



# Appeal Decision

Hearing and site visit held on  
16 July 2008

by **J A Cohen** Dip. TP MRTPI

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

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Decision date:  
**8 August 2008**

## Appeal Ref: APP/W1715/A/08/2066168

### 96a Sandy Lane, Fair Oak, Eastleigh, Hampshire, SO50 8GD

- 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. A. Page against the decision of Eastleigh Borough Council.
- The application Ref F/07/60603, dated 2 July 2007, was refused by notice dated 29 August 2007.
- The development proposed is the removal of a mobile home and construction of a 2 bedroom bungalow, parking and revised access.

## Decision

1. I allow the appeal and grant planning permission for the removal of a mobile home and construction of a 2 bedroom bungalow, parking and revised access at 96a Sandy Lane, Fair Oak, Eastleigh, Hampshire, SO50 8GD, in accordance with the terms of the application Ref: F/07/60603, dated 2 July 2007 and the drawings submitted therewith, subject to the following conditions:
  - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
  - 2) No development shall take place until details and samples of the materials to be used for the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.
  - 3) No development shall take place until details, including plans and cross-sections, of existing and proposed ground levels of the development, site boundaries and the height of the ground floor slab in relation thereto, have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.
  - 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure including boundary treatment; car parking layout; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. refuse or other storage units). These works shall be carried out as approved prior to the occupation of the dwelling hereby approved or in accordance with a programme agreed in writing with the local planning authority. Any plants which within a period of 5 years from completion of

the development become diseased or die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed with the local planning authority.

- 5) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with the approved plans for cars to be parked and such parking areas shall be kept available for their designated purpose.
- 6) All existing buildings and structures on the site, including the mobile home, sheds and containers, shall be removed or demolished and all resultant materials removed from the site prior to commencement of the development hereby permitted.

### **Procedural Matters**

2. The appellant provided a signed and dated Unilateral Undertaking prior to the Hearing. It contains provisions which would, in the event that the appeal were to be allowed, ensure that financial contributions towards social and recreational facilities, open space and road traffic would be forthcoming. The Council confirmed its agreement to the terms of the Undertaking during the Hearing and consequently confirmed withdrawal of its third reason for refusal. This is a material consideration which I shall take into account.

### **Main Issues**

3. The main issues are the effect of the development on the character and appearance of the area and on parking and highway safety.

### **Reasons**

4. The appeal site is a roughly rectangular plot divided into two fenced sections. The rear part contains a mobile home and three sheds while the front area is hard-surfaced and is mainly used for parking. A vehicular crossover to Sandy Lane provides a shared access to a garage in third-party ownership, immediately adjoining but lying outside the appeal site. There is also a pedestrian right of way across the frontage to the rear garden of 2 Pilchards Avenue.

#### *Character and appearance*

5. The property lies within a predominantly residential area comprising a mix of houses and bungalows of varying style and proportions. Along this particular stretch of Sandy Lane, the street scene is characterised by open and landscaped front gardens which make an important visual contribution to the street scene.
6. The Council confirmed during the Hearing that no objection is raised to the siting, proportions, architectural treatment and proposed external treatment of the new bungalow. I see no reason to disagree with this view. The main contention is the retention of the forecourt as a parking and vehicle turning area which would contrast unfavourably with the neighbouring run of landscaped front gardens to the north.

7. I recognise that views of the frontage would be dominated by hard-surfacing and car-parking. However, such an arrangement would not be materially different to the parking layout approved under the 1990 permission for a new house at 96 Sandy Lane and for which the Council is considering using its enforcement powers to seek reinstatement. In my view, the current proposal allows an opportunity, albeit limited, to provide some areas of planting, at the same time opening up what would otherwise remain as a blank, fenced frontage, to allow views of the new dwelling and continue the regular pattern of bungalow development along this side of Sandy Lane. Subject to the Councils' approval of a detailed forecourt layout to show appropriate hard and soft landscaping, I consider that there would be a net improvement in townscape and that the proposal would be appropriate in the context of surrounding development.
8. This leads me to conclude on my first main issue that the development would cause no harm to the street scene. I therefore find no conflict with criteria (i) and (iv) of Policy 59.BE of the Eastleigh Borough Local Plan Review (LP) which require development proposals to take account of the context of the site, maintain the character and appearance of the locality and provide appropriate landscaping and planting where appropriate.

*Parking and highway safety*

9. I am satisfied that the development would include an appropriate level of off-street parking for the new dwelling, while retaining the existing garage and sufficient on-site turning space to enable vehicles to exit in forward gear. At certain times, the allocated spaces might not be sufficient to cater for all requirements of the proposed household and visitors but, from my weekday visits to the area, I noted that many local properties, including those in Pilchards Avenue, enjoy the benefit of off-street parking facilities. I accept that Sandy Lane is a busy through route but it is not subject to any parking restrictions and in my view allows clear opportunities for safe parking at regular intervals. There is also sufficient on-street capacity in other nearby roads to accommodate potential overspill parking without causing undue local competition for parking space.
10. I conclude on my second main issue that the development would include an appropriate level of off-street parking space and would cause no significant deterioration in highway safety. I therefore see no reason to prevent the development on this particular ground and on this aspect of the proposals I find no conflict with criterion (v) of LP policy 59.BE.

*Other matters*

11. In my view, the proposed L-shaped garden would not be unduly cramped but would be sufficient to cater for the amenity needs of what would be a small dwelling. Additionally, while the garden would be smaller than others along this section of Sandy Lane and the north side of Pilchards Avenue it would create no significant impact on the character of the area.
12. Subject to control of finished levels, which can be controlled by means of a condition, the proposed bungalow would be positioned at an appropriate height relative to adjoining dwellings and its slightly elevated site level above Sandy Lane, to avoid any overshadowing or loss of neighbours' privacy. The new

dwelling would project no further than the front and rear building lines of 98 Sandy Lane and would maintain sufficient separating distance from other neighbouring properties in Pilchards Avenue to avoid any appreciable deterioration of outlook or privacy to their occupiers. The proposed development would therefore maintain acceptable living conditions for both future occupiers and neighbouring residents and on these aspects of the development I find no conflict with any development plan policies.

### **Conditions**

13. I have considered the Council's suggested conditions against the advice contained in Circular 11/95 and in light of the discussions at the Hearing. I agree that conditions relating to external materials, parking, landscaping and planting would be reasonable and necessary. As there is a difference in levels between the appeal site and the adjoining properties at 1 and 2 Pilchards Avenue, a condition to establish the finished levels of development would also be appropriate.
14. I sympathise with the appellant's desire to remain resident in the mobile home during the proposed work. However, I am not persuaded that its removal from the rear of the site following construction of the bungalow would be easily manageable. Additionally, removal of all existing structures, including the mobile home, prior to commencement, would ensure that the street scene is protected from the clutter of additional ancillary buildings. I have therefore retained the Council's suggested condition No.5 although I have omitted the reference to the touring caravan as none was present during my visit.

### **Conclusions**

15. Subject to conditions, I have found that the proposed dwelling and associated parking arrangements would be visually acceptable in the street scene and that no harm would arise in respect of neighbours' amenities or highway safety. The dwelling would also include sufficient private amenity space, while the Unilateral Undertaking would provide positive benefits in addressing community infrastructure costs related to the development.
16. The proposal would be consistent with the national planning advice contained in PPS1: *Delivering Sustainable Development* and PPS3: *Housing* which emphasises the efficient recycling of urban land in maximising new housing opportunities. I have had regard to all the other matters raised but conclude that the appeal should be allowed

*Jeffrey Cohen*

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr. I. Donohue  
BA (Hons) MRTPI

Southern Planning Practice Ltd, Youngs Yard,  
Churchfields, Twyford, Winchester, Hampshire,  
SO21 1NN

Mr. A. Page

96a Sandy Lane, Fair Oak, Eastleigh, Hampshire,  
SO50 8GD

FOR THE LOCAL PLANNING AUTHORITY:

Mr. S. F. Nangreave,  
Dip. TP. MRTPI

Eastleigh Borough Council

OTHER INTERESTED PARTIES:

Mrs. D. Monckton

98 Sandy Lane, Fair Oak, Eastleigh, Hampshire,  
SO50 8GD

DOCUMENT SUBMITTED BY THE APPELLANT

Document 1 Plans indicating history of site purchase