



Appeal Decision

Site visit made on 7 June 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2023

Appeal Ref: APP/J1725/W/22/3305868

35 Pannall Road, Gosport PO12 4PP

- 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 Michael Lloyd against the decision of Gosport Borough Council.
 - The application Ref 21/00066/FULL, dated 15 February 2021, was refused by notice dated 3 March 2022.
 - The development proposed is for a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended plan titled 'Block plans and Location' Drawing No: HP-PR-01 has been provided by the appellant, which includes amended car-parking proposals. This plan did not form part of the planning application. In this case, my consideration of the amended plan would not prejudice the interests of the Council or other interested parties, who have had the opportunity to make representations following both the lodging of the appeal. I have had regard to the Wheatcroft¹ principles and the degree of engagement of all parties in coming to this view.
3. For the purposes of this decision letter the appeal site is deemed to include that land which has been outlined in red on the submitted location plan, as detailed on drawing no: HP-PR-01.

Main Issues

4. The main issues are the effect of the development on:
 - the living conditions of the occupiers of 33 Pannall Road, with particular regard to light and outlook; and
 - whether adequate car parking provision would be provided, so as to prevent unacceptable harm to highway safety.

Reasons

Living conditions

5. The appeal site comprises the house and garden at number 35 Pannall Road (number 35). It is within a predominantly residential built-up area, and contains one of a pair of semi-detached dwellings which address the junction

¹ *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]

- between Pannall Road and Avery Lane. The garden serving number 35 is larger than is typical of the area. Much of it is located between the house at number 35 and the neighbouring house at number 33 Pannall Road (number 33).
6. Number 33 has previously been extended. The approved plans subject of application K16488 (which related to number 33) included a proposal to install a roof-light to serve a first-floor bedroom (the bedroom) within the property. From the evidence and my observations on site, instead of a roof-light, there is a small clear glazed window at first-floor level in the side wall of the property which serves the bedroom. This window directly faces the side of appeal site.
 7. The separation distance which would be formed between the opposing side elevations of the proposed dwelling and the house at number 33 would not be a-typical of the area. However, both main parties agree that the bedroom window in the side wall of number 33 is now lawful, and I have no reason to find otherwise. It is therefore necessary to assess the effect of the development on the living conditions of the occupiers of number 33, having regard to the presence of this bedroom window.
 8. The immediate outlook from this small bedroom window is over the narrow driveway forming part of number 33 and the appeal site beyond. Although the window is set high in the side elevation of the 2-storey property at number 33, the eaves height of the house on the side adjacent to the appeal site is lower than elsewhere on the dwelling. I do not doubt therefore that the window provides a reasonable outlook for users of the bedroom that it serves.
 9. Although not establishing a minimum standard, the Council's Design Guidance: Supplementary Planning Document dated 2014 (the design SPD) provides guidance on what constitutes a reasonable outlook. Due to both the siting of the proposed dwelling adjacent to the bedroom window and the small separation distance between it and the two-story side wall of the proposed dwelling, the side wall of the proposed house would be a dominant and oppressive feature when viewed from inside the bedroom. The proposed development would therefore harmfully reduce the outlook available from within the bedroom. I accord significant weight to this harm.
 10. The design SPD provides guidance on how to assess daylight and sunlight, and suggests that extensive obstruction of sunlight to an existing property by the construction of a new building is likely to be of concern for affected occupiers. Although it also indicates that daylighting is generally less important in bedrooms, it may still be considered in such spaces.
 11. I have not been provided with any compelling evidence from which to clarify that adequate levels of daylight and sunlight would be achievable within the bedroom following the construction of the proposed dwelling. Although the appellant has sought to demonstrate that the proposed development would not breach a 45% angle assessment, from the evidence and my observations on site, I do not doubt that the proposed dwelling would obstruct significant amounts of daylight and sunlight, which would otherwise be able to enter the bedroom through the small window in the side elevation of number 33. This is because the proposed house would be both substantially taller than the height of the bedroom window within the side elevation of number 33, and because it would be sited closely to the south of this window.

12. On the evidence before me, and for the reasons given above, I am therefore unable to conclude that the level of light which would be available to users of the bedroom within number 33, would not be harmfully reduced. I appreciate the evidence suggests that daylight is generally less important within a bedroom of a house, and on this basis, I attribute only moderate weight to the harm that would be caused to the living conditions of the occupiers of number 33 as a result of the reduction of light to a bedroom within the dwelling.
13. For the reasons given above, the development would cause unacceptable harm to the living conditions of the occupiers of number 33, with particular regard to light and outlook. Consequently, and in this respect, it would conflict with the requirements of Policy LP10 of Gosport Borough Council Gosport Borough Local Plan 2011-2029 – dated 2015 (the Local Plan), where it seeks to ensure that, amongst other things, development does not cause harm by reason of loss of light or outlook. It would also conflict with the Design SPD, a key design principle of which, is to ensure that new development is designed to respect the residential amenity of existing occupiers.

Availability of car parking and highway safety

14. During my site visit I observed that a dropped kerb has been installed within the highway which provides a vehicle crossing to land at the front of the house at number 35. This installation has increased the number of dropped kerbs and vehicle crossings over which vehicular access to the appeal site can be accessed to 2.
15. The amended proposed block plan (drawing no HP-PR-01) indicates that 4 on-site parking spaces would be provided, two to serve the existing dwelling and 2 to serve the proposed dwelling. The Council has indicated that the dimensions and amount of parking provision now proposed is adequate, and I have no reason to find otherwise. That being the case, I have no basis to conclude that the development would lead to an increased demand for vehicle parking within the highway to the detriment of highway safety in the area.
16. For the reasons given above, I conclude that the proposed development would provide adequate car parking provision, preventing unacceptable harm being caused to highway safety in the area. Consequently, it would comply with Policy LP23 of the Local Plan, where it requires, amongst other things, that adequate provision is made for vehicles to access the site and for parking in a safe and convenient manner. In respect of this main issue, it would also comply with the Gosport Borough Council Parking: Supplementary Planning Document 2014.

Other matters

17. The site is near to the Solent Special Protection Area's (SPA's) which include the Portsmouth; Solent and Southampton water; and Chichester and Langstone Harbours SPA's. However, there is no need to further consider the implications of the proposal on the protected sites because the scheme is unacceptable for other reasons.
18. Even if the development subject of this appeal represents an improvement from that which was originally submitted to the Council at the application stage, this consideration does not lead me to an alternative view regarding the acceptability of the scheme now before me.

Planning balance

19. The Council has confirmed that it does not have a 5-year supply of deliverable housing sites. In such circumstances, paragraph 11.d) of the National Planning Policy Framework (the Framework) falls to be considered.
20. In the context of the development plan, I have found that the development would be contrary to Policy LP10 of the Local Plan. This policy is generally consistent with paragraph 130 of the Framework, which seeks to ensure that; places are created with a high standard of amenity for existing users.
21. There would be a benefit from the creation of a dwelling suitable for family occupation in a built-up location, with good access to a range of services and facilities, and which would make an effective use of land. It would also help to meet the local housing needs and contribute to addressing the shortfall in housing land supply within the Borough. In addition, it would contribute to the local economy and help to support a strong, vibrant and healthy community. However, given the small scale of the scheme, the weight that can therefore be attributed to these benefits is limited.
22. At the time of my site visit, part of the appeal site had a somewhat unkempt and untidy appearance. While the development would undoubtedly improve the appearance of those parts of the site that are currently under-utilised, and reduce risk of fire, fly-tipping or other criminal or anti-social behaviours within it, I cannot conclude that such benefits are necessarily dependent on this appeal being allowed. Therefore, the weight that can be attached to these considerations is very limited.
23. That the development would not be harmful to highway safety, is a neutral matter. So too is the consideration that the proposed materials design and siting of the house would not be harmful to the character and appearance of the area.
24. Overall, I find that the adverse impacts of the development would significantly and demonstrably outweigh the identified benefits, when assessed against the Framework as a whole. Therefore, and even if adverse effects on the integrity of the SPA's could be avoided, the proposal would still not benefit from the presumption in favour of sustainable development at paragraph 11.d) of the Framework.
25. The proposed development conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.

Conclusion

26. For the reasons given above, this appeal is dismissed.

V Simpson

INSPECTOR