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: 14 September 2017

Appeal Ref: APP/W1715/W/17/3172508
3 Sayers Road, Bishopstoke, SO50 6GY

- 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 Regal Homes Ltd against the decision of Eastleigh Borough Council.
- The application Ref F/17/79775, dated 22 December 2016, was refused by notice dated 17 February 2017.
- The development proposed is described as *'Sever land and erect 1 No 2 bed bungalow with parking.'*

Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the Submitted Eastleigh Borough Local Plan 2011-2029 (SEBLP) referred to in the Council's decision notice was not supported by the appointed Inspector. As such, the Council has decided to compile a fresh Local Plan which is currently in its very early stages. In the circumstances the SEBLP, although not formally withdrawn, carries little weight and I have therefore assessed the proposal against the Eastleigh Borough Local Plan Review 2006 (LP) which remains the development plan for the area, and any other material considerations involved.

Main Issues

3. The main issues are:

   1) The effect of the proposal on the character and appearance of the surrounding area; and

   2) The effect of the proposal on the living conditions of existing occupiers, and whether the proposal would provide for a satisfactory standard of living conditions for the development's future occupiers, with particular regard to the provision of usable garden area and daylight.

Reasons

Character and appearance

4. The appeal site comprises a two-storey semi-detached dwelling and its deep, but narrow curtilage. The proposal would involve the erection of a bungalow at the far end of its rear garden. Access would be from Sayers Road via the

existing access driveway. An existing garage and outbuildings would be demolished to facilitate the development and the existing dwelling's front garden would be given over to car parking for its occupiers. Parking provision for the proposed bungalow would be sited in front of the new building.

5. In 1996 planning permission was granted and subsequently implemented for a nearby backland development involving a series of bungalows and an associated cul-de-sac off Sayers Road. The flank wall of No 9, the nearest such bungalow, runs close alongside No 3's rear garden, sitting on land previously part of No 5's curtilage. A standard height close boarded garden fence runs along the common boundary and the new bungalow's facing flank wall would, for the large part, run parallel with this neighbouring bungalow, and the rear garden areas would adjoin each other.

6. However, apart from the above planning permission indicating that the principle of backland development is established I consider that there are very few similarities in the proposal with the now prevailing pattern of development. Most particularly, access to No 9 is from the cul-de-sac unlike the proposed arrangement for the current scheme whereby access to the new bungalow would run directly alongside No 3's flank wall.

7. A sizeable amount of No 3's curtilage would be given over to hardstanding to accommodate the vehicular access and associated parking spaces. The proposed layout would significantly reduce the width of No 3's curtilage, unlike the arrangement at the neighbouring property, No 5. Such a marked difference would go against the local grain.

8. Policy 59.BE of the Eastleigh Borough Local Plan (LP) requires that new development takes full account of its site's context, including the character and appearance of the locality and, amongst other things, has regard to siting, scale and layout. This approach is also reflected in the Council's Supplementary Planning Document 'Quality Places' (SPD). The proposal would be significantly out of character with the existing pattern of development.

9. I conclude that the proposal would be harmful to the character and appearance of the surrounding area, and there would be material conflict with the aims and requirements of LP Policy 59.BE, SPD guidance, and relevant advice within the Framework.

Living conditions

10. Although the Council does not raise concerns as to the amount of external garden space to be provided it has concerns regarding the usability of the space earmarked. The bungalow would take up a significant degree of the back section of the site leaving a rear garden of modest depth. However, this would not necessarily lessen its potential for enjoyment by the occupiers of the proposed two-bed bungalow.

11. The garden would face westwards rather than towards the east which the Council's case report suggests and I do not consider that the Council has properly justified its consideration that the rear garden would be claustrophobic. There is hedging immediately beyond the rear boundary but the two trees are set back further into the neighbouring garden and I do not consider that this arrangement would give rise to such a degree of overshadowing as to adversely affect the garden's usability. A second area of

green space to the front of the bungalow, although having limited potential for use by future occupiers, would serve to slightly soften the development from the considerable amount of hardstanding which would be to the benefit of its future occupants.

12. The appellant considers that the daylight and sunlight entry to the bungalow's living space would be adequate and complies with the relevant BRE guidelines. The Council has not challenged this assertion and I do not take issue with the appellant's view. Given the circumstances I have described, neither do I consider that the rear outlook would be unacceptably impeded.

13. There are no concerns raised by the local highway authority as to the adequacy of the proposed access, and I consider that the number of pedestrian and vehicular movements arising from the bungalow is likely to be limited so as not to cause nuisance and disturbance to the occupiers of No 3.

14. I conclude that the proposal would not be harmful to the living conditions of existing occupiers and it would also provide for a satisfactory standard of living conditions for future occupiers. There would be no material conflict with the aims of LP Policy 59.BE as to providing for a satisfactory standard of development. Neither would the proposal conflict with SPD guidance nor with relevant advice in the Framework.

Other matters

15. The appellant indicates that the proposal would constitute sustainable development. However, I have not been provided with any substantive evidence to demonstrate how that would be achieved in this instance.

16. The appellant, in support of the proposal, also raises the issue of the Council being unable to demonstrate a five year housing land supply, as required by the Framework, and the Council has provided no evidence to suggest its housing targets can be met. Nonetheless, even if I was to conclude there is a shortfall in five year supply and that relevant policies for the supply of housing should not be considered up-to-date, the benefits arising from only one additional dwelling would be very limited. In this context I consider that the adverse impacts to the character and appearance of the area of granting permission would significantly and demonstrably outweigh the benefits.

Conclusion

17. Although I have not found that the proposal would be harmful to the living conditions of either existing or future occupiers I consider this to be outweighed by the harm to the character and appearance of the area. For the above reasons, and having had regard to all matters raised, the appeal is dismissed.

INSPECTOR

Timothy C King