
Appeal Decision

Site visit made on 3 November 2016

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 2nd December 2016

Appeal Ref: APP/B1740/W/16/3153838

Acorn, 1 Springfield Grove, Holbury, Hampshire S045 2LL

- 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 Mark Street against the decision of New Forest District Council.
 - The application Ref 15/11728, dated 25 November 2015, was refused by notice dated 11 March 2016.
 - The development proposed is a new dwelling to the rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There has been a recent legal judgement in relation to the Written Ministerial Statement (WMS) of 28 November 2014 and alterations to Planning Practice Guidance for affordable housing contributions on smaller-scale development. Consequently, the Council are not pursuing their reason for refusal based on the need for an affordable housing contribution. Based on the judgement and WMS, there is no requirement for a contribution.

Main Issues

3. The main issues are the effect of the proposal on (a) the character and appearance of the area and (b) the highway safety of drivers, pedestrians and cyclists using Springfield Grove and the adjacent footway.

Reasons

Character and Appearance

4. The appeal site comprises part of the rear garden of 1 Springfield Grove, a two storey dwelling, which is located at a bend in this road. The surrounding area is characterised by twentieth century development of two and single storey dwellings of varying designs. On the appeal site's side of Springfield Road, dwellings are aligned alongside one another with car parking areas and gardens in front adjacent to the road. In common with the dwelling at No 1, these properties have long rear gardens which give the area a spacious and green character and appearance. Although there is a recent bungalow development at 1A Springfield Grove with a smaller and differently shaped garden to the side, this is the exception to this predominant character and appearance.
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5. The spaces and gardens, including vegetation, giving much of this spacious and green character and appearance are to the rear of the Springfield Grove properties. Nevertheless, based on what I saw on my site visit, there were sufficient open gaps to confirm this character and appearance from the public highway even after taking into account side garages. Notwithstanding this, gauging character and appearance solely on what can be seen from public view points is a rather narrow focussed approach. In this case, it will be also appreciated from residents using the rear of their properties on Springfield Grove. By reason of the number of properties here, this is of some significance and importance.
6. The proposed bungalow would be of a similar scale to that at No 1A and its detailed elevation design would be in keeping with other dwellings in the area. However, it would result in a noticeable sub-division of an existing plot with a new dwelling. On the frontage, there would be a separate driveway leading from the road to the bungalow and a new fence erected alongside this, adjacent to the smaller and narrower plot of No 1. There would be movements of vehicle up and down this drive associated with the dwelling. From the road, there would be views of the bungalow at the end of this drive.
7. Gates could be erected across the drive but the bungalow roof would still be visible above them. Furthermore, any gates would be open to let vehicles in and out, or just not closed, which would open up views of the site. In any case, the erection of gates would also draw attention to a residential presence. For all these reasons, the development would have an adverse impact on character and appearance.
8. The appeal site lies within a Level 3 settlement as defined by Policy CS9 of the New Forest District Council Core Strategy (CS) (Outside the National Park) 2009 where limited local development may be appropriate. However the definition of these settlements indicates that any such development should be consistent with maintaining and enhancing character which would not be the case here for the reasons indicated. Similarly, there would be conflict with Policy CS2 of the CS, which amongst other matters, requires new development to contribute positively to local distinctiveness and a sense of place, be appropriate and sympathetic to its setting in terms of density, layout and appearance and relationship to neighbouring buildings.

Highway safety

9. The proposed dwelling would have car parking in front and would be accessed off the new drive from Springfield Grove at a bend in the road. By reason of the drive, the frontage for the existing dwelling at No 1 would be reduced in size such that the car parking spaces would be backing onto Springfield Grove. There is a roadside footway running along frontage of the appeal site which the vehicles from the new dwelling and the existing dwelling would cross.
10. There is some dispute as to whether the new dwelling provides adequate turning facilities. Based on the submitted layout plan, drivers would be more likely to turn on the site than reverse down a drive the length of the reconfigured plot of No 1. Consequently, vehicles would be likely to leave and enter in a forward gear. However, the existing brick wall alongside 1A Springfield Grove and new fence alongside No 1 would severely restrict visibility at the point where the drive would be adjacent to the footway used by pedestrians. Additionally, there would be restricted visibility for vehicles

coming out of the frontage spaces for No 1 by reason of the new fence. Consequently, there would be harm to the safety of pedestrians using this footway.

11. It has been indicated that the appellant has never been forced to enter in a forward gear and leave the site in a reverse gear. However, the development would result in a reduced area of car parking on the frontage for No 1, an additional drive for the new dwelling, a new fence between it and No 1 and so a different parking/access arrangement would arise. To assist with highway visibility, it has been indicated that the proposed fence alongside the drive serving the additional dwelling could be lowered. Furthermore, this would not address the problem with poor visibility of new drive arising from the brick wall alongside No 1A.
12. In conclusion, the proposal would harm the highway safety of the users of the highway. Accordingly, the proposal would conflict with Policy CS24 of the CS, which amongst other matters, requires development to have safe and convenient links to pedestrian and cycle routes.

Other Matters

13. My attention has been drawn to the recent permitted bungalow at No 1A, the completed 1st floor extensions at 3 Springfield Road and large extension at 19 Long Lane. Whilst the bungalow resulted in a loss of a garden area, it is still sited in an area close to the frontage of Springfield Grove and there is space and garden, albeit a different property beyond it. The works at No 3 also related to extensions on a dwelling on the frontage but again there is still significant space and garden to the rear of it. At No 19, there is a smaller rear garden but this dwelling does not relate to surroundings of the appeal site being located in a separate road where dwellings are differently sited with smaller rear gardens. Consequently, there are differences between the appeal proposal and these developments. In any case, every proposal must be considered on its individual merits.
14. Under permitted development rights, outbuildings of a certain size can be built without planning permission. However, there is no certainty that this would occur if the appeal was dismissed because there is no evidence of any need or firm intent to build an outbuilding. Thus, I attach little weight to this possibility. It has been indicated that the bungalow would be self-build and would suit an elderly person. Nevertheless, these considerations would not outweigh the harm to character and appearance, and highway safety to which I attach significant weight to by reason of the development's permanence.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR