The Planning Inspectorate

Appeal Decision

Site visit made on 13 July 2015

by Chris Couper BA (Hons) DiP TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 July 2015

Appeal Ref: APP/W1715/D/15/3018511
11 Dolphin Close, Bishopstoke, Hampshire SO50 8NG

- 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 Victor Amaira against the decision of Eastleigh Borough Council.
- The application Ref F/15/75847, dated 19 January 20115, was refused by notice dated 1 April 2015.
- The development proposed is a detached garage.

Decision

1. The appeal is dismissed.

Procedural matter

2. On the application form the postcode is given as SO5 8NG. However, in my heading above I have taken the site's postcode from the appeal form, which is consistent with that on the decision notice. I have also taken the description of the development from the appeal form, as it is more succinct than that given on the application form.

Main Issue

3. The main issue is the effect of the proposed development on the host property's living conditions.

Reasons

4. The host property sits within a short terrace of broadly similar two storey properties. To the rear, those properties have short gardens which abut a small communal parking area ('parking area') off Dolphin Close, from where vehicular access is gained. I understand that some of the occupiers, including at no. 11, have enclosed their dedicated parking space. Some of the dwellings in this terrace have a shed or outbuilding of a variety of sizes within their rear garden.

5. To its rear, no. 11 has a conservatory spanning the width of the property. It is proposed to erect a garage in part of the space between that conservatory and the parking area. Whilst the submitted layout plan is not scaled, the Council estimates that the proposed garage would come within approximately 2m of the

conservatory, and from my on-site observations I noted that it would be close to the conservatory's glazed windows. That plan also show that the garage would have an angled siting and would extend across approximately half the width of the garden closest to the conservatory, and that the remaining length of garden would taper-in to the rear.

6. In my view, that arrangement would result in occupiers of this 3 bedroom dwelling being left with a very small rear garden, which would be of limited value due to its size and partly narrow and tapering configuration. Consequently, I am not satisfied that future occupiers, which could include families, would have an outdoor space of sufficient size and quality for domestic tasks, activities such as play, and sitting out. Furthermore, although the garage would be of a modest height, given its siting, the outlook from much of the conservatory's glazing would be dominated by its blank rear elevation.

7. The appellant states that the outdoor space remaining at no. 11 is no less than others in the terrace. However, from my observations I noted that, unlike no. 11, most of the other dwellings have not been extended to the rear, and that their outbuildings are generally located further to the rear than this proposal. Consequently, in my view, those properties have a rear garden space that is larger and of a more practical configuration than would be the case here.

8. For the above reasons, I conclude that the proposal would result in poor living conditions for the occupiers of the host property. I appreciate that the current occupier is content with this proposed arrangement, and that the Eastleigh Borough Local Plan Review 2001 to 2011 (2006) ('LPR') does not set any space standards with regards gardens. However, in reaching my decision I am mindful of the National Planning Policy Framework ('Framework') stance at paragraph 56 that good design is a key aspect of sustainable development, which is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 17 it also states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

9. The proposal would conflict with those requirements and, in general terms, with LPR policy 59.BE's statement that development proposals should take proper account of the site's context and be appropriate both in themselves and in relation to neighbouring development with regard to matters including layout and siting. Although the Council's decision also references emerging policies DM1, DM24 and DM29 of the Submitted Eastleigh Borough Local Plan (2011-2029), that document has not been adopted, and I understand that an Inspector found it to be unsound. As such I accord those policies very limited weight. As policy DM29 refers to internal space standards for new dwellings, it is in any event of little relevance to this appeal.

10. The Council also maintains that the scheme would conflict with its Quality Places Supplementary Planning Document 2011. I have not been directed to any particular part of that document, although, on the basis of the evidence before me, I consider that there would be a conflict with its general requirement at pages 2 and 29 that dwellings should have adequate, useable outdoor amenity space.

11. The Council also maintains that as the rear of the site is enclosed the property has no dedicated parking area, and that the proposed garage would be below minimum recognised space standards. I understand that it would fall just short of the 3m x 6m it normally requires. However, LPR policy 104.T states that adequate off-highway parking will be required up to a maximum level. Given the existing and proposed parking arrangement, and the site's sustainable location, this proposal would not result in inadequate parking. There would therefore be no conflict with policy 104.T.

12. Given the relatively modest scale and height of the proposed garage, and its position set-back from the enclosed parking area, I also agree with the Council's view, as set out in the Officer report, that the scheme would not have a detrimental impact on the streetscene or the wider area.

13. Nevertheless, as a result of the poor living conditions that would be experienced by occupiers of the host property, the proposal does not benefit from the Framework's presumption in favour of sustainable development. Consequently, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR