The Planning Inspectorate

Appeal Decision

Site visit made on 27 June 2017

by Timothy C King BA(Hons) MRTPI

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

Decision date: 05/09/17

Appeal Ref: APP/W1715/W/17/3172807
18 High Street, Botley, Hampshire, SO30 2EA

- 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 Carbury Investments Ltd against the decision of Eastleigh Borough Council.
- The application Ref C/16/79036, dated 5 August 2016, was refused by notice dated 3 October 2016.
- The development proposed is *'Demolition of existing single storey misc buildings. Clear site/construct 3 x 2 storey dwellings and garages and ancillary works.'*

Decision

1. The appeal is dismissed.

Procedural Matters

2. Although it has not been formally withdrawn, the emerging Eastleigh Borough Local Plan 2011-2029 (ELP) is no longer being pursued by the Council. The Council has commenced the preparation of a revised Local Plan, which is at a very early stage. Accordingly, both plans carry limited weight and I have therefore assessed the proposal with regard to the Eastleigh Borough Local Plan Review (LP), which remains the development plan for the area.

3. The proposal is misleading in its description of the construction of 3 x 2 storey dwellings. The development would actually involve the creation of three 1-bed flats within the two, 2-storey blocks, with one block providing only car parking at ground floor level.

Main Issues

4. The main issues are:

   1) The effect of the proposal on the character and appearance of the surrounding area, with particular regard to its conservation area location;

   2) The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook, privacy and daylight entry;

   3) Whether the proposal would provide for a satisfactory standard of living conditions for the development's future occupiers, with particular regard to the scheme's layout and design, and also in terms of privacy; and

   4) The effect of the proposal on the local highway network, with particular regard to demand for on-street parking and servicing.

Reasons

Character and appearance

5. The proposal would involve the development of land to the rear of Nos 18, 20 and 20A High Street, which currently appears to be in a state of some neglect, and is used informally for the parking of vehicles and general storage. The scheme would entail the demolition of some commercial outbuildings, and the substantial foreshortening of the rear garden of No 18, a residential property in order to facilitate the development. The proposed two-storey blocks would be perpendicular to each other, with a single-storey link. Access would be off the High Street via a short, existing driveway with car parking provided. The proposal would also provide an enclosed rear garden for the dwelling at No 20A.

6. The site lies within the Botley Conservation Area, within which the High Street falls and comprises of buildings of generally two-storey height, as are Nos 18, 20 and 20A, and of varying age. The site's existing commercial buildings are in a poor state of repair. One of these was formerly used as a motor repair workshop and is now seemingly derelict. Lying at the end of the accessway, the building and its service yard is visible from the High Street and is a visual detraction. In the circumstances the Council acknowledges that the principle of an appropriate redevelopment of the site would be acceptable. Indeed, a relatively modern, small two-storey housing development known as Warner Mews lies beyond the rear of the site, which I note is also set within the Conservation Area's boundary.

7. Whilst there can be no reasonable objection to removing the unsightly outbuildings from the site there is little information before me to promote or even describe the development save for the indication that the two buildings would be of two-storey height. The appellant comments that the development would add to the character of the Conservation Area so as to reflect its past function and grain. However, the submitted plans do not reflect such an approach and are significantly short on detail, failing to demonstrate how the development would appear visually and whether it would integrate and sit well within its contextual setting. There is no illustrative material before me in this regard and neither the appellant's Heritage Statement nor the Design and Access Statement are sufficiently informative as to be convincing on this issue.

8. Although I do not necessarily agree with the Council that the proposal would amount to an overdevelopment of the site I do not accept the appellant's suggestion that planning permission should be granted subject to a condition requiring the submission of additional design details. This should ideally have been provided at the application stage and not left to condition given the land's conservation area location. Details of such would assist and allow for a full and proper assessment as to any scheme's planning merits.

9. Similarly, little detail has been provided as to the intended protection of an existing Horse Chesnut tree, sited just beyond the site's rear. However, if I had been minded to grant planning permission I am satisfied that this could be dealt with by imposing a condition requiring for a methodology statement as to intended safeguards at the construction stage.

10. Nonetheless, without sufficient detailing as to the development itself, when applying the statutory test under s72(1) of the Town and Country Planning

(Listed Buildings and Conservation Areas) Act 1990, I do not consider that the appellant has demonstrated how, and if so to what degree, the proposal would preserve or enhance the character or appearance of the Botley Conservation Area. Although from the plans submitted I consider that any harm would be less than substantial the public benefits arising from the scheme are not sufficient as to outweigh my findings.

11. I conclude that the proposal would be harmful to the Botley Conservation Area and would therefore conflict with the design objectives of Policies 59.BE and 169.LB of the Eastleigh Borough Local Plan Review (LP) and the Council's Supplementary Planning Document 'Quality Places' (SPD).

Living conditions (neighbouring occupiers)

12. At my site visit, contrary to the appellant's comment that No 18's rear garden is heavily overgrown allowing currently for only a small area of usable space, I noted that it was lawned and generally well tended. The proposed loss of a significant majority of the garden to allow for the erection of one of the two-storey buildings would result in its flank wall being sited at approximately 7m from No 18's rear elevation. This is a north facing garden and the SPD advises that rear gardens facing within 30 degrees of north should be distanced at a minimum depth of 12m from the house to compensate for excessive shade.

13. I consider that the intended height of the building, compounded by the majority of its roof being flush with its flank wall, combined with its proximity to the existing house, would give rise to a development detrimental to its occupiers in the above regard. The appellant has provided no technical analysis as to any resultant degree of light loss or overshadowing that would result. In the absence of any information to suggest otherwise, and given the significant shortfall of some 5m from the SPD guidance figure, I consider that the proposal would have a harmful effect in this regard.

14. Although No 18's current rear outlook would be significantly altered as a result this does not in itself indicate demonstrate harm. Outlook can change through time and, although the proposed facing wall would be much nearer to No 18's facing elevation than is currently the case with its northern boundary adjacent to the Warner Mews access road, the appellant has indicated that the new building could be softened through landscaping. I consider that suitable mitigation to this end could be undertaken and, if I had been minded to grant planning permission, this could have been secured by way of a planning condition.

15. An additional issue, as to the effect on existing living conditions, is whether or not the proposal would bring about an unacceptable loss of privacy for the occupiers of No 20A. The SPD guidance advises that there should be a minimum distance of 22m between facing first floor habitable room windows and at my site visit I gauged that the actual distance between the rear elevations would be considerably less. However, No 20's rear facing windows at first floor level do not appear to light habitable rooms. Also, the facing flat's first floor windows would be set behind a balcony, itself shielded by a screen. The proposal would also afford the existing dwelling a private, enclosed rear garden, as presently it opens out into the rear yard area, and the proposed accessway would sit beyond this demise.

16. In the circumstances, I am satisfied that the occupiers of No 20A would not suffer an undue loss of privacy. Whilst I consider that No 20A would not be adversely affected by the proposal and the resultant outlook from No 18, although affected, would not be so altered as to amount to an inappropriate form of development, I find that, in the absence of evidence to the contrary, No 18 would be subject to a resultant and significant loss of light which weighs heavily against the proposal.

17. I therefore conclude that the proposal would be harmful to the living conditions of neighbouring occupiers contrary to the aims of LP Policy 59.BE and the Council's SPD guidance.

Living conditions (future occupiers)

18. At first floor level, in the block facing towards No 20A, Flat 3, being single aspect, would have all its windows looking in this direction. However, for the reasons above, which equally applies both ways, I do not consider that the future occupiers of the flat would suffer an undue loss of privacy.

19. All three flats would be single aspect, but this is not sufficient a reason in itself to reasonably raise objection to the proposal on outlook grounds, as the units are all shown to be of adequate size. Also, Flat 3 would have external amenity space, provided in the form of a balcony. The SPD guidance does not advise against such features providing the balcony is integrated into the design of the building, which is the case in this instance. However, Flats 1 and 2 in the other block would be afforded no external amenity space and the appellant has failed to justify this approach or explain any mitigation in this regard. This outweighs my other findings on this main issue.

20. I therefore conclude that the proposal would be harmful to the living conditions of future occupiers of the development, contrary to the aims of LP Policy 59.BE and the Council's SPD guidance.

Parking

21. The scheme would provide six on-site car parking spaces. The appellant has indicated that the four spaces to be accommodated under Flat 3 would serve the three flats proposed. Two additional parking spaces are also shown behind No 20's rear garden.

22. The Council's Supplementary Planning Document 'Residential Parking Standards' requires an on-site allocation of six car parking spaces for each of the proposed one-bed flats. However, as the appellant intends that the two outside bays be used by the occupiers of the existing properties there would be a shortfall, in relation to standards, of two spaces for the development.

23. The Council makes the point that Nos 18 and 20A, being used for residential purposes, would also each require two spaces. That said, there is currently no formal on-site provision, although at my site visit I noted that there were some vehicles parked in the existing rear yard, albeit in a haphazard fashion. As regards space for the servicing of the small retail shop at No 20 it appears that the layout at the rear does not allow No 20 access to the yard and, as such, servicing must currently take place from the High Street itself.

24. Given the current circumstances, although there is no defined existing rear car parking space set aside for any of the three existing properties and the

servicing of No 20 would not be affected by the proposal, I am concerned that the proposed development would fail to provide on-site car parking in accordance with Council standards for its future occupiers. This would lead to increased demand for on-street parking within the vicinity of the site which is subject to restrictions during daytime hours.

25. I therefore conclude that the proposal, in failing to provide sufficient on-site car parking space would give rise to an increased demand for on-street car parking potentially causing inconvenience to neighbouring occupiers, contrary to the aims and requirements of LP Policies 59.BE and 104.TC and the Council's SPD guidance.

Other matters

26. The site falls within the catchment area for the Solent Disturbance Mitigation Project and in the circumstances the Council has indicated a financial contribution of £176 per residential unit is required in mitigation. Although the appellant has mentioned that such a contribution might be made, as I am dismissing this appeal on other substantive grounds it is not necessary for me to explore this matter further.

27. The appellant, in support of the proposal, raises the issue of the Council's five year housing land supply, commenting that the Council only has a supply of 4.23 years. The Council, in response, acknowledges that the situation in December 2016 was such that it did not expect to meet its housing targets. However, following subsequent planning permissions, it mentions that there is now a supply of some 5.22 years. Although I have no detailed evidence of such, even if I was to conclude that there is a shortfall in the five year supply of the scale suggested by the appellant, and that relevant policies should not be considered up-to-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of providing the new flats.

Conclusion

28. I have found harm on all four main issues, which is compelling. For the above reasons, and having had regard to all matters raised, the appeal is dismissed.

Timothy C King

INSPECTOR