



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: 4th October 2023

Appeal Ref: APP/X1735/W/23/3319773

1 Hart Plain Avenue, Waterlooville PO8 8RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr G Waters against Havant Borough Council.
 - The application Ref APP/22/01094, is dated 17 November 2022.
 - The development proposed was described as 'additional storey, two storey side and rear extensions, alterations to fenestration. Demolish existing garage, erect replacement garage and garden room. Additional height to boundary wall'.
-

Decision

1. The appeal is dismissed and planning permission for erection of two storey side, rear and front extensions, alterations to fenestration, replacement garage, erection of a garden room and increase in height of front boundary wall with sliding entry gate is refused.

Preliminary Matters

2. The appellant name in the banner heading above is taken from the application form. This follows written confirmation that the appellant named in the appeal form, Ms Victoria French, jointly instructed the planning application.
3. The description of development in my decision above is taken from the Council's decision notice because it is more precise. It was used by the appellant in the appeal form.
4. The Council did not determine the application within the statutory time limit. I have had regard to the three objections which would have been its reasons for refusal, as set out in an officer report and in its appeal statement. The appellant was able to consider these objections in making final comments, which I have taken into account.
5. With the appeal the appellant submitted amended plans¹. Collectively, these set out a substantially different proposal to reduce the mass and bulk of the extended appeal property, remove the sliding entrance gate and re-position the garden room. These plans were submitted to the Council but, for whatever reason, it did not formally consult on them. Its officer report and appeal case is based on the originally submitted plans. The Council has publicised the appeal but interested parties may be unaware of the amended plans, which would be unfair. Procedurally this could be addressed by re-consultation but this would not alter the fundamental change and a different application compared to what was originally applied for in these respects. Accordingly, the amendments

¹ Drawing numbers 22055 – 113B, 411B, 412B, 413A, 414A, 511B and 512B

cannot be considered as part of the appeal² or used to evolve a scheme at appeal stage³. I have not, therefore, taken the amended plans into account in determining the appeal. A fresh planning application would need to be made to the Council.

6. 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 Issues

7. The main issues in this appeal are:

- the effect of the proposal on the character and appearance of the area:
- its effect on the internal and external living conditions of the existing occupiers of No.3 Hart Plain Avenue having regard to outlook; and
- the effect of the sliding gate on highway safety.

Reasons

Character and appearance

8. The appeal site, No.1 Hart Plain Avenue (the Avenue), is a low detached chalet bungalow with a mainly long, narrow staggered footprint and large detached double garage behind it on one side. This corner plot faces the Avenue with a return frontage along the A3 London Road (the A3). While there are some two-storey houses in the straight section of the Avenue near No.1, dwellings are mostly bungalows or chalet bungalows. Despite some variation in footprint size most of the dwellings in the row, including and next to No.1, have a broadly uniform low roof line which in essence follows the slope of the Avenue down from the elevated junction with the A3. This gives a tangible sense of openness towards this end of the Avenue at this corner with the A3 and a layout and arrangement of built form that is locally distinctive.
9. The proposed design would remove the large flat roof dormers in No.1 and give a more cohesive appearance overall, but nonetheless alter and extend the chalet bungalow fundamentally into a two-storey house. This building would protrude significantly upwards at first floor and roof levels on the most elevated part of the Avenue, including tall, wide front gables. The significantly enlarged, squarer footprint would infill the site much closer to the corner and the A3, including a tall, long and mostly monotonous side elevation facing this road with few windows or other significant articulation.
10. The extensions would not, therefore, be subservient in relation to the existing building. Such a substantial increase in vertical height and overall scale, massing and bulk of built form in three publicly visible elevations would jar in the Avenue and A3 streetscenes, especially the upper floor and roof which would not be screened by any boundary wall or landscaping. It would be in stark contrast to most of the dwellings nearby in the Avenue. Despite the lower level of the site in relation to the A3 and that it is a large plot, the height and spread of the house would also appreciably erode openness on this corner. Accordingly, these aspects of the proposal would be out of kilter with the

² *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

³ Planning Inspectorate Procedural Guide – Planning Appeals – England

prevailing pattern and arrangement of the row of dwellings that it would be part of and unduly conspicuous in public views.

11. Though a longer building next to the A3, the flat roof of the garden room would be significantly lower than the pitched roof of the shorter but wider garage. However, most outbuildings (and dwellings) in the Avenue or along this stretch of the A3 have main pitched roofs. Furthermore, the flat roof of the wide double garage would sit forward of the house, close to the corner and each frontage of the Avenue and the A3. Even with a boundary wall or landscaping, such large expanses of flat roof would be out of keeping and unduly conspicuous in elevated views from the pavement along the A3 or on the approach from lower down in the Avenue; intrinsically at odds with the established form of residential development in this part of the Avenue and along the A3.
12. The two-storey house on the opposing corner to the site faces the Avenue. However, in scale and massing it forms the end of a similar row of houses facing the A3, with a large gap behind it to the closest chalet bungalow lower down in the Avenue. As a result, it integrates well with this part of the A3 streetscene, not the Avenue. Due to intervening trees and set back in siting, the house to the west of No.1 facing the A3 has no clear visual or spatial interrelationship with the site. As such neither house sets a relevant context for development on the site, nor do houses lower down and further away from No.1 in the Avenue.
13. I have been referred to Class AA permitted development rights (PDR) said to allow No.1 to be extended upwards. However, there is no comparison scheme before me in this respect and these PDR are anyway subject to prior approval, including with regard to relevant limitations or conditions which the appellant has not referred to. Nor have I been informed that prior approval has been granted by the Council. This fall-back position has not, therefore, been established so I am not satisfied there is a reasonable prospect it would occur. While there may be planning permission to 'significantly increase the mass and height' of No.21 Hart Plain Avenue⁴ and Nos.241⁵ and 243⁶ London Road, the bungalow at No.21 was significantly smaller than No.1 and although on a corner, much lower down in this road so is not directly comparable to the current appeal; both properties in London Road can be distinguished from No.1 for the same reasons explained earlier above.
14. Taking account of all the above, I find that the proposal would have an unacceptable adverse impact on the character and appearance of the area. Consequently, it conflicts with Policy CS16 of the Havant Borough Core Strategy March 2011 (the CS). This policy includes that development should respond to and respect local context and character, including height, massing and result in a positive relationship between buildings, streets and spaces.

Living conditions

15. A cat-slide roof slope with low eaves would recede away from the side elevation of the adjoining bungalow at No.3 Hart Plain Road. The house would not project deeper into the site than the equivalent part of the rear elevation of

⁴ APP/21/00598

⁵ APP/14/00839

⁶ APP/14/00919

No.3. However, the increase in overall scale, bulk, massing and depth of this taller part of the proposal would be in close proximity and on a higher ground level to begin with than No.3. It would, therefore, overwhelm use of an already narrow, contained side path, impinge into upward views from a facing non-obscured glazed window (which appeared to be a bedroom, but could be any habitable room) and undermine use and enjoyment of the rear garden at No.3 which includes part of a patio next to the common boundary with No.1. For the same reasons as explained above, no PDR fall-back position has been established in this regard.

16. I therefore find that these proposed extensions and alterations to No.1 would have an undesirable overbearing and unneighbourly effect on the internal and external living conditions of the existing occupiers of No.3 Hart Plain Avenue with regard to outlook. As a result, the proposal conflicts with CS Policy CS16 which includes that development should not cause unacceptable harm to the amenity of neighbours through loss of outlook.

Highway safety

17. The sliding gate would span the existing vehicular entrance and dropped kerb at the site, about 3.4m back from the Avenue carriageway, so significantly less than 6m in Highway Authority standing advice that I have been referred to. A vehicle could stop in either direction on the Avenue while the gate opened. However, this would likely result in a short, occasional delay for eastbound traffic on the Avenue turning right onto the A3, with good forward visibility for approaching drivers. Opposite the site the Avenue widens with a separate lane for traffic turning left onto the A3 which would not therefore be obstructed.
18. Traffic turning right into the Avenue from the A3 westbound would have good forward visibility because the A3 is higher than the Avenue. Moreover, a dedicated right turn lane at this wide junction allows drivers to wait and observe the Avenue before crossing the on-coming lane of the A3. A stopped vehicle in the Avenue would be relatively imminent for traffic turning left into this road from the A3 eastbound, but subject to a condition to control the height of a boundary wall or planting at the site (and as the currently proposed garage would have a flat roof), there would be good forward visibility across the site over this corner of the junction. Approaching vehicles would anyway be slowing to make this turn or occasionally be stationary on the A3 waiting for the intervening pedestrian crossing to cycle, either way giving sufficient time for drivers to contemplate a left turn.
19. In the absence of any evidence to the contrary, including nearby road signs, whilst at my site visit quite a busy road, this section of the A3 (and the Avenue) is subject to a 30mph speed limit so vehicle speeds, including those transporting children to nearby schools, should be low. There is no evidence that the proposal would generate additional vehicle movements to and from the site as it is not for a new dwelling. The appellant could install a gate in the same position using PDR, provided it did not exceed 1m high adjacent to the Avenue.
20. Considering all the above, I find that the sliding gate would not result in an unacceptable impact on highway safety. Consequently, the proposal would not conflict with CS Policy CS20 or DM11. These policies include that development should have safe turning facilities, not increase congestion and ensure the safe and efficient operation of the road network.

Planning Balance

21. The Council did not object to the principle of extending No.1 or providing new outbuildings. Nor do I. The Council's development plan policies in this regard are consistent with objectives of the Framework to make effective use of land and meet people's needs. Enhanced living conditions would be a private benefit to the appellant and construction work would provide limited employment so these social and economic factors have limited weight in support of the proposal. There would be no harm to highway safety so this is a neutral factor in my decision.
22. However, albeit localised, the contribution of the site to the character and appearance of the area would be permanently diminished by the proposal. This would undermine the Council's development plan aims in these respects which 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.
23. The benefits would not, therefore, outweigh the harm.

Conclusion

24. The proposal does not accord with the development plan taken as a whole and conflicts with relevant provisions of the Framework. 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