



Appeal Decision

Site visit made on 5 June 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal Ref: APP/M1710/W/23/3329869

45 North Road, Horndean, Waterlooville, Hampshire PO8 0EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by AG Developments Ltd against the decision of East Hampshire District Council.
 - The application Ref is 38999/001.
 - The development proposed is described as a one bedroom dwelling west of 45 North Road with new vehicular access off St Giles Way.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, and whether the proposal would provide adequate living conditions for the occupiers of 45 North Road and the future occupiers of the proposed new dwelling, with specific regard to external space.

Reasons

Character and appearance

3. 45 North Road, the host dwelling, is a single storey detached dwelling located by the North Road and St Giles Way junction. The appeal site forms part of the rear garden of the host dwelling. It is located within a suburban residential area dominated by single storey properties either detached or semi-detached. The properties on St Giles Way appear to be on smaller, more compact plots than the properties on North Road.
4. The proposal would seek to divide the host dwelling plot to provide a single storey, 1 bed dwelling which would face St Giles Way. It would provide a small rear garden and 1 off road parking space for the new dwelling and retain the existing parking for the host dwelling.
5. St Giles Way has a strong building line, with the existing properties frontages following a regular cadence, specifically those on the same side as the appeal site, which informs the character and appearance of the road. This along with the established landscaping to the front of most properties and the lack of any built form beyond the properties front elevations, other than low boundary treatments, and this creates a relatively open and verdant character to St Giles Way.

6. Due to the constrained size of the appeal site the proposal would be located forward of the established building line. Along with the angled orientation of the new dwelling and shallower frontage that would be created, this would be at odds to the existing pattern of development and reduce the open character of St Giles Way. The proposed forward position would also mean the new dwelling would have an unduly dominant presence within the street scene and erode the regularity of development which informs the immediate area's character and appearance, specifically when travelling along St Giles Way towards the North Road junction.
7. It is acknowledged the location of the appeal site is unlikely to impact the street scene of North Road, that the proposed new dwelling's front elevation would be a similar width to other properties on St Giles Way, and its design is similar to other properties in the area. However, this does not outweigh the harm the proposal would have on the overall street scene and spatial characteristics of the local area.
8. Accordingly, the proposal would harm the character and appearance of the area and fail to comply with East Hampshire District Local Plan Joint Core Strategy (LP) Policy CP29 as far as it requires new development to be of an exemplary standard of design which respects the area's particular characteristics.

Living conditions

9. The proposal would significantly decrease the size of the rear garden of the host dwelling. It is acknowledged that there are examples of properties with small gardens within the area, however from my observations on site these appear to relate to smaller properties than the host dwelling and those in its immediate vicinity. It is also noted in the evidence before me that there are no specifications for residential external space in the development plan. In this regard LP Policy CP27 seeks only to prevent unacceptable effects relating to privacy and overshadowing.
10. Nevertheless, both gardens would be functional in shape and reasonably private due to the single storey nature of the surrounding properties. They would be oriented to ensure access to light and although near other properties this is not unexpected in a suburban area. Both the host and new dwelling would also have front gardens and the host dwelling would retain its side garden. Consequently, although small, in this instance, I do not find the proposed external spaces to be so cramped or unusable to constitute harm to the living conditions of the occupants of the host dwelling and any future occupants of the proposed dwelling. The proposal would, therefore, comply with LP Policy CP27.
11. The Council also referred to criteria d) of LP Policy CP29. This however does not appear to relate to living conditions and refers only to the relationship between buildings in relation to their setting. Therefore, I do not find it determinative in relation to this issue.

Other Matters

12. The appellant has drawn my attention to several developments they consider to be like that proposed. I visited several of these¹ and in conjunction with the

¹ 50 South Lane, Clanfield, Waterlooville, PO8 0RY; 195 London Road, Horndean PO8 0HJ; Northfield Close and North Road.

details submitted I do not find them to be so similar as to be directly comparable. If anything, they serve to show that each decision turns on its own merits, that character and appearance can be specific to the immediate area of a proposal, and external space relates to the property it serves.

13. The Council can only provide a 4.74-year housing land supply. Nevertheless, it is understood that it has sufficiently progressed its emerging local plan so that only a 4-year supply is necessary, as set out in the National Planning Policy Framework (the Framework). This position is not challenged by the appellant.
14. However, it is noted the Framework seeks to boost the supply of homes and make more efficient use of land in accessible locations. The proposal would provide a 1 extra home in an accessible location. Along with the associated economic and social benefits, this contribution to the windfall element of the Council's housing land supply attracts limited weight based on the number of houses involved. The appellant also infers that the proposal could provide environmental benefits through the use of renewable and low carbon energy, but this is not elaborated on or evidenced.
15. A lack of harm in relation to living conditions, highway safety, parking and ecology are neutral factors so cannot weigh for or against the proposal. I note there was some public support for the proposed development. Nevertheless, the lack of impact on 43 St Giles Way would also constitute a lack of harm.
16. Nevertheless, housing provision should not come at the cost of good design, a position supported by paragraph 135 of the Framework. Consequently, when weighed against the Framework policies taken as a whole, the adverse impacts of granting planning permission would outweigh the proposed benefits.
17. The appeal site is within the catchment area of a Special Protection Area. However, clause 63(1) of regulation 63 of the Conservation of Habitats and Species Regulations 2017 states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'. This is not therefore, necessary where there is no intention to grant permission. As I am dismissing the appeal for other reasons, I am not required to pursue this matter further.

Balance and Conclusion

18. Whilst I have found for the appellant in relation to the second main issue, this would be a lack of harm. By definition, a lack of harm is incapable of weighing against the harm that I have found regarding the first main issue. Consequently, the appeal scheme would conflict with the development plan as a whole. There are no material considerations, including the Framework, worthy of sufficient weight, which would indicate a decision otherwise. The appeal should, therefore, be dismissed.

RJ Redford

INSPECTOR