

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/16/3151979

The Coach House, 67 Keyhaven Road, Milford-on-Sea, Hampshire S041 0QX

- 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 Stoneriver Projects Ltd against the decision of New Forest District Council.
 - The application Ref 15/11485, dated 9 October 2015, was refused by notice dated 22 December 2015.
 - The development proposed is the demolition of existing buildings and the erection of a block of 5 apartments and 3 bungalows with associated car parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

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 effects of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of neighbouring properties on Eastern Way, having regard to outlook, sunlight and disturbance, and those within the proposed development, having regard to privacy.

Reasons

Character and appearance

4. The appeal site comprises a two and half storey building, formerly a nursing home, and a hard-surfaced area to the frontage. To the rear, there is a large garden area with an isolated two storey height outbuilding which backs onto semi-detached bungalows in Eastern Way. Part of the eastern boundary of the rear garden also flanks onto a bungalow in Eastern Way. On the frontage of the site, there are a mixture of differently scaled and designed dwellings and apartment buildings. Some of the apartment buildings have car parking areas
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and garages to the rear but the rear areas of housing along Keyhaven Road mainly have attractive open garden settings.

5. The proposed frontage building would be of similar scale and height to the former nursing home building and the proposed frontage hard-surfaced areas would not be dissimilar in extent to that already present. However, there would be a bungalow and two chalet style dwellings clustered together tightly with limited rear garden areas, especially plot 3, to the rear. Additionally, there would be extensive hard-surfaced areas comprising car parking, turning and driveways. In this regard, the car parking areas would be in close proximity to the rear of the new apartment building and up against the boundary of the rear gardens of the two chalet style dwellings. Extensive hard-surfaced areas would also dominate the eastern boundaries of the site. Given the predominant open and landscaped nature to the rear of properties along Keyhaven Road, the extent and layout of the development would appear cramped adversely affecting the character and appearance of the area.
6. The frontage building would have a flat roofed area below a roof ridgeline which would be set back from front and rear projecting gable projections. Nevertheless, it would visually stand out given its extent, height and flatness being markedly at odds with the pitched roofs forming the gables and thus would not appear coherently designed. To the rear, the building would have some window and door openings, but overall such features would fail to visually break up a rather overpowering and dominant façade by reason of the lack of articulation. Whilst the rear of the building would not be visible from a public highway, it would be conspicuous from the car parking areas serving the flats and the bungalows to the rear. For these reasons, the building would not create a sense of place or result in good design.
7. In conclusion, the development would harm the character and appearance of the area. Accordingly, the proposal would conflict with Policy CS2 of the New Forest District Council Core Strategy (CS) 2009 (Outside of the National Park) 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.

Living conditions

8. The proposed bungalow on plot 1 would flank onto the rear gardens and facades of two semi-detached bungalows at 13 and 15 Eastern Way. There is currently a 1.8m high fence along the common boundary with these properties. The new bungalow would have a hipped roof with a pitch sloping upwards and away from these neighbouring properties. Nevertheless the upper wall parts and roof of the new bungalow would be conspicuous above the fence for a considerable length of the common boundary with No 15. Given the close proximity of the rear of this neighbouring dwelling and its restricted rear garden, there would be an adverse loss of outlook on the occupiers of No 15. For the occupiers of No 13, the bungalow would not extend along the common boundary in the same way and therefore, there would be no significant impact.
9. The proposed bungalow would be to south of Nos 13 and 15. There would be no significant loss of sunlight or daylight to the windows of these neighbouring dwellings by reason of the separation distance involved, and height and roof design of the new bungalow. However, the new bungalow would extend down

a considerable length of the common boundary with No 15 and would be in close proximity to this property's garden. By reason of the restricted depth of this neighbouring property's garden and orientation, there would be a significant loss of sunlight and overshadowing.

10. There is an existing tall outbuilding to the rear of the appeal site but this is sited some distance from the common boundary with No 15. It is also orientated with its narrowest gable part facing the neighbouring property. For these reasons, the impact on outlook and loss of sunlight/overshadowing would be significantly greater with the proposal. There are no neighbour objections to the proposal but the lack of objection cannot be relied upon to deem a development acceptable. Planning is concerned with the living conditions of both current and future residents, and works of this nature are of a permanent long-term nature.
11. There would be a car parking area adjacent to the rear gardens of a number of bungalows on Eastern Way. Given this car park would serve only three dwellings, the noise and disturbance from residents using their vehicles would not be significant especially given that a planning condition could have been imposed to provide acoustic fencing here. Any loss of privacy between the residents living in the flats and the chalet style dwellings on plots 2 and 3 would not be significant by reason of the separation distances between these parts of the proposed development.
12. In conclusion, the bungalow on plot 1 would harm the living conditions of the occupiers of a bungalow on Eastern Way, having regard to outlook and sunlight. Accordingly, the proposal would conflict with Policy CS2 of the CS, which amongst other matters, requires development to be well-designed and not to have unacceptable effects by reason of visual intrusion and shading.

Other matters

13. There would be an economic contribution to the local economy both during and post construction of the development. The housing would provide for present and future generations in a location close to public transport, local services and employment. Redevelopment would reduce pressure on greenfield sites by developing a brownfield site and energy efficient buildings would be built.
14. However, the National Planning Policy Framework states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Here, the adverse impacts on the character and appearance of the area, and the living conditions of a neighbouring property would be significant for the reasons indicated. Accordingly, the adverse impacts would outweigh the benefits of the scheme even taking into account the number of proposed residential units and the development would not be sustainable.
15. The proposal has been designed to accord with the Housing, Design and Character Supplementary Planning Document (SPD) 2006 and the Milford-on-Sea Village Design Statement 2014. The SPD does provide an example of how to develop sites such as this. However, every site has to be considered on its particular planning merits and for the reasons indicated, the development would not be acceptable.

16. The Council is preparing a new Local Plan which is primarily concerned with identifying housing sites to increase housing supply. However, the plan is at a very early stage of preparation and therefore only little weight can be attached to the significance of this draft plan in my decision.

Conclusion

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

Jonathon Parsons

INSPECTOR