



Appeal Decision

Site visit made on 18 September 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2023

Appeal Ref: APP/X1735/W/22/3311518

17A-17B Avondale Road, Waterlooville PO7 7ST

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Alan Wood against the decision of Havant Borough Council.
 - The application Ref APP/22/00569, dated 26 May 2022, was refused by notice dated 11 November 2022.
 - The development proposed was described as '1-bedroom bungalow in the rear 24 metres of the garden of 17A/B Avondale Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with the principle of the development and the highway access point to be considered at this stage. Details of access, appearance, landscaping, layout and scale are reserved for future determination. The appellant's design and access statement and a plan¹ refer to some details in these regards. Though not confirmed as indicative, these details are not part of the formal proposal and explain one possible way the site could be developed with a 1-bedroom bungalow as specifically referred to in the description of development. This is how the Council considered the application and made its decision. I have, therefore, determined the appeal on this same basis.
3. The Government published a new National Planning Policy Framework on 5 September 2023 (the Framework). The changes to national policy are not relevant to this appeal.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the area, with particular regard to the position, size and shape of the appeal site.

Reasons

5. The appeal site is most of the long, narrow rear garden of what was a link detached two-storey house at No.17 Avondale Road with a main aspect fronting Avondale Road, now split into two properties Nos.17A and 17B. This corner plot has a return frontage with Brooklyn Drive which the site faces onto. The site would be redeveloped with a 1-bedroom bungalow which would, by definition, be a single storey dwelling.

¹ Drawing number H1 amendment A

6. The rear gardens at other houses arranged in a row along the north side of Avondale Road, in both directions from Brooklyn Drive (so including opposite the site) are mostly also narrow and long. Aside from small domestic outbuildings or some garages, this swathe of mainly open, undeveloped landscaped gardens give houses in Avondale Road a meaningful degree of visual and spatial separation from even the closest rows of houses behind them to the north in Brooklyn Drive, Bramley Close and High Trees cul-de-sac. This is especially so at the site because it stretches along part of one side of Brooklyn Drive next to the back edge of the pavement and slopes gently up from it. This pattern of residential development is locally distinctive and despite garden fences can be appreciated in public views from these streets.
7. Consequently, any 1-bedroom bungalow positioned anywhere on the site would intrude centrally and abruptly into the most visible and valuable (in townscape terms) part of this space. In particular, at one end on the approach from Bramley Close into Brooklyn Drive because the site juts out forwards at a dog-leg in this road. This also means that any 1-bedroom bungalow would not form part of a contiguous row of dwellings or be on the same building line but appear isolated from the houses either side of it and around it.
8. Furthermore, though the same width, any associated rear garden or patio would be substantially shorter than exists at Nos.17A and 17B, albeit currently overgrown (subject to normal maintenance) and not fully used (a personal choice). So too in relation to the other houses in Avondale Road, as would be the very short residual garden retained for Nos.17A and 17B. Notwithstanding any set back in layout from the pavement or the garden boundary of No.15 Avondale Road, which might be possible at a reserved matters stage, any 1-bedroom bungalow, no matter how well designed in appearance or the site landscaped, would result in a demonstrably more cramped arrangement of built form in relation to the size and shape of the site than exists at the houses around it.
9. The bungalows at Nos. 2, 2A, 4, 6 and 8 Avondale Road are pleasant in appearance, set in wide plots with limited space to the rear. They have off-street parking, as do most of the houses nearby though there is still on-street parking. While not far from the site, this small, discrete pocket of bungalows is on the south side of this road, significantly further along it from Nos.17A and 17B and in a different street to the site. As such, there is no direct visual or spatial interrelationship with the site, which sits behind the houses on the north side of this road, so no justification to 'continue' that pattern of development round the corner onto it. Nor is there any evidence that bungalows further afield form a meaningful setting to the site. Bungalows are not the overriding form or layout of residential development in Avondale Road, Brooklyn Drive or Bramley Close, so those in Avondale Road do not set the context for development on the site which relates more directly to the two-storey houses next to and around it.
10. I have been referred to a previous Inspector's dismissed appeal decision for a 2-bedroom bungalow at Nos.17A and 17B which incorporated the current appeal site². I have not been provided with any plans for that proposal. Even if, at reserved matters stage, a 1-bedroom bungalow filled less than 60% of the full depth of the current appeal site this factor alone would not overcome the

² APP/X1735/W/20/3257320

significant adverse impacts of any 1-bedroom bungalow on the site for the reasons set out above. Moreover, even if Policy CS16(5) of the Havant Borough Core Strategy March 2011 (the CS) applies to development that is not mixed use or not in a town or district centre, higher density development of 50+ dwellings per hectare (or, as the appellant suggests, 200m² per plot) is 'encouraged... where appropriate' in this policy. This density of development is not appropriate in this case for the reasons explained above.

11. I therefore find that developing the site as proposed would be manifestly at odds with the prevailing type and arrangement of residential development around it, significantly erode spaciousness and jar in the streetscene. I am not, therefore, satisfied that the site could be developed for any 1-bedroom bungalow with a scheme devised at reserved matters stage to overcome the inherent incompatibility of the proposal, having particular regard to the position, size and shape of the site. In these circumstances and albeit localised, this piecemeal in-fill development would cause material unacceptable harm to the character and appearance of the area. Consequently, the proposal conflicts with CS Policy CS16 which includes that development should respond positively to local character within or close to the site, having regard to height, massing, building lines, plot widths and depths.

Other Matters

European sites

12. The site is in a zone of influence of the European sites³. These are important protected sites for nature conservation where habitat and species rely on, amongst other things, limited disturbance by people and a high quality water environment. A likely significant effect on the European sites would occur from the proposal alone, or in combination with other development due to risk of increased recreational use of it by people causing damage and increased nitrogen from wastewater reducing water quality.
13. In conjunction with Natural England the Council has adopted a Solent Recreation Mitigation Strategy (the strategy) and a Position Statement and Mitigation Plan for Nutrient Neutral Development (the position statement). The appellant has submitted to the Council an executed unilateral undertaking dated 11 October 2022 and paid a requisite financial contribution in accordance with the strategy and the position statement. The Council has undertaken an appropriate assessment. The appellant and the Council consider that these measures would avoid or mitigate individual or in-combination adverse impact of the proposal on the European sites and, as such, cause no harm to the integrity of the European sites.

Previous proposals

14. I appreciate the appellant considers that the proposal overcomes the Council's previous refusals of planning permission and the dismissed appeal for similar development at or including the site. Also, that it reflects pre-application officer advice. However, I have determined the appeal on its individual planning merits.

³ Chichester & Langstone Harbours Special Protection Area (SPA), Chichester & Langstone Harbours Ramsar site, Solent Maritime Special Area of Conservation (SAC), Solent and Dorset Coast SPA, Solent and Southampton Water SPA, Solent and Southampton Water Ramsar site, Portsmouth Harbour SPA, Portsmouth Harbour Ramsar site and the Solent and Isle of Wight Lagoons SAC

Planning Balance

15. The Council accepts that it cannot currently demonstrate a 5-year supply of deliverable housing sites, with a 1.81-year supply not disputed by the appellant. The development plan policies most important for determining the appeal are therefore out-of-date and Framework paragraph 11(d) is engaged. The starting point is that planning permission should be granted.
16. Though by definition not 'brownfield' previously-developed land⁴, the proposal would make efficient use of a small windfall site within an existing settlement where housing development is acceptable in principle. Any 1-bed bungalow could be built relatively quickly and support the local building industry. This would be aligned with objectives of the Framework to significantly boost the supply of homes and support the economy. The notable, though small contribution to housing supply from a single dwelling in this case would have modest social and economic benefits, so these factors have limited weight in support of the proposal.
17. On the other hand, the site is fundamentally not suitable in position, size or shape for any 1-bedroom bungalow, at odds with the Council's development plan in these regards. Given the housing land supply position, reduced weight applies to this conflict. However, the contribution of the site to the character and appearance of the area would be permanently diminished by its development with any 1-bedroom bungalow. This would undermine the Council's development plan aims in these respects. Notwithstanding the acute scale of shortfall in housing supply, these aims are broadly consistent with objectives of the Framework to achieve well-designed places that add to the overall quality of an area, are sympathetic to local character and the surrounding built environment and maintain a strong sense of place to create distinctive places to live. These social and environmental considerations have significant weight against the proposal.
18. As the competent authority in this appeal, it would ordinarily be necessary for me to undertake appropriate assessment with respect to the European sites. However, since I intend to dismiss the appeal there is no need for me to consider this matter any further. Even if the proposal did not adversely affect the integrity of the European sites, so not provide a clear reason for refusing it, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. In these circumstances the presumption in favour of sustainable development would not apply so the European sites would not affect my decision or alter the outcome of the appeal.

Conclusion

19. The proposal does not accord with the development plan taken as a whole. There are no other material considerations which override these findings. Consequently, for the reasons given above the proposal is unacceptable and the appeal does not therefore succeed.

Robin Buchanan

INSPECTOR

⁴ Framework Annex 2: Glossary