



Appeal Decision

Site visit made on 13 August 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2024

Appeal Ref: APP/A1720/W/24/3343261

The Crofton, 48 Crofton Lane, Fareham, Hampshire PO14 3QF

- 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 Punch Partnerships (PML) Limited against the decision of Fareham Borough Council.
 - The application Ref is P/23/0460/FP.
 - The development proposed is erection of two three-bed dwellings (Use C3) on land adjacent to the public house utilising a new vehicular access and associated parking and landscaping, including reconfiguration of beer garden and car park.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway safety with particular regard to parking arrangements.

Reasons

3. Both the Council's reason for refusal and the appellant's Transport Statement (Transport Planning Associates March 2023) (TS) refer to the permanent loss of 11 car parking spaces. However, the Council's appeal statement indicates that 13 car parking spaces would be lost as a result of the development. I observed at my site visit that the proposal would indeed result in the loss of 13 existing spaces. Notwithstanding the number of spaces lost, the proposed plans indicates that the reconfigured Crofton public house (the public house) carpark would accommodate 26 spaces (inclusive of 2 disabled spaces), which from my observations appears reasonable given the available space.
4. The Fareham Borough Non-Residential Parking Standards Supplementary Planning Document (2015) (SPD) indicates a need for 62 parking spaces for the dining/bar floorspace that is available at the public house. Therefore, although the existing car parking available is already below that indicated within the SPD, the proposal would further reduce that available, and result in carparking spaces significantly below the SPD requirement.
5. However, the SPD makes clear that this should be interpreted as a requirement, rather than a maximum or minimum figure, with permitted variations, where these can be supported by evidence contained within a Transport Assessment.

6. The TS includes a parking survey of the public house and nearby streets, and a further survey is included within a Technical Note¹ dated April 2024 (TN). In combination these provide a full week of survey data, although do not appear to cover any events held at the public house. Although only a snapshot in time, I observed at my site visit that there were free spaces at the car park, and it was in use by a similar number of vehicles as that recorded at a similar time and day as in the TN, despite being within a summer month within the school holiday period.
7. However, although the public house is within easy walking and cycling distance of surrounding dwellings and close to public transport options, during the survey times, there were two periods where the peak demand exceeded the proposed number of parking spaces, which would result in on-street parking.
8. I have also had regard to a number of representations made by interested parties including photographs of parking at the public house and the surrounding area. These also indicate that the use of the existing car park at times can exceed its current capacity, particularly when events are held at the public house, resulting in overflow parking on the surrounding streets. I have no substantive evidence of the frequency of special events at the public house, or numbers of additional parking associated with such events. Notwithstanding, given the photographic evidence provided by interested parties, on-street parking does appear to increase during times when events are held.
9. The TS and TN identifies the minimum availability of un-restricted on-street parking within 200m of the site during the survey periods. I consider this distance to be appropriate given the nature and length of time of a customer's likely visit to the public house. These surveys indicate that even at the maximum parking stress observed during the survey period, noting this excludes any special events, 113 unrestricted parking spaces were available within 200m of the site.
10. The appellant's Technical Note dated June 2023 (TN2) states that highway safety issues are only likely to arise where on street parking demand exceeds 85% occupancy and locating a parking space can be considered more challenging.
11. Nonetheless, although I accept that there are a large number of on-street parking spaces that could be legally utilised as evidenced within the parking surveys, this does not necessarily imply that additional on-street parking would not result in highway safety implications even if it is unrestricted and available.
12. The personal injury accident (PIA) data within TN2 details a total of 5 incidents near the appeal site, some of which were at or near the Crofton Lane / Carisbrooke Avenue Junction. I observed that the highway surrounding this junction features no waiting at any time restrictions, which is reflected within the TS. Given the restrictions, any additional on-street parking associated with the proposal would not be able to park in proximity to the junction, thereby the proposal would not exacerbate highway safety issues at this particular junction.
13. Notwithstanding, the PIA does highlight the potential for accidents in the area, with the causation of a majority of the incidents including failing to look properly.

¹ 2301-054/TN/02

14. Interested parties during both the planning and appeal process have anecdotally referred to hazardous conditions exiting private driveways caused by on-road parking.
15. Whilst the parking survey methodology exclude certain sections of road from the parking capacity calculation, including the first 7.5m from junction mouths for highway safety reasons, and dropped kerbs, it does not go as far as excluding spaces directly adjacent private driveways where there are no parking restrictions, but which could have an impact on visibility and highway safety.
16. Due to the proliferation of private driveways in the surrounding area, some areas of on-street parking identified within the parking surveys would be directly adjacent accesses from private driveways onto the highway. Moreover, this is particularly the case within the highway network closer to the appeal site, where customers attending the public house are more likely to seek to park.
17. On-street parking adjacent to the driveways of surrounding properties, the public house car park accesses, and the junction between Moody Road and Crofton Lane would restrict inter-visibility between vehicles using these accesses and those travelling along the highway. This on-street parking would also often require vehicles to travel on the opposing side of the highway, particularly along the Moody Road.
18. Indeed, at my site visit I observed a vehicle exiting a nearby driveway and the manoeuvre which was required to be undertaken due to vehicles parked on the highway. This resulted in the front of the vehicle protruding into the flow of traffic on the highway and avoidance measures undertaken by passing vehicles to avoid a collision. Notwithstanding the number of unrestricted on-street parking spaces that may be available, additional on-street parking associated with the proposal is likely to exacerbate occurrences of such instances.
19. The Highway Authority have not raised highway safety objections. Nevertheless, from the evidence before me including my observations, it has not been adequately demonstrated that the increase in on-street parking would not increase the potential for conflict between road users that could result in accidents.
20. It is also put to me that it is the driver's responsibility to consider carefully where they park, and if parking presents a highway danger, parking restrictions could be put in place. However, even if this is the case, this does not reduce the danger to highway users if a car is parked in such a manner that reduces highway safety and does not present a reason to allow a proposal which could increase the potential for safety concerns for all users of the highway.
21. Consequently, for the above reasons, I conclude that the proposal would harm highway safety with particular regard to parking arrangements. The proposal would therefore conflict with policies TIN1 and TIN2 of the Fareham Local Plan 2037. These policies, amongst other things, seek to ensure that access to the highway network is safe and there are no unacceptable impacts on highway safety.

Other Matters

22. The appeal site is adjacent the Grade II Crofton Farmhouse as well as a granary building which is a building of local interest and forms a group with Crofton Farmhouse. The significance of Crofton Farmhouse as well as the granary, in part lies in their aesthetic value, and historic value given the agricultural origins of the area and their age. The setting of the heritage assets are largely defined by the curtilage they sit within, and the mix of surrounding 20th century residential properties, that provides an urban quality to the area.
23. When travelling north along Crofton Lane, the roof and part of the upper floor of Crofton Farmhouse is visible over the public house car park, with the roof and part of an elevation of the granary visible through a gap in the boundary planting. Due to the locations within their plots, the proposal would reduce the visibility of both Crofton Farmhouse and the granary from some viewpoints from Crofton Lane.
24. However, the proposal would not impose on the established curtilage of Crofton Farmhouse, and the heritage assets would still be able to be appreciated within the immediate setting. The proposal would be seen within the context of surrounding modern development and would not erode the identified significance of the heritage assets. I am therefore satisfied that the setting of the heritage assets would be preserved and note the Council are of a similar view.
25. Despite concerns by interested parties, I have no substantive evidence that the documents submitted within the application and appeal are inaccurate. The appellant has also highlighted that the Council have raised no concerns with matters aside from the main issue above raised by interested parties, which include amongst other aspects, character and appearance and living conditions. However, even if I were to also find the proposal acceptable in all other aspects, the absence of harm in these form neutral factors in my assessment of the appeal, weighing neither for, nor against the proposal.
26. The proposal is near the Solent & Southampton Water Special Protection Area (SPA), Portsmouth Harbour SPA, Chichester & Langstone Harbours SPA (Solent SPAs) and New Forest SPA, Special Area of Conservation and Ramsar sites (altogether 'the habitat sites'). Potential adverse effects could arise due to increase in recreational disturbance associated with an increase in the local residential population/visitor numbers and increased levels of nitrates entering the Solent SPAs from sewage discharge and wastewater generated from the proposal.
27. As part of partnerships which include Natural England (NE) and local councils, mitigation strategies have been prepared to address the potential harmful effects from additional recreational disturbance, and developers are required to make financial contributions to the delivery of those strategies.
28. The appellant has made financial payments to the Solent Recreational Mitigation Partnership Strategy and the New Forest Recreational Mitigation Scheme. Furthermore, in regard to water quality, the appellant has committed to purchase nitrate mitigation 'credits' in relation to a managed wetland scheme through a revised legal agreement. Both the Council and NE raise no objection in regard to the mitigation.

29. However, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal.
30. Given my conclusions on the main issue above, it is not necessary for me to consider this matter any further as the proposal would not take place and would not affect the habitat sites. Moreover, even if I were to find that suitable mitigation had been appropriately secured, a lack of harm would only be a neutral factor.
31. The proposal would provide two additional family sized dwellings to the supply of housing on a brownfield site in a location within easy reach of services, facilities and public transport. However, due to the limited scale of the proposal, I afford this only modest weight. The proposal would also provide a biodiversity net-gain and help to support the construction industry during the short term, as well as further economic and social benefits as a result of its future occupation. However, these benefits would be limited due to the scope and scale of the development.

Conclusion

32. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR