

Appeal Decision

Site visit made on 19 September 2016

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 10 October 2016

Appeal Ref: APP/C1760/W/16/3148746

Land rear of 2-8 Whynot Lane, Andover, Hampshire, SP10 3ES

- 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 Warwick Developments against the decision of Test Valley Borough Council.
 - The application Ref 15/02236/FULLN, dated 11 September 2015, was refused by notice dated 1 February 2016.
 - The development proposed is the construction of 2 No 1 ½ storey detached dwellings with on-site parking.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding area. Two further issues relating to a contribution towards affordable housing and provision of Public Open Space in the form of allotments appear to have fallen away following the appellant's submission of a Viability Report and the Council's adoption of a Community Infrastructure Levy Charging Schedule. As a result the Council are no longer contesting reasons 2 and 3 for refusal on the decision notice.

Reasons

3. Whynot Lane is an unmade road which branches off of The Avenue. It is predominantly a residential lane formed of modest detached dwellings which sit in a linear formation along the north-west side. Beyond the rear gardens is a railway station. On the whole, the properties are well spaced from each other having generous gaps between them and good spacing to the front and rear. Whynot Lane falls within a Residential Area of Special Control (RASC). Such areas are valued for their low density development and spacious plots.
 4. The appeal site comprises a narrow access track from Whynot Lane which leads to a rectangular piece of land behind properties 2-8 Whynot Lane. The proposal is for two dwellings on this site: Plot 1 to the rear of No 8 and Plot 2 to the rear of No 2. The size of Plot 1 would be particularly constrained. The property itself would sit in the corner of the site almost abutting the rear and side boundaries. As a result its main garden area would be a shallow strip of land to the front of the house, adjacent to the access. There would also be a modest patio similarly adjacent to the communal access. Whilst only glimpses
-

- of Plot 1 might be visible from Whynot Lane itself, its cramped siting and contrived layout would be apparent from private views from properties in Whynot Lane; No 8 in particular. In addition to this, future occupiers of Plot 2, and anyone using the access to the two proposed properties, would also be able to see the restricted nature of Plot 1.
5. Policy E4 of the Test Valley Borough Revised Local Plan 2011-2029 (LP) sets out that development within RASCs will be permitted provided that the proposed plot is not significantly smaller than those in the immediate vicinity. This is in order to preserve the spacious character of such areas. Plot 1 would appear significantly smaller than adjacent properties, largely due to its siting and layout, and as such would be out of character with the more spacious pattern of development along Whynot Lane generally. It would therefore harm the character and appearance of the area and the RASC in which it is located, contrary to Policy E4 of the LP.
 6. The appellant states that the plot sizes proposed are larger than some of the adjacent properties. However, the long access track and the communal parking and turning area are included in the calculations. Without these the actual size of the houses and gardens proposed are smaller, particularly Plot 1, and this would be visually apparent as outlined above.
 7. The appeal site has a planning history. This includes an appeal in 2007 (APP/C1760/A/06/2025187) which dismissed the erection of one dwelling on the site on grounds of noise and disturbance to Nos 6 and 8. The appellant makes the case that as no harm to the RASC was identified in this previous appeal and noise and disturbance is no longer an issue, it should follow that there is no harm with the current appeal. However, the appeal before me is fundamentally different as it concerns the erection of two dwellings rather than one, which will have an impact on plot sizes and layout, which in turn affects character and appearance. This matter does not, therefore, alter my conclusions above with respect to the main issue in this appeal.
 8. In coming to the above conclusion on character and appearance I find no harm in principle to a 'backland' development in this location given that there is an existing access. Nor do I find the contemporary design of the proposed dwellings harmful as they would be visually separate to the other properties in Whynot Lane. These matters do not, however, override my concerns above. I have also considered the Council's argument that the grant of planning permission would set a precedent. However, no directly similar or comparable sites to which this might apply have been put forward. In any event, each application and appeal must be determined on its individual merits and a generalised concern of this nature would not justify withholding permission.
 9. I acknowledge that the proposal would create two houses in a sustainable location. However, this modest benefit would not outweigh the harm I have found to the character and appearance of the surrounding area. The National Planning Policy Framework sets out that it is proper to promote or reinforce local distinctiveness (para 60). For the reasons set out above the proposal would fail to do this. The appeal is therefore dismissed.

Hayley Butcher

INSPECTOR