

Appeal Decision

Site visit made on 6 December 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: 23 January 2017

Appeal Ref: APP/B9506/W/16/3155662

84 Lyndhurst Road, Ashurst, Southampton Hampshire S040 7BE

- 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 Wells (Blanchard Wells Ltd) against the decision of New Forest National Park Authority.
 - The application Ref 16/00125, dated 22 December 2015, was refused by notice dated 22 June 2016.
 - The development proposed is the demolition of existing building containing 4 dwellings and the construction of 4 dwellings with car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing building containing 4 dwellings and the construction of 4 dwellings with car parking and landscaping at 84 Lyndhurst Road, Ashurst, Southampton Hampshire S040 7BE in accordance with the terms of the application, Ref 16/00125, dated 22 December 2015, subject to the conditions on the attached Schedule A.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

3. The appeal site comprises an extended detached chalet style bungalow with dormers which has been converted into flats. There is an area of car parking to the side accessed off Wood Road. Vegetation, including trees protected by a tree preservation order, lies between the dwelling and Lyndhurst Road.
 4. On the appeal site's side of Lyndhurst Road, there are detached two storey and single storey dwellings which are set back from the road with trees and vegetation in frontage areas. There is also a single storey convenience store on the opposite corner of Wood Road and Lyndhurst Road to the appeal site. On the other side of Lyndhurst Road, there are open fields and paddocks. Wood Road comprises mainly two storey detached and semi-detached dwellings which are sited closer to the road with less frontage vegetation.
 5. Nevertheless, the area has an attractive character and appearance derived from the set back of dwellings from the frontages, the existence of substantial
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landscaping and modest sized dwellings. The Ashurst and Colbury Village Design Statement (VDS) 2013 further confirm these identified qualities, including mature trees and hedgerows.

6. The existing chalet style dwelling would be replaced with a block of three town houses and a detached dwelling. There would be a double garage for the detached dwelling and hard surfaced areas for car parking and a single garage for the town houses. The hard surfaced areas would be roughly sited in the area already existing for that purpose. Townhouses are not a characteristic form of dwelling in the area but the Lyndhurst Road and Wood Road frontages of the proposed townhouse block have each been designed with a single entrance within a projecting bay. Such a design would give the block the appearance of a single dwelling when viewed from these roads and therefore the townhouse dwellings would not be incongruous.
7. Either side of the appeal site, there would be buildings of lower height. However, the convenience store would be on the opposite side of Wood Road whilst on the other side, the bungalow with accommodation within the roof would be set back from the new detached dwelling in a spacious plot. In relation to the dwelling at 1 Wood Road, the height of the townhouse block would not be dissimilar. The proposal incorporates a second floor but much of this would be accommodated within the roof. Externally, this would result in a gable with a second floor window on the Lyndhurst Road frontage but the main visual impression of the second floor would be of a sloping pitched roof by reason of its extent.
8. The dwellings would be sited forward of the existing dwelling on the site but not significantly. The footprint of the town house block would largely utilise that of the existing chalet dwelling on the site. The dwellings would be forward of the two dwellings at 86 and 88 Lyndurst Road but the front of the existing dwelling is already forward of these dwellings. The dwellings would also still be set back significantly from Lyndhurst Road and for the most part, the siting of the proposed dwellings would also be similar to those located further west along this road.
9. During the consideration of the planning application, amendments were made to avoid adverse encroachment of the driveway and parking spaces associated with unit 4 into a Root Protection Area of a protected tree. The Appellant has submitted an Arboricultural Impact Assessment (AIA) report and the Authority's tree officer also raises no objections subject to these amendments. Having visited the site and analysed the submitted details, the AIA provides a comprehensive and robust assessment being based on professional standards and practice. Accordingly, I concur with the AIA's conclusions and the Authority's Tree Officer that the layout would ensure the retention of the significant trees on the site both during and post construction, when the dwellings are occupied.
10. The VDS encourages the repair of older buildings but the existing chalet dwelling lacks any architectural merit by reason of having been extended unsympathetically. In this regard, the window, eaves and roof design of the bedsit addition are markedly different from the original dwelling. For the reasons previously indicated, the proposal would comply with the advice of the VDS because it would largely retain trees on site, be in keeping with

surrounding buildings and be sympathetic in terms of scale, appearance, form, siting and layout.

11. In conclusion, the height, massing, design and external appearance of the development would not harm the character and appearance of the area. Accordingly, the proposal would comply with policies CP7, CP8, DP6 and DP1 of the New Forest National Park Core Strategy and Development Management Policies 2010, which collectively and amongst other matters require high quality design that enhances local character and distinctiveness, development to be sympathetic in terms of scale, appearance, form, siting and layout, and to respect the building environment. Additionally, the proposal would comply with the advice of the VDS for the reasons indicated.

Other matters

12. Comments have been made about highway safety in the area and the need of large vehicles to service the convenience store opposite the appeal site near the busy main road. However, the increase in traffic generation arising from the four dwellings would not be significant given that four residential units already exist. Each of the four dwellings would also have off-street car parking and the development would make use of a widened existing access into the site which would be located away from the junction of Wood Road and the main Road. For all these reasons, I am not persuaded that the transport impacts of the development would be severe and thus I concur with the highway authority's comments of no objection in relation to highway matters.
13. During construction of the development, any impact on traffic flow, availability of on-street parking and disturbance would only be for the duration of the building works and therefore the impact would not be significant. Turning to the issue of precedent, no directly comparable sites have been brought to my attention to which this might apply have been put forward. In any case, each application and appeal must be determined in its own individual merits, and a generalised concern of this nature does not justify withholding permission in this case.
14. The Appellant's Flood Risk assessment identifies that the site would not be subject to any adverse flood risk and the Authority's Land Drainage Officer has raised no objection subject to a condition requiring satisfactory surface water drainage. With such a condition, I am satisfied that there would be no adverse impact arising from flooding. Such a condition could also ensure future maintenance of any approved drainage on site. In relation to 1 Wood Road, the four dwellings back onto this neighbour's rear garden. However, the first floors of these dwellings would be separated by the depth of the provided gardens which would ensure no significant overlooking of this property and therefore harm to the living conditions of the occupiers of this neighbouring dwelling.

Conditions

15. Suggested conditions have been considered in light of advice contained in Planning Practice Guidance; for clarity and to ensure compliance with the Guidance, I have amended some of the Council's suggested wording.
16. The development should be carried out in accordance with the approved plans in the interests of certainty. In the interests of safeguarding the character and

appearance of the area, conditions controlling external materials, landscaping and tree protection are necessary.

17. Exceptional circumstances have to be proven for the withdrawal of permitted development rights for the proposed dwellings. There is space about the dwellings so I am not persuaded that possible permitted development extensions would adversely affect the living conditions of neighbouring dwellings or character and appearance of the area. In the case of the protected trees, they are sited on the frontage of the site away from the dwelling plots and therefore the need by occupants to develop these areas in a way harmful to the trees has not been justified. However, permitted development roof alteration could add bulk which would be harmful to the identified character and appearance of the area. For this reason, the permitted development rights have been withdrawn in respect of roof alterations. By reason of the siting of dwellings away from common boundaries, a requirement preventing the addition of windows or rooflights within dwelling roofs has not been justified.
18. In the interests of transport needs of the development, car and cycle parking should be provided and retained in accordance with the approved plans. To ensure adequate surface water drainage, details shall be provided, implemented and maintained. To safeguard a protected species on the site, mitigation shall be carried out in accordance with the Appellant's ecological report.

Conclusion

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

Jonathon Parsons

INSPECTOR

Schedule A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 13:065:03 REV K; 13:065:06 REV C; 13:065:11 REV A; 13:065:12; 13:065:15 REV B; 13:065:16.
- 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 13:065:03 REV K for 9 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 5) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 13:065:03 REV K for cycle storage and that space shall thereafter be kept available at all times for this purpose.
- 6) Notwithstanding the provisions of the Town and County Planning (General Permitted Development) England 2015 (or any re-enactment of that Order), no roof extension or alteration otherwise approved by Classes B and/ or C of Part 1 of Schedule 2 to that Order shall be erected or carried out without express planning permission first having been granted.
- 7) 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) the existing trees and shrubs which have been agreed to be retained;
 - ii) a specification for the new planting (species, size, spacing and location);
 - iii) areas for hard surfacing and the materials to be used;
 - iv) others means of enclosure;
 - v) a method and programme for its implementation and the means to provide for its future maintenance.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be maintained in accordance with the approved scheme under v).

- 8) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 9) Prior to the commencement of development, details of the future maintenance of the drainage system approved under the above condition shall be submitted and approved in writing by writing by the National

Park Authority. The maintenance arrangements and full details of the responsible parties must be confirmed to the National Park Authority by the applicant prior to the occupation of the penultimate dwelling.

- 10) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

- 11) Development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the ecological report (ecosupport Phase 1 and 2 Surveys & Bat Mitigation Strategy December 2015) hereby approved. The specified measures shall be implemented and retained at the site in perpetuity.