



Appeal Decision

Site visit made on 12 November 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/M1710/W/24/3347230

26 Downhouse Road, Catherington, Waterlooville, Hampshire PO8 0TX

- 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 Mr Geoffrey Cochrane against the decision of East Hampshire District Council.
 - The application Ref is 55593/002.
 - The development proposed is construction of a one bedroom bungalow in the front garden of No 26 Downhouse Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published in December 2024. I have given the main parties an opportunity to comment on the Framework revisions, and have had regard to the comments received in my consideration of this appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and,
 - whether acceptable living conditions would be provided for future occupiers of the proposed dwelling with regard to private garden space.

Reasons

Character and appearance

4. The appeal site forms part of a long front garden of No 26 Downhouse Road, a detached bungalow within a ribbon of dwellings along the eastern side of the road. The site is within a settlement boundary and faces open countryside on the opposite side of the highway. Land levels within the site incline significantly above road level, and the main dwellings generally have significant setback distances from the highway.
5. To either side of the proposed plot are triple garages serving Nos 24 and 28 Downhouse Road. The cottage-style house of No 24 is positioned well back from the road and level with the frontage of No 26. The detached house of No 28 is set back further than No 26. The setting of the appeal site and its surrounds is therefore spacious, pleasant and semi-rural in feel.

6. The proposed bungalow would be of similar scale to the abovementioned garages, with a similar footprint, sited behind double gates and closeboard fencing along the road frontage. This arrangement would partly restrict views of the development from along the footway adjacent to the front boundaries.
7. The new dwelling would however appear uncharacteristically cramped within a small plot. In this regard, it would be positioned in close proximity to both its rear boundary, and to the side boundary of No 28 and its front outbuilding. Whilst the proposed plot width is comparable to some others along the road, its length would be significantly shorter than surrounding plots. The layout would therefore appear unacceptably contrived and discordant. Additional landscaping would not mitigate this unacceptable visual impact, which in any case would be experienced by occupiers of the main dwelling of No 26 and the adjoining properties, on account of the steep inclines in ground levels.
8. I accept that the wider built form along Downhouse Road contains an eclectic mix of bungalow, chalet-style and two storey dwellings which vary significantly in form, scale and design. There is also some variation to their front building lines and many contain single storey front garages, of which some are close to the highway boundary and without front landscaping screening. They are all however within larger plots than that currently proposed.
9. The chalet-style dwelling of No 36 Downhouse Road is sited directly in front of a dwelling behind, and close to the side boundaries and at similar proximity to the road as the current proposal. However, the separation distance to the dwelling behind is significantly greater than as proposed here. No 18 is single storey and closer to the highway than surrounding dwellings, but is within a wider plot than the current proposed dwelling. All the above examples along Downhouse Road are therefore not directly comparable to the current proposal, and do not justify the grant of planning permission.
10. I therefore conclude that the development would significantly harm the character and appearance of the surrounding area. This would be contrary to Policy CP29 of the East Hampshire District Local Plan Joint Core Strategy (2014) (JCS) which requires, amongst other things, that development respects local character, identity and context and that layout is appropriate and sympathetic to its setting.
11. Separately, the Decision Notice cites conflict with JCS Policy CP20 which requires, amongst other things, the special characteristics of the district's natural environment to be conserved and enhanced. The proposal is however within a settlement boundary and given its screening from the road, there would be no harmful impact upon the surrounding open countryside. I have therefore not found any conflict with this policy.

Living conditions

12. JCS Policy CP27 seeks to resist development that would result in pollution which prejudices the health and safety of communities (which would include occupants of new developments), including from privacy.
13. Front gardens ordinarily do not have the same privacy as rear gardens. However, in the case of the appeal proposal I am satisfied that views from along the Downhouse Road footway would be sufficiently restricted by the existing front boundary gate and fencing. There is also closeboard fencing along the front garden side boundary with No 28, with hedgerow above. Neighbouring views towards the proposed side and rear garden space would

also be partially restricted by the existing pitched roof garage of No 26 sited in front of the host dwelling.

14. The proposed rear garden area is directly in front of the main dwelling of No 26 that is sited on higher ground. However, this dwelling is single storey, and I am satisfied that the provision of standard height boundary fencing, or other similar enclosure, would sufficiently screen views to protect privacy. This could have been secured by means of planning condition, had I been minded to allow the appeal. Such a condition could also have secured appropriate screening along the proposed driveway for the front and side garden areas. Whilst oblique views from neighbouring upper floor windows would still be possible, the separation distances would be sufficient to avoid adverse privacy impacts.
15. Policy CP29 of the JCS reads to me as a design policy and although its supporting text at paragraph 7.74 advises that future developments must be fit for purpose for many years and meet the changing circumstances and needs of everyone, this does not form a criterion of the policy itself. I therefore do not consider this policy to be relevant to this Main Issue. No other JCS policies governing garden sizes are before me. However, paragraph 135 f) of the Framework seeks a high standard of amenity for future users.
16. The proposed rear garden depth and side garden width would be limited. More substantial space would be provided adjacent the front of the dwelling. Whilst this forms a non-standard garden layout, as set out above, it would nonetheless provide sufficient privacy for future occupiers. Bearing in mind that the proposal forms a one-bedroom bungalow and not a larger family dwelling, its garden area would provide convenient and adequate usable space such as patio space, the drying of clothes, and some outdoor recreation activities.
17. I conclude that the proposal would therefore provide acceptable living conditions to cater for its future occupiers, in compliance with Policy CP27 of the JCS and paragraph 135 f) of the Framework.

Other Matters

18. The Council cites an appeal decision recently made in the District¹, which was issued in April 2024 and tested the District's housing land supply figure following a Public Inquiry. Within this decision, the Inspector found that the District's supply at 1 April 2023 was 3.59 years based on the particular evidence before that Inquiry. It is likely that the subsequent revisions to the Framework require the District to now provide a greater number of new homes, which no doubt amounts to a significant level of housing supply shortfall.
19. In such circumstances, Paragraph 11 d) of the Framework is engaged by footnote 8, which states that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I return to this matter in the Planning Balance section of this report, below.
20. The submitted evidence indicates that the site is within the foul drainage catchment area of the Solent Special Protection Areas. There is a strategic issue regarding the level of nitrogen deposition caused by matters including new development. The District and other authorities have worked with Natural England to provide a solution that would allow planning permissions for new dwellings to be issued. However, as the appeal is being dismissed on another substantive ground, this is not a matter which needs to be considered further.

¹ APP/M1710/W/23/3329928 (Mount Royal, 46 Lymington Bottom, Four Marks)

21. My attention has been drawn to a new bungalow recently built within the grounds of No 50 South Lane, Clanfield, which was allowed on appeal². I saw this new dwelling during my site visit. However, it is at some distance away from the appeal scheme and also within a more built-up area, surrounded on each side by dwellings close to the road. This example therefore does not justify allowing the appeal. An adjoining neighbouring representation also refers to the same concept as the appeal proposal successfully being achieved a few doors along, but no details of such a scheme are before me, and I did not see any examples of such new dwellings nearby during my site visit.
22. The lack of material flood risk, impact on neighbours, or objections raised in representation including the Parish Council, are neutral matters that neither weigh in favour nor against the proposal.
23. The appellant alleges that a nearby residential property is in business use dismantling cars for parts. Any potential breach of planning control at that site would be a matter for the Council to act upon, if considered expedient. In any event, this is a different form of development to the appeal proposal. This matter has therefore had no bearing on the determination of this appeal.

Planning Balance

24. As set out above, I have found that the proposal would have a significantly harmful effect on the character and appearance of the surrounding area, contrary to JCS Policy CP29. As good design is one of the fundamental tenets of the Framework, the proposal therefore conflicts with the development plan as a whole.
25. Set against this, the proposed dwelling would form an efficient use of land to allow occupants of No 26 to retire near to family living next door. It would provide a much-needed small scale house, built to modern environmental standards, that could also be arranged to facilitate disabled access.
26. The Framework seeks to significantly boost the supply of housing provision that reflects local needs and meets the needs of groups with specific housing requirements. It also states that small sized sites can make an important contribution to meeting the housing requirement of an area. The proposal would make a small but positive contribution to housing supply. Small sites such as this can cumulatively provide a significant contribution to the overall housing need. Moderate weight is afforded to this provision of one dwelling and the associated benefits arising from this.
27. However, taking all matters into consideration, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits. Material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

28. For the reasons given above I conclude that the appeal should be dismissed.

R Cahalane

INSPECTOR

² APP/M1710/W/17/3185446