
Appeal Decision

Site visit made on 4 October 2016

by Rory Cridland LLB (Hons)

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

Decision date: 04 November 2016

Appeal Ref: APP/C1760/W/16/3152135

Heather Hill, Chilworth Road, Chilworth, Hampshire SO16 7JZ

- 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 Tony Frost against the decision of Test Valley Borough Council.
 - The application Ref 15/02164/FULLS, dated 4 September 2015, was refused by notice dated 5 May 2016.
 - The development proposed is redevelopment of site to provide four detached houses.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of site to provide four detached houses at Heather Hill, Chilworth Road, Chilworth, Hampshire SO16 7JZ in accordance with the terms of the application, Ref 15/02164/FULLS, dated 4 September 2015 subject to the conditions set out in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site is situated in an area characterised by large houses set back from the main road. Although there is little consistency in the size and shape of plots, many are set within reasonable sized grounds and are screened from the road by mature vegetation and large gates. The surrounding area is designated as Residential Area of Special Character (RASC). The site itself currently houses a property known as Heather Hill, a large property set in larger than average grounds.
4. Policy E4 of the Revised Test Valley Local Plan (2011-2029)¹ permits development² within RASC's provided that the resultant sizes of the proposed plots and those remaining, when sub-divided, are not significantly smaller than those in the immediate vicinity. Furthermore, it requires that the size, scale, siting and design of the proposal is compatible with the character of the RASC. Moreover, LP Policy E1 requires new development to integrate, respect and complement the character of the area in which it is located in terms of, amongst other things, its layout.

¹ Adopted January 2016

² Including sub-divisions

5. The proposal would involve the demolition of the existing property and its replacement with 4 detached houses, each set within its own plot. Although the resultant dwellings would be set in plots which were considerably smaller than that of the existing building, when compared with those in the immediate vicinity, the difference between the resultant plot sizes and those of neighbouring dwellings would be considerably less than that which currently exists between those neighbouring properties and Heather Hill. Furthermore, the resultant plots, while smaller than their neighbours, would not be significantly so. Accordingly, any impacts on the RASC resulting from the differences in plot sizes would be minimal and in my view, insufficient to justify a refusal of planning permission.
6. Furthermore, the properties themselves would be set back from the road, well screened and would face inward. Their presence within the street scene would be limited with only glimpses between the large and mature vegetation surrounding the site. Although I note the Council's concerns regarding the proposed designs and the urban cul-de-sac style of the development, in view of their limited visibility, I do not consider that they would have any material impact on the overall character of the surrounding RASC or on local distinctiveness.
7. While I note that the Council has suggested that the correct approach is to add together the areas of the adjoining plots with that of the appeal site and calculate the mean average area, Policy E4 does not seek to determine the average plot size for a given area, or impose any requirement to carry out any such numerical assessment. Rather it is concerned with ensuring that the resultant plot sizes are not *significantly* smaller than those in the immediate vicinity. This is emphasised in the explanatory text which also makes clear that the Policy does not intend to prevent development, but seeks the retention of the area's distinctive local character.
8. Consequently, I find that the proposal would not result in significantly smaller plot sizes to those in the immediate vicinity and would not be incompatible with the overall character of the area. As such, I find no conflict with LP Policies E1 or E4.

Other matters

9. In reaching my decision I have had regard to the impact on biodiversity and in particular bats and dormice. However, the Council is satisfied that acceptable methods of mitigation have been secured and I have seen no reason to conclude otherwise.

Conditions

10. I have had regard to the various planning conditions that have been suggested by the Council. Those relating to materials and landscaping are appropriate in the interests of character and appearance as are those for the protection of trees. In addition to the standard time condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in order to provide certainty.
11. Details of parking and the manoeuvring of vehicles are necessary in the interests of highway safety while the submission of an Archaeological written scheme of investigation is required due to the site's archaeological significance.

12. Conditions requiring the development to be carried out in accordance with the appellant's arboriculture report are necessary to ensure the protection of existing trees, while those relating to the protection of wildlife are necessary in order to ensure that any impact on protected species is limited.
13. Similarly, a condition requiring the development to achieve certain water efficiency standards is appropriate in view of the requirements of LP Policy E7.

Conclusion

14. For the reasons set out above I conclude that the appeal should be allowed.

Rory Cridland

INSPECTOR

SCHEDULE

Conditions

- 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 plans: 8602/100; 8602/101; 8602/102; 8602/103; 8602/104; 8602/105; 8602/106
- 3) No development above DPC level shall take place until samples and details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.
- 4) 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. These details shall include:
 - i) a statement setting out the design objectives and how these will be delivered;
 - ii) earthworks showing existing and proposed finished levels or contours;
 - iii) means of enclosure and retaining structures;
 - iv) vehicle parking layouts;
 - v) other vehicle and pedestrian access and circulation areas;
 - vi) hard surfacing materials;
 - vii) minor artefacts and structures [e.g. furniture, play equipment, refuse or other storage units, signs, etc.];
 - viii) proposed and existing functional services above and below ground [e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant];
 - ix) retained historic or other landscape features and proposals for restoration, where relevant.

Soft landscaping works shall include:

 - x) planting plans;
 - xi) written specifications (including cultivation and other operations associated with plant and grass establishment); schedule of plants noting species, plant sizes and proposed numbers/densities.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied and in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.
- 5) No development above DPC level shall take place until a Landscape Management and Maintenance Plan(LMMP) for a minimum period of 5 years has been submitted to and approved by the local planning authority. The LMMP shall include long term design objectives, management responsibilities and maintenance schedules for all landscape

- areas and an implementation programme and shall thereafter be implemented in accordance with the details so approved.
- 6) No demolition/development shall take place until an archaeological Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and [if indicated by the Desk Top Study submitted with the application]:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
 - 7) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 6.
 - 8) The development shall not be occupied until space has been laid out for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and shall be thereafter reserved for such purposes at all times.
 - 9) The works hereby approved shall be undertaken in accordance with the measures set out in section 5.2.1 of the Bats and Heather Hill Chilworth Phase 1 and II Surveys & Bat Mitigation Strategy report (Ecosupport, May 2015) unless otherwise varied by a European Protected Species licence. Thereafter, the existing ad replacement bat roosts shall be permanently maintained and retained in accordance with the approved details.
 - 10) The works hereby approved shall be undertaken in full accordance with the provisions set out in the Aboricultural Impact Appraisal and BS5837 Tree Survey reference J768 dated August 2915, or as may otherwise be agreed in writing with the local planning authority.
 - 11) Tree protective measures installed in accordance with condition 10 above shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the local planning authority. No activities or material storage or the replacement of site huts or other equipment whatsoever shall take place within the barrier without the prior written approval of the local planning authority.
 - 12) All service routes, drain runs, soakaways or excavations in connection with the same shall remain wholly outside the tree protective barrier without the prior written agreement of the local planning authority.
 - 13) Notwithstanding the information submitted in the Aboricultural Impact Appraisal and BS5837 Tree Survey Reference J768 dated August 2015, prior to the commencement of development further details shall be provided restricting the crown raising of trees to 4m over the driveway

area only. The development shall be carried out in accordance with the approved details.

- 14) The development hereby approved shall be designed and built to meet Regulation 36(2)(b) requirement of 110 litres/person/day water efficiency set out in part G2 of the Building Regulations 2015.