

Appeal Decision

Site visit made on 22 November 2016

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 24th January 2017

Appeal Ref: APP/B1740/W/16/3155294

Peacehaven, Gorley Road, Ringwood, Hampshire BH24 1TJ

- 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 Stephen Tomkins against the decision of New Forest District Council.
 - The application Ref 16/10241, dated 22 February 2016, was refused by notice dated 12 May 2016.
 - The development proposed is described as: "Proposed construction of 4 bedroom detached chalet bungalow to the rear of Peacehaven, with double garage".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Amended plans have been submitted with the appeal, drawing ref 001 Rev A, dated July 2016, and drawing ref 002 Rev B, dated July 2016. These show that the house would have a sedum green roof, as opposed to the tile roof which was originally proposed. The Council has commented on the revised plans. As the amendment is relatively minor, I consider that third parties would not be prejudiced by my acceptance of the amended plans. I have, therefore, taken the amendment into account as part of this appeal.
3. The Council has confirmed that it is no longer seeking to defend the third reason for refusal which relates to a financial contribution towards the provision of affordable housing in the district. I have therefore confined my consideration of the appeal to the issues set out below.

Main Issues

4. The main issues are the effect of the development on: (i) the living conditions of adjoining occupiers, with regard to outlook and; (ii) the character and appearance of the area.

Reasons

Living Conditions

5. The house would be sited on a plot of land to the rear of the property known as Peacehaven. The site shares boundaries with a number of properties along Gorley Road, Link Road and one house on Parkers Close. Access to the site would be from Gorley Road.
-

6. The proposed house would occupy the entire width of the plot and would be sited in close proximity to the boundaries of adjoining properties, in particular, No 5 Link Road and Forest Garth on Gorley Road. The house has been designed with one and a half storeys in an attempt to reduce its impact on the outlook of adjoining occupiers. It would have a lower ridge height than a previous proposal¹ and it would be sunk into the ground by approximately 1 metre.
7. The development would extend along the length of the shared boundary with No 5 Link Road. During my site visit, I viewed the site from the rear garden of No 5, which is set slightly lower than the appeal site. It is apparent that the upper part of the wall and the roof would be visible from the rear window and garden of that property and, as it would extend along the entire rear boundary, the development would be oppressive and overbearing.
8. The house would be sited at a slight angle to Forest Garth, but it would still extend for almost the entire length of that property's rear boundary. The roof would be visible above the evergreen hedge and, due to its proximity, the proposed house would adversely affect the outlook from the neighbouring property. The negative impacts described above would not be addressed by the proposed sedum roof.
9. I conclude on this issue that the development would have an adverse effect on the living conditions of the occupiers of No 5 Link Road and Forest Garth as it would adversely affect the outlook from those properties. It would therefore be contrary to Policy CS2 of the Core Strategy² which seeks, amongst other things, to avoid unacceptable effects of development by reason of visual intrusion.

Character and Appearance

10. The site is a backland site whereas the predominant form of development in the vicinity has a road frontage. However, during my site visit I saw that there are other examples of backland development in the area. The established character of the area has evolved over time and backland development is not uncommon. The site itself does not make a positive contribution to the wider area as it is largely screened by the surrounding housing.
11. I conclude on this issue that the development would not have an adverse impact on the character and appearance of the surrounding area. Consequently it would meet the aims of Policy CS2 of the Core Strategy, which seeks to ensure that new development is appropriate and sympathetic to its setting, and the National Planning Policy Framework insofar as it requires development to take the opportunity to improve the character or quality of an area and the way to functions.

Other Matters

12. New Forest District includes and is close to a number of significant environmental designations of international nature conservation importance.³ The Council advises that the Habitats Regulations Assessment (HR assessment) of the Local Plan identified potentially harmful recreational impacts arising from

¹ Ref 06/89027, appeal dismissed 17 July 2007 (Ref APP/B1740/A/07/2038499)

² New Forest District Council Local Development Framework: Core Strategy (October 2009)

³ New Forest European site comprising the New Forest SAC/SPA/Ramsar site and Solent Coast European site comprising Southampton Water SPA/Ramsar site, Solent and Isle of Wight Lagoons SAC, Solent Maritime SAC

new residential development on both the New Forest and the Solent Coastal European Sites. This has led the Council to adopt a Supplementary Planning Document (SPD) ⁴ setting out a mitigation strategy, which seeks to avoid significant adverse effects from future developments, either individually or cumulatively.

13. The SPD supports Policy DM3 of the Local Plan Part 2⁵ which sets out the required suite of measures for mitigating the effects of new housing. Amongst other matters, it identifies the need for individual developments to provide for appropriate mitigation and/or financial contributions towards off-site mitigation. The policy requires that this will need to be agreed and secured prior to the approval of the development.
14. No planning obligation or other scheme of mitigation has been submitted. Therefore, having regard to the HR assessment, it cannot be concluded that the proposed residential development would not have a significant effect on the internationally important interest features of the site.
15. However, as I have found the proposal to be unacceptable for reasons other than the effect upon the European Site, no further consideration of the HR assessment is required. However, if circumstances leading to a grant of permission had been present, in the absence of secured mitigation I would be required to give further consideration to the impact upon the European Site in accordance with the Habitats Regulations.

Conclusion

16. Whilst I conclude that the proposal would have an acceptable effect on the character and appearance of the area, I have found that there would be an adverse impact on the living conditions of adjoining occupiers.
17. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector

⁴ Mitigation Strategy for European Sites Supplementary Planning Document, June 2014

⁵ New Forest District Council Local Development Framework: Local Plan Part 2: Sites and Development Management, 2014