

Appeal Decision

Site visit made on 20 September 2016

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 20th October 2016

Appeal Ref: APP/B1740/W/16/3153107

Rear of 84/86 Eastfield Lane, Ringwood Hampshire BH24 1UR

- 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 Colin Harrison against the decision of New Forest District Council.
 - The application Ref 16/10094, dated 20 January 2016, was refused by notice dated 15 March 2016.
 - The development proposed is detached house with parking.
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Decision

1. The appeal is allowed and planning permission is granted for a detached house with parking at Rear of 84/86 Eastfield Lane, Ringwood Hampshire BH24 1UR in accordance with planning application Ref 16/10094, dated 20 January 2016 subject to the conditions set out in Annex A to this Decision.

Procedural Matter

2. I have noted the existing use of the appeal site. The Council confirms that the current use, including its physical severance from the rear gardens to 84 and 86 Eastfield Lane does not benefit from planning permission, a matter that is not contested. Whilst this matter is noted, it does not affect the outcome of this Decision.

Main Issues

3. The Council has withdrawn its reason for refusal relating to the provision of affordable housing. The remaining issues in dispute between the two main parties therefore are:
 - The effect of the appeal proposal on the character and appearance of the locality and the living conditions of neighbouring occupiers, with regard to outlook and overlooking.

Reasons

Character and Appearance

4. The appeal site includes an area of land to the rear of 84 and 86 Eastfield Lane, accessed from the main road by a driveway that runs along the side No. 84. It is enclosed on all sides by high level planting supplemented by fencing in places. The character and appearance of the locality is generally detached houses and bungalows in spacious grounds fronting onto Eastfield Lane. Although there is variety in the size, type and design of properties, generally they have large front and rear gardens, with boundary planting. I note that on
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this side of Eastfield Lane, rear gardens are not as deep as the other side and there is greater variety in this regard. However, notwithstanding this matter, generally, the locality has a spacious, green and verdant feel.

5. The proposed development, although a large two storey house, would be sited within a large plot, with a large rear garden, similar to some close by. It would have space at the front to accommodate parking and landscaping. Whilst I acknowledge that the impact of the appeal development on the existing high hedges is unknown there would be space for replacement planting if required and soft landscaping to help integrate it into the locality. Furthermore, the separation distance between existing dwellings and that proposed would reflect separation distances between some existing dwellings nearby. Whilst it would be visible from the scout hut on Eastfield Lane and Poplar Way, due to the above considerations, it would not appear cramped or out of character. Whilst it would have a different layout to development that fronts onto Eastfield Road, there is other development to the rear of those gardens in the locality so it would not jar. All in all, I consider that it would integrate successfully into this locality and would preserve its spacious and verdant feel.
6. In coming to the above conclusion, I have had regard to the views of my Colleagues in considering previous appeals, which were for a dwelling on part of this appeal site (APP/B1740/A/90/150567 and APP/B1740/A/93/221864). However, those proposed developments were on a smaller site and would not have resulted in the spacious characteristics of the appeal development before me.
7. I have also considered a Colleague's decision in respect of a new dwelling at New Milton (APP/B1740/A/14/2223377). However, that appeal is in a different locality, comprising a typical suburban layout of mid-20th century terraced houses. The appeal before me has a different layout in which street frontage development contributes less to the day to day street activities, as it is generally well set back behind boundary hedges. Whilst the appeal development would be set back further from the street, in the circumstances of this appeal, that would not be harmful, in this regard.
8. I conclude that the appeal development would not adversely affect the character and appearance of the locality and would generally accord with New Forest District Council Local Development Framework Core Strategy (2009). That policy states that new development will be required to be well designed to respect the character, identity and context of the area's towns, villages and countryside. It would generally also accord with advice on Page 33 of the Ringwood Local Distinctiveness Supplementary Planning Document. This, in considering elements of character and identity, advises that where gardens are specifically marked on the character area maps (as the appeal site) such character should be retained.

Living Conditions

9. The proposed dwelling would be located some distance from the neighbouring properties. Even though the proposed house would be two storeys and large, due to the separation distance and the existing boundary features, which include high hedges and fencing, it would not appear dominant or overbearing in views from those adjacent properties or gardens. If the high boundary hedges are not retained as part of the appeal development, as there would be sufficient space for new planting, a suitably worded planning condition could

secure their replacement or other form of boundary feature of similar height on the appeal site. Together, these matters would be sufficient to avoid unacceptable harm in this regard.

10. I note that the proposed dwelling would have first floor windows facing the rear garden of 82 Eastfield Lane. However, whilst there would be some reduction in the privacy enjoyed at the rear of that garden, due to the separation distance and as that garden is large and long, this would not be unacceptably harmful. Whilst I note that the neighbouring occupier states that he intends to remove or lower the hedge on the boundary, and that planting is not a permanent feature, as a suitably worded planning condition could secure replacement planting or other boundary treatment on the appeal site, this would not be a reason not to allow the proposed development.
11. I note that there would be two bathrooms which would face the rear gardens of Nos. 84 and 86. However, they do not serve habitable rooms and a suitably worded planning condition could secure obscure glazing and other measures to ensure that harmful overlooking would be avoided.
12. I conclude that the appeal proposal would not adversely affect the living conditions of neighbouring occupiers, with regard to overlooking and outlook and would generally accord with CS policy CS2 in this respect. That policy states that all new development shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities.

Other Matters

13. I have noted concern regarding the effect of the appeal development on traffic in the locality and local utilities. The Council has not raised objection on this basis. As the appeal would result in one additional unit of accommodation, its impact on traffic and local utilities is unlikely to be significant. Thus, I have no reason to take an alternative view to the Council on this matter.
14. The proposed access would serve one dwelling only and as there would be some separation distance between it and the dwelling at No. 82 and due to the existing boundary features, no harmful noise or disturbance would be likely to result to those occupiers. This would be the case even if the boundary planting was removed as suggested by the occupier of No. 82. Due to the orientation of No. 82 in relation to the appeal development, no harmful loss of daylight or sunlight to that dwelling or its garden would result.

Conditions

15. I have considered the conditions suggested by the Council to ensure consistency with paragraphs 203 and 206 of the National Planning Policy Framework and Planning Practice Guidance: Use of Planning Conditions. Subject to minor revisions and simplifications I have agreed to most and added one. For clarity and in the interest of proper planning I have imposed the standard commencement and compliance with approved plans conditions. Details of proposed external materials are necessary to ensure that the development would blend into the locality. A condition to ensure that bathroom windows are obscure glazed and mostly fixed shut is required to protect the privacy of neighbouring occupiers. Details of surface water drainage are required to prevent harmful additional water runoff. A mechanism

to ensure that no harm arises to the New Forest and Solent Coast European Nature Conservation Sites is required to protect those designations. Details of boundary treatment are required to ensure that the proposed development blends into the locality and does not adversely affect the living conditions of neighbouring occupiers; a condition to which neither party raised objection.

Conclusion

16. For the above reasons and taking into account all other matters raised, including those of third parties, I conclude that the appeal should be allowed.

R Barrett

INSPECTOR

ANNEX A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 8397/1.
- 3) Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.
- 4) The first floor bathroom windows on the east and west elevations of the approved building shall be obscurely glazed and other than fan light opening fixed shut at all times.
- 5) The development hereby permitted shall not be occupied until the spaces shown on plan 8397/1 for the parking and turning of motor vehicles have been provided and thereafter retained for that use in perpetuity.
- 6) Before first occupation of the development hereby approved a surface water sustainable drainage system shall be designed and installed to cater for the new impermeable areas including roofs and driveways on the proposed development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land for storms up to 1 in 100 years including climate change. It should be maintained and retained as installed thereafter.
- 7) No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
 - (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;

- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto;
 - (c) The development shall be carried out in accordance with and subject to the approved proposals.
- 8) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Such details shall include means of enclosure and boundary treatments.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.