



Appeal Decision

Site visit made on 30 May 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2019

Appeal Ref: APP/A1720/W/19/3223989

93 Longmynd Drive, Fareham PO14 1TA

- 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 Peter Terry (PJ Developments Ltd) against the decision of Fareham Borough Council.
 - The application Ref P/18/1412/FP, dated 14 December 2018, was refused by notice dated 14 February 2019.
 - The development proposed is conversion of semi detached house to form No. 2 two bedroom flats and a 2 bedroom end of terrace house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Local Planning Authority's (LPA's) third reason for refusal was based on the failure to provide satisfactory mitigation for the impact of the development on the Solent Coastal Special Protection Areas. The reason for refusal indicated that the payment of a financial contribution towards mitigating measures would overcome this issue. During the appeal, the appellant submitted an executed agreement under Section 111 of the Local Government Act, confirming payment of a financial contribution towards such measures. The LPA has confirmed that the agreement is acceptable, and that the Council's third reason for refusal has been addressed. As I am dismissing the appeal, it has not been necessary to consider this matter further.
3. Therefore, the main issues are:
 - a) Whether the development provides suitable living conditions for future occupants, with particular regard to internal and external space; and
 - b) The effect of the development on the character and appearance of the area.

Reasons

Living conditions

4. The proposals involve the conversion of an existing house into 2 flats and the construction of a new house. Policy CS17 of the Fareham Local Development Framework Core Strategy (2011) (the Core Strategy) requires all new housing to secure, amongst other things, adequate internal and external space to meet

the requirements of future occupants. Guidance on the expected standards for internal space is provided in the Fareham Borough Design Guidance Supplementary Planning Document (2015) (the SPD). The SPD advises that all new dwellings and flats should seek to meet at least the minimum sizes set out in the National Technical Standards. Therefore, the Technical housing standards – nationally described space standard¹ (the NDSS) is the most relevant guidance in assessing the adequacy of the internal living space proposed.

5. It is common ground between the parties that the proposed 2-bedroomed house would exceed the NDSS requirement of 70 square metres of internal floorspace. The appellant suggests that the space standards do not apply to conversions. However, the NDSS deals with internal space within new dwellings, and as each of the flats would be a new dwelling it is applicable. The appellant also contends that the 2 flats both exceed the minimum floorspace for a 1-person flat. However, in both flats the bedroom comfortably exceeds the 11.5 square metre floorspace required for a double bedroom under the NDSS. Therefore, the correct standard to be applied is that for a 1-bedroomed 2-person flat.
6. Neither of the 2 flats would provide the 50 square metre standard for this type of dwelling. The ground floor flat would be 4.5 square metres short, and the first floor flat would be 1.4 square metres short. Therefore, the future occupants of both flats would have living space that fell short of the minimum standard of living accommodation set by the NDSS for new dwellings. This would be harmful to their living conditions, through lack of space for everyday activities. There may be some circumstances where a relaxation of the national standards may be justified, for example by the need to find a new use for a building that cannot be extended. However, in this instance, the overall proposals include considerable new building works and additional floorspace. In these circumstances I see no reason why the minimum space standards should not be achieved. I therefore find that the proposed flats do not provide suitable living conditions for future occupants, with regard to internal space.
7. The NDSS does not provide guidance on external space. However, the SPD advises that private gardens for new dwellings built in rear gardens should be at least 11 metres long. No minimum width or area is specified, perhaps because the advice relates to development in rear gardens, where the 11-metre distance is required to provide adequate separation between properties, rather than a certain level of space provision. The new house proposed under the appeal scheme would be in the side garden of the existing house and therefore the SPD guidance is not entirely relevant. Its rear garden of 7 metres would be the same length as the rear garden of the existing property, albeit narrower. Overall the rear garden proposed would be about 50 square metres and would provide adequate private outdoor space for a 2-bedroomed house.
8. The SPD advises that a garden of 25 square metres will normally be sufficient for small flats, and a communal garden will be acceptable where private gardens are not possible. It is common ground between the parties that the communal garden proposed is about 44 square metres. It is therefore below the size advised in the SPD for 2 flats. This could be justified if the space functioned well, and provided a good standard of outdoor space for the

¹ <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

occupants. However, the occupants of the ground floor flat would not have direct access to the garden. To access the space, they would have to walk out of their front door and around the perimeter of 95 Longmynd Drive, which would be likely to limit their use of the garden. The front door to the first floor flat would be accessed through the communal garden, so all visitors would have to walk through it. It would therefore function more as a front garden than a secluded space where the occupants could relax with a degree of privacy. The communal space would not therefore provide an area that could be satisfactorily used as private garden space by the occupants of the flats.

9. The shortfall in the size and functionality of the private outdoor amenity space would be harmful to the living conditions of future occupants. The inadequacy of the outdoor space increases the harm that I have already found as a result of the sub-standard level of internal space. I therefore conclude that the proposals would fail to provide suitable living conditions for future occupants of the flats. The development would therefore conflict with Policy CS17 of the Core Strategy, which seeks, amongst other things, to ensure that adequate internal and external space is provided in new development to meet the requirements of future occupants.

Character and appearance

10. The appeal site lies in an area that has a spacious suburban character. This character arises from the wide roads and grass verges, with the dwellings set back from the road behind landscaped front gardens. 93 and 95 Longmynd Drive are, rather uncharacteristically, set at right angles to the road. As a result, the side garden of No 93 is not readily visible from the main estate road, so does not make a significant contribution to the spacious character of the area. The garden is visible from the parking area/garage court to the east, but this part of the area does not have the same spacious, landscaped character as the wider surroundings. The construction of the proposed building on the side of No 93 would not therefore have a harmful impact on the character and appearance of the area.
11. The subdivision of the site would result in plot sizes that are generally smaller than those in the surrounding area. However, this would not be readily apparent in the streetscene. The smaller rear gardens would not be easily discernible from Longmynd Avenue, so would have little impact on spaciousness. The parking spaces in front of the proposed house and flats would appear as an extension of the existing parking area/garage court on this side of the site. There would therefore be no harmful impact on the appearance of the area from this viewpoint.
12. For the above reasons I find that the proposed development would not harm the character and appearance of the area. The proposals would therefore accord with Policy CS17 of the Core Strategy, insofar as it seeks to ensure that development is of a high-quality design, and respectful of the key characteristics of the area.

Conclusion

13. I have found that the proposal would not harm the character and appearance of the area. However, this does not outweigh the harm that I have found with regard to the living conditions for future occupants, as a result of the inadequacy of the proposed internal and external space.

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

Nick Davies

INSPECTOR