenced off courtyard garden to the rear. Although the evidence indicates that the accommodation

¹ Fareham Borough Council planning permission ref P/19/1157/FP, granted 27 January 2020

has been occupied separately from the adjacent dwelling, it was vacant at the time of my site visit.

5. Requirements for the standard of internal living space within new homes are set out in Policy D5 of the FLP. This requires that all new dwellings, including subdivisions and conversions, shall meet as a minimum the Nationally Described Space Standards (NDSS)². Policy D1 of the FLP includes a range of more general design requirements, including that new homes should have sufficient space, and that development proposals should create enduring, high-quality buildings which can be adapted to users' needs.
6. There is no dispute between the parties that the gross internal floor area of the proposed dwelling totals just over 40sqm. Since the accommodation is on two storeys, providing one bedroom, the minimum gross internal floor area required by the NDSS is 58sqm. No alternative applicable space standards been brought to my attention.
7. The open plan layout includes built-in storage, along with a well-equipped kitchen and shower room. Nevertheless, the significant shortfall against the minimum space standard is reflected in a somewhat cramped layout, with limited ability to respond to occupiers' evolving needs. The ground floor space is dominated by kitchen units and the staircase, leaving a rather limited general living space, just inside the front door. Upstairs, the built-in wardrobe and staircase reduce the usable width in the rear part of the building, with the remaining floor area being required for circulation. There is space for a double bed in the front of this room, but very limited scope for additional furnishing beyond that.
8. The underlying purpose of Policies D1 and D5 is to provide homes which support occupiers' well-being, including by avoiding over-crowding and providing functional and adaptable accommodation to meet a range of occupier requirements. The NDSS has a similar function and is very clearly expressed as a minimum required floor area, against which the proposal would fall short by a significant margin. Neither the FLP nor the NDSS make any exceptions for conversion of existing buildings. Indeed, the FLP expressly confirms that Policy D5 applies to subdivisions and conversions.
9. I recognise that a local letting agent considers that the accommodation would be suitable for rental by a single person or couple. There is also evidence that two couples have occupied the space and that it met their needs, although in both cases this was on a rather short-term basis. Nevertheless, while the accommodation may have met the short-term requirements of some specific occupiers, it falls significantly short of the standard of housing required by the development plan to provide good quality living conditions in the longer term.
10. The functional requirements of a self-contained dwelling differ from those of an annexe, since occupiers of the latter can make use of space in the rest of the dwelling. Therefore, the fact that the accommodation was considered sufficient when originally permitted does not have a bearing on its adequacy as a self-contained dwelling.
11. Limiting occupation of the dwelling to a single person would not address the shortfall against the NDSS. Since the accommodation is on two storeys, the

² Technical Housing Standards – Nationally Described Space Standard (2015)

minimum required floorspace includes the space required for a staircase and circulation space and would be the same for a single occupier. A condition restricting occupation to a single person would consequently not render the proposal acceptable in planning terms.

12. Turning to the rear garden area, this also falls significantly short of the Council's required garden length of 11 metres. This standard is referenced in the 2015 Design Guidance SPD³, although the context suggests that it derives at least in part from considerations of privacy between neighbouring properties. No privacy concerns have been highlighted in this case and neither have any other applicable minimum standards for outdoor space been brought to my attention.
13. The rear garden provides a modest and secluded courtyard, sufficient for one or two people to sit out, dry washing and cultivate plants on a small scale. Although it is somewhat enclosed, the orientation of the site would allow for sunlight to penetrate during at least part of the day. At the time of my site visit the area did not feel overshadowed or dominated by the adjacent buildings. Therefore, while the garden space would undoubtedly be limited, this would not, in isolation, be unacceptably harmful to the living conditions of future occupiers.
14. Nevertheless, for the reasons given above, I conclude that the proposal would not provide satisfactory living conditions for future occupiers, with regard to the extent of internal floor area. As such, it would conflict with FLP Policy D5 and relevant requirements of FLP Policy D1 and the 2015 Design Guidance SPD. These policies, amongst other things, require that all new dwellings, including subdivisions and conversions, comply with the minimum space standards in the NDSS and create enduring, high-quality buildings which can be adapted to users' needs.

Character and Appearance

15. The existing annexe is a typical two storey side extension to a semi-detached house. The extension is set back with a lower roof line, giving it a subservient scale in relation to the proportions of the host dwelling. The site sits within a street of similar semi-detached houses, on relatively regular plots. However, it is one of a handful of properties which are set around a bend in the road, with more generous plot frontages. In common with most other properties, the frontage is open in appearance, with a low wall marking the front boundary.
16. The proposal would effectively create a short terrace within a street scene of otherwise semi-detached dwellings. To that extent, it would depart from the predominant pattern of development. However, the host dwelling and its near neighbours already differ in a number of respects from the surrounding dwellings, as a result of their corner location, wider plots and previous extensions. No external alterations to the building are proposed. The proposed dwelling would therefore continue to integrate with the surrounding street scene, appearing typical of the side extensions which are an established feature in the vicinity of the appeal site.
17. The proposed subdivision would increase activity within the site, including demand for parking within the front driveway. However, several nearby front

³ Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne) adopted December 2015

gardens are similarly devoted to off-street parking. A reasonable level of off-street parking for both dwellings would be provided within the subdivided plot and the increased number of vehicles would remain broadly typical of established parking arrangements in the street as a whole. The increased level of activity likely to be associated with one additional modest property would not be materially harmful to the character of this well-established residential area.

18. Physical demarcation of the boundary would highlight the narrow width of the proposed plot and create a level of enclosure not generally found within the wider street scene. Had I been minded to allow the appeal, therefore, suitable planning conditions would have been required to regulate the form and height of any boundary treatment and the extent to which it would intrude into the otherwise open site frontage.
19. For the above reasons, subject to the imposition of appropriate planning conditions, I conclude that the proposal would not be unacceptably harmful to the character and appearance of the area. As such, it would not conflict with relevant requirements of FLP Policy D1 and the 2015 Design Guidance SPD. These policies, amongst other things, require that proposals respond appropriately to positive elements of local character, including in relation to their scale, plot widths and the layout of space in front of the dwelling.

Other Matters

20. Although support has been expressed by interested parties, on the basis that there is limited availability of rental accommodation in Portchester, no objective evidence has been provided to support this assertion. Nor have I been presented with any evidence that the Council lacks an adequate supply of housing land, or that the recently adopted Local Plan fails to plan for objectively assessed housing needs, including for smaller properties. In this context, the limited benefit associated with delivery of one additional small rental unit does not outweigh the harm identified to the living conditions of future occupiers.
21. My attention has been drawn to a 2007 decision⁴ by the Council, which permitted sub-letting of an annexe at a property elsewhere in the Borough. However, that decision pre-dated introduction of the NDSS and adoption of the current development plan by several years. Furthermore, no evidence has been provided about the size of the annexe in question. Nor did the Council's reasons for refusal of the current proposal raise any concerns in relation to the proposed tenure. Therefore, for several reasons this previous decision does not outweigh my conclusions as set out above and I have considered the appeal based on the specific circumstances of the case before me.
22. Parts c) and d) of the reason for refusal allege that the proposed dwelling would be likely to have a significant effect on Habitats Sites, due to increased recreational disturbance, adverse effects on the water environment and absence of required mitigation. The appellant considers that there would be no such significant effect on Habitats Sites, on the grounds that occupancy of the proposed dwelling would be similar to that of the existing annexe. Therefore, no mitigation is proposed.

⁴ Fareham Borough Council planning permission ref P/06/1613/VC, granted 27 September 2007

23. Had I been minded to allow the appeal, it would have been necessary to complete an Appropriate Assessment to determine whether the appeal proposal would result in a significant effect, either alone or in combination with other development, on Habitats Sites. However, since I am dismissing the appeal for other reasons, as set out above, it is not necessary to continue with the Appropriate Assessment process or address the effect of the proposed development on Habitats Sites in any further detail.
24. Following adoption of the FLP in April 2023, Policy DSP41 of the Local Plan Part 2 is no longer applicable. Therefore, the extent to which the Council's decision reflected the provisions of Policy DSP41, notwithstanding the lack of reference to it in the Officer Report, is not relevant to the outcome of this appeal.

Conclusion

25. While I have concluded that there would be no unacceptable harm to the character and appearance of the area, and that the modest garden area would be acceptable, I have found that the shortfall against minimum internal space standards would be harmful to the living conditions of future occupiers. This brings the proposed development into conflict with the development plan read as a whole.
26. There are no material considerations 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.

Jane Smith

INSPECTOR