
Appeal Decision

Site visit made on 31 March 2015

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 28/04/2015

Appeal Ref: APP/A1720/W/14/3001621
181 Hunts Pond Road, Fareham, Hampshire PO14 4PL

- 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 Mrs Louise Mowl against the decision of Fareham Borough Council.
 - The application Ref P/14/0818/FP, dated 1 August 2014, was refused by notice dated 23 October 2014.
 - The development proposed is described as proposed new residential development.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development used by the Council and the appellant in the appeal representations refers to the conversion of the existing detached garage to a studio apartment. Although this normally describes a situation where the living space and sleeping area are combined into one room, whereas here it would have a separate bedroom, I have used the term studio apartment in my decision.

Main Issues

3. The main issues are:
 - a) the effect of the proposed studio apartment on the character and appearance of the surrounding area; and
 - b) whether future occupiers would be likely to experience acceptable living conditions in terms of internal living space and external amenity space.

Reasons

Character and Appearance

4. The appeal site is located at the junction of Hunts Pond Road to the west and Lower Church Road to the north. The area is primarily residential with a number of small shops on Hunts Pond Road close to the appeal site. Residential properties locally are generally two storey and are of various sizes with a mixture of detached and semi-detached properties. There are some flatted developments within reasonable proximity of the appeal site including above the retail units on Hunts Pond Road.

5. No. 181 Hunts Pond Road is a large detached two storey property with a vacant retail unit at ground floor. It has a garden to the west side and rear while access to the property and a detached double garage in the south east corner of the site is provided from Hunts Pond Road. On the Lower Church Road frontage the property leads directly to a footway while to the north east is an area of hardstanding adjacent to no. 4 Lower Church Road. Apart from the vacant retail unit the property is currently in use as a single residence.
6. The proposal is to create a new first floor extension over the existing ground floor part of the property to the north east part of the site. The building would then be converted to three separate flats while the detached garage would be converted to a studio apartment. Access would be relocated on the Hunts Pond Road frontage and a new car parking area would be formed to the rear of the property. Communal landscaped gardens would also be provided and the forecourt to the front of the main building would be landscaped and enclosed by a wall.
7. The proposed studio apartment would be entirely separate from the remaining development. The setting of the proposed studio apartment would appear cramped with boundaries to the neighbouring properties being within approximately 1 metre of the apartment on three sides. Unlike other small flats within the locality, including the other flats proposed here, the studio apartment would be a stand-alone unit and would not have its own private garden or site boundary to separate it from the remainder of the development. Consequently the character of this part of the proposed development would be significantly different from the main building and the surrounding area.
8. I saw during my visit the conversion of the garage at no. 1 Lower Church Road to form living space and notwithstanding what I heard about its use, I understand that it was approved on the basis of being ancillary to the use of the main residence. Consequently it is appropriate to draw a distinction between no. 1 Lower Church Road and the appeal proposal.
9. I note that the appellant considers the apartment would be attractive for occupiers and would be a sustainable location. Nevertheless I find that the proposed studio apartment would be harmful to the character of the surrounding area by introducing a form of accommodation which is not typical of the area. It would therefore fail to comply with Policy CS17 of the Fareham Borough Local Plan Part 1: Core Strategy (the Core Strategy) which requires development to respond positively to the key characteristics of the area. It would also fail to meet the objectives of the National Planning Policy Framework (the Framework) which aims to secure good design.

Living Conditions

10. Policy CS17 of the Core Strategy requires new housing to provide adequate internal and external space to meet the requirements of future occupiers. The Council made reference to the Draft Nationally Described Space Standards in its statement. The Government has now published the finalised version of this document which in line with the advice in the Framework should be taken into account in this appeal.
11. The Nationally Described Space Standards require that for a one bedroom one person dwelling with a bathroom located on the ground floor the minimum gross internal floor area is 39 sq. metres with a further 1 sq. metre of built in

- storage space. The area of the proposed studio apartment is approximately 29 sq. metres which is considerably smaller than the standard.
12. I have taken account of the possibility that space within the eaves could be used for storage. I also recognise that the proposed flat includes a separate bedroom not simply a living area which is also used for sleeping which provides a better quality of living accommodation. Nevertheless taking account of the amount of space proposed I conclude that the studio apartment would fail to provide adequate internal space to meet the requirements of future occupiers of that dwelling. Consequently I find that the proposal would fail to meet the requirements of Policy CS17 of the Core Strategy, the Nationally Described Space Standards or the Framework with regard to internal space standards.
 13. With regard to the size of gardens for future occupiers three areas of communal gardens have been proposed which together measure approximately 148 sq. metres. The Council's guidance in Appendix 6 of the Fareham Local Plan Review indicates that where accommodation is provided in the form of flats, communal gardens of approximately 25 sq. metres per unit would be an acceptable alternative to each unit having their own private garden space. Consequently, the amount of communal garden space would meet the Council's guidelines.
 14. However, in terms of the quality of the communal garden space I consider that the proposed garden area to the north east of the site would, by virtue of its position and narrowness, with two storey development proposed to the west, receive little direct sunlight. It would also be subject to overlooking affecting both occupiers of the ground floor flat which has a bedroom window adjacent to the garden and users of the garden. This would result in the quality of the space being poor.
 15. While the garden area to the west of the main building is also long and narrow it is generally set back from the entrances to the flats and ground floor windows. Although close to the road it would provide a reasonable quality of space as a communal garden.
 16. The area to the rear of the property would be located adjacent to the proposed car park area and would adjoin the entrance area to the studio apartment and therefore, in spite of the appellant's attempt to separate the communal garden from the entrance space, there would be significant potential for overlooking of the living area within the studio apartment from the communal garden. The likelihood of the occupiers of the studio apartment having their privacy materially adversely affected would be increased by the proposal to have full length glazed doors. Consequently I find the quality of the garden area proposed for this development to be poor.
 17. The appellant has indicated that the site is located in an area which is well served by parks. Nevertheless there is a requirement to provide adequate garden space on site which the current proposals fail to achieve. I therefore find that the proposal would be contrary to the requirements of Policy CS17 of the Core Strategy by failing to meet the requirements of future occupiers of the property with regard to the quality of exterior space.

Other Matters

18. There appears to be a dispute about the ownership of parts of the site fronting Lower Church Road. These are private matters between the parties concerned although they would need to be resolved before any permission to develop the site could be implemented.
19. The Council's reason for refusal refers to Policy CS5 of the Core Strategy which addresses the safety and operation of the local road network. The Council has now confirmed that there are no issues relating to highway safety and convenience and that the reference to the policy in the decision notice was an error. The issues of highway safety at the front of the site and parking have been raised by interested parties but I note that the highway authority has not objected to the proposal subject to the imposition of appropriate conditions and I attach significant weight to their comments. Without clear evidence of the impacts I am therefore only able to afford very limited weight to such assertions.
20. The Council makes reference in its reasons for refusal to Policies DSP2 and DSP15 of the Fareham Borough Local Plan Part 2: Development Sites and Policies Plan. This is an emerging plan and therefore subject to change so the policies carry limited weight.
21. The Council considers that the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that residential development will cause through increased recreational disturbance on the Solent Coast Special Protection Area. Reference is made to Core Strategy Policy CS4 and emerging Policy DSP2. The appellant has indicated a willingness to make financial contributions towards schemes to mitigate the impacts of the proposed development and so although no obligation has been provided to secure such provision, there is no difference between the parties that it is required. However, as I am dismissing the appeal for other reasons I have not considered the requirement for an obligation further in respect of the relevant tests in law and policy.
22. I have taken into account the concerns raised about overlooking and loss of privacy arising from the proposed studio apartment from the occupiers of no. 4 Lower Church Road. I have also taken account of other matters raised by interested parties both in support and opposition to the proposals. However they have not led me to any different overall conclusion.

Conclusion

23. For the reasons set out above the appeal is dismissed.

Kevin Gleeson

INSPECTOR