



Appeal Decision

Site visit made on 30 January 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2024

Appeal Ref: APP/X1735/W/23/3314789

93 Winterslow Drive, Havant, Hampshire PO9 5DZ

- 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 G Comley against the decision of Havant Borough Council.
 - The application Ref APP/22/00872, dated 6 September 2022, was refused by notice dated 12 December 2022.
 - The development proposed is the erection of 2 No 2 bed dwellings with associated parking.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of two 2-bedroomed dwellings with associated parking at 93 Winterslow Drive, Havant, Hampshire PO9 5DZ in accordance with the terms of the application, Ref APP/22/00872, dated 6 September 2022, subject to the attached schedule of conditions.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2023. The main parties have been given an opportunity to comment on this so the revised version has been referred to in this decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area; and whether it would provide adequate living conditions for future occupants with specific regard to the outdoor space at the front of the proposed dwellings.

Reasons

Character and appearance

4. Winterslow Drive is part of a larger suburban residential area where the properties are of a similar functional vernacular. They are predominantly two-storey and either semi-detached or in short terraces. The properties are set back from the road behind front gardens or off-road parking areas with modest rear gardens. The appeal site is to the side and front of 93 Winterslow Drive and appears over-grown. However, it was observed during the site visit that the section of the site to the front of No 93 is used for parking, and the Council and interested parties have confirmed this to be a common occurrence.
5. Although there is a grassed area on the opposite side of Winterslow Drive to the appeal site, which provides some visual relief when travelling along the

road, this part of the road has formalised parking bays on both sides. Consequently, this area is visually dominated by car parking.

6. The proposal would extend the short terrace No 93 is part of by 2 dwellings. The main parties agree that the design, layout, and rear garden provision would be acceptable, and there is nothing before me to conclude otherwise. To provide 4 parking spaces and safe pedestrian access, in compliance with the development plan, the area in front of the proposed new dwellings would be largely laid to hard standing with some landscaping.
7. As this part of the site is already being used for off road parking and is viewed in context of the designated parking spaces on Winterslow Drive, I do not consider the formalising of parking in this space would significantly or negatively impact the appearance of this part of the road. The proposed landscaping strips would provide some visual relief and provide some screening of the proposed new parking spaces, thus creating separation between those designated for the new dwellings and those already in existence on the road. This would represent a similar frontage treatment to other nearby properties where front gardens have been converted to off-road parking and therefore would not be detrimental to the overall character of the area. The planting and maintenance of the landscaping strips could be secured by condition.
8. Consequently, although the proposal would require a reasonably large area of hardstanding to the front of the appeal site, its visual impact and physical use would not have such an impact on the existing character and appearance of the area to be considered harmful.
9. For the reason given above I find the proposal would not harm the character and appearance of the area and would comply with Policy CS16 of the Havant Borough Core Strategy (CS) as far as it has used the characteristics of the locality to help inform the design and its legibility. It would also accord with the recommendations for the layout of suburban parking within the Havant Borough Council Borough Design Guide Supplementary Planning Document (SPD).

Living conditions

10. The proposed parking bays would be to one side of the front area of the appeal site, thus requiring any vehicle manoeuvring to happen directly in front of the proposed new dwellings. However, the parking area would only be used by occupants of the proposed properties and therefore users would be manoeuvring in front of their own homes and not impacting on third parties. The orientation of the parking spaces would make sure when vehicles are parked, they would not dominate the view from the front windows of either property. The provision of a separate pedestrian access would ensure that those entering the site on foot are protected from vehicles movements.
11. It is appreciated that the proposal would not provide any front gardens, however the proposed dwelling layouts would orientate the main living space to the rear of the property providing direct access to the rear gardens, with views of the public open space beyond. Therefore, the proposal would provide a pleasant outlook for the occupiers of the properties.
12. Consequently, the proposed frontage layout, although not overly innovative, would adequately provide a usable, safe, and functional space for future

occupants without detriment to their living conditions. The proposal would therefore comply with CS Policy CS16 and the SPD insofar as they seek to protect residential amenity.

Other Matters

13. The Council is unable to demonstrate a 5-year housing land supply, nevertheless the development plan policies most important for determining this appeal align with paragraph 135 of the Framework and therefore I do not consider them, in this instance, to be out of date.
14. The site is within the impact zone of several Solent European Sites (SES), as protected by The Conservation of Habitats and Species Regulations 2017. The SES not only needs action to be taken concerning nutrient neutrality but also mitigation for any additional recreational pressure that may occur from new residential development. The proposal would provide 2 new dwellings which would contribute to an increased population in combination with other plans, projects, and developments in the area which could lead to an increase in visitors and recreational pressure within the SES. They would also increase the amount of effluent which would require processing and is understood to be a contributing factor to the nutrient increase in the SES so requires neutralisation. The susceptibility and vulnerability of the qualifying features of the SES to such uses means it cannot be concluded that the development would not adversely affect the integrity of the protected sites in combination with other projects.
15. However, nutrient neutrality and recreational pressure on the SES have been long-standing issues within the Borough and the Council has specific and defined contribution strategies to deal with mitigation for both issues. The submitted unilateral agreement, which has been agreed with the Council, would provide appropriate mitigation along with the already paid financial contributions. Natural England has also been consulted by the Council during the appeal process and they are content that this course of action would be sufficient to ensure that any adverse impact on the integrity of the SES and its relevant features can be appropriately mitigated against along with a condition limiting water usage. I have no reason to take a different view.
16. Therefore, I am satisfied that sufficient compensation has been made for any additional harmful effect the proposed development may have on the SPA, in accordance with the development plan and the Framework as far as it seeks to protect and enhance biodiversity and habitats.
17. It has been brought to my attention that the appeal site is currently used for parking by the occupants of No 93. However, the Council and the Local Highway Authority are satisfied the parking provision is adequate for the properties in question. There is nothing before me to conclude otherwise.
18. Third parties have raised concerns relating to existing parking issues in the wider area, flood risk, biodiversity, the Council's housing need strategy, and the living conditions of neighbouring residents. These have been considered but do not alter my findings on the main issues.
19. The previous appeal¹ Inspector's comments are noted, but the proposed layout for the frontage is different between the 2 schemes and it is also unclear

¹ APP/X1735/W/19/3243426

whether the front part of the appeal site was, at that time, being used for parking as it is currently. The circumstances are, therefore, sufficiently different for differing conclusions to be drawn on the main issues.

Conditions

20. The Council have suggested some conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended them for consistency and clarity, and where necessary removed duplication.
21. In addition to securing commencement within the relevant statutory timeframe, I have also imposed a condition requiring adherence to the approved plans (conditions 1 and 2). To ensure the proposal integrates acceptably with the character and appearance of the area, conditions 3, 5, 6, and 8 have been imposed. Conditions 4 and 9 relate to highways safety and condition 7 is necessary to ensure appropriate disposal of sewage. Condition 10 limits water use as required by Natural England and is supported by CS Policy CS11.
22. It is necessary for conditions 4 and 5 to be pre-commencement as it is fundamental to have these details agreed upfront prior to any works commencing on the appeal site, and the appellant has agreed to this.

Conclusion

23. For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, allowed.

RJ Redford

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19032-101; 19032-102; 19032-110; 19032-410; 19032-411; 19032-412; 19032-413; and 19032-510.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials described on the application form or shall match those used on 93 Winterslow Drive.
- 4) No development shall take place, including any works of demolition, until the following details have been submitted to, and approved in writing by the local planning authority:
 - i) Provisions within the site for contractors' vehicle parking; and
 - ii) Provisions within the site for a material storage compound.These details shall then be adhered to throughout the site clearance and construction phases of the development.

- 5) No development shall take place until details of the finished floor and site levels, above ordnance datum, of the development hereby approved in relation to existing ground levels have first been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved levels.
- 6) The landscaping works within the approved plans and the Landscape Specification and Method Statement dated August 2022 shall be implemented in accordance with an implementation, management and maintenance programme that has first been submitted to and approved in writing by the local planning authority. The completed works shall then be managed and maintained in accordance with that programme.
- 7) The dwellings hereby permitted shall not be occupied until works for the disposal of sewage have been completed in accordance with details that have first been submitted to and approved in writing by the local planning authority. The works shall thereafter be maintained.
- 8) The dwellings hereby permitted shall not be occupied until all boundary treatments, screens, retaining walls and gates have been installed in accordance with details that have first been submitted to and approved in writing by the local planning authority. These installed features shall thereafter be retained.
- 9) The dwellings hereby permitted shall not be occupied until the car parking and access arrangements have been constructed in accordance with the approved plans. The parking and access shall thereafter be retained.
- 10) The dwellings hereby permitted shall not be occupied until all measures necessary to ensure that no more than 110 litres of water per person per day shall be consumed within the development have been installed and thereafter retained.

END OF SCHEDULE