
Appeal Decision

Site visit made on 21 March 2017

by Neil Pope BA (Hons) MRTPI

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

Decision date: 27th March 2017

Appeal Ref: APP/B1740/W/16/3162691

Saddlers Mews, The Lane, Fawley, Hampshire, SO45 1EY.

- 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 P Sexton against the decision of New Forest District Council.
 - The application Ref.16/10527, dated 15/4/16, was refused by notice dated 8/6/16.
 - The development proposed is described as "*Alteration of shop to dwelling (previously approved) and construction of further 1B dwelling with associated parking, bin and recycling storage.*"
-

Decision

1. The appeal is allowed and planning permission is granted for alterations to existing building to form a dwelling and the construction of a separate dwelling at Saddlers Mews, The Lane, Fawley, Hampshire, SO45 1EY. Permission is granted in accordance with the terms of the application Ref.16/10527, dated 15/4/16, subject to the conditions set out in the Schedule below.

Preliminary Matters

2. A more concise description of the proposal is alterations to existing building to form a dwelling and the construction of a separate dwelling.
3. Drawing ref.1486.23A (revised proposed ground floor) includes a parking space in the area occupied by the shopfront. It is not included amongst the plans listed within the Council's decision notice and does not appear to have been subject to the necessary consultation. I have not therefore taken it into account. I have treated the perspective views as being illustrative only.
4. In 2014 permission was granted to convert Saddlers Mews into a dwelling (ref. 14/10018). This included alterations/removal of the existing shopfront. I understand that this permission has not been implemented.
5. I note from the officer's report that the proposed alterations to the shopfront are broadly in line with the above approval and there would be no objection to the principle of providing an additional dwelling fronting onto The Lane.

Main Issues

6. The four main issues are: firstly, the effect upon the character and appearance of the area, including the settings of various heritage assets; secondly, the effect upon the living conditions (outlook) of the occupiers of Elm View; thirdly, whether the proposal would provide adequate living conditions (outlook) for the occupiers of the proposed dwelling and; fourthly, whether the proposed car
-

parking arrangements would be likely to interrupt the free flow of traffic along the highway or compromise highway safety interests.

Reasons

Planning Policy

7. The development plan includes the Local Plan Part 1: Core Strategy for New Forest District (outside the National Park) [CS] and the Local Plan Part 2: Sites and Development Management [DM]. The most relevant development plan policies to the determination of this appeal are: CS policy CS2 (design quality); CS policy CS3 (environmental protection and enhancement); CS policy CS24 (transport) and; DM policy DM1 (heritage and conservation).
8. In determining the appeal I have also had regard to the Council's 'Mitigation Strategy for European Sites' Supplementary Planning Document (SPD) that was adopted in 2014 and its Parking Standards SPD adopted in 2012.
9. The National Planning Policy Framework (the Framework) is an important material consideration which carries considerable weight.

Character and Appearance

10. This 0.03 ha site lies within the historic core of the village of Fawley. It comprises the two-storey, mid 19th Saddlers Mews¹ and its garden². The latter contains some outbuildings, hard surfaced areas, trees and shrubs.
11. The Grade II listed buildings known as the Falcon Hotel³ and Blue Anchor House⁴ (listed as Haywoods Butchers) are situated to the west and east of the site. The hotel and Merlin Cottages (circa late 20th century) lie on the opposite side of The Lane⁵. Elm View (circa 1960s) adjoins the southern boundary.
12. There is variety in the style of buildings and plot sizes within this part of the village. There is also a mixture of boundary treatments along The Lane. The vehicular accesses for the hotel and Merlin Cottages are on the opposite side of The Lane to the garden area of the appeal site.
13. From the evidence before me, the significance of the Falcon Hotel, Blue Anchor House and Saddlers Mews lies primarily in their architectural qualities and the historic interest associated with the development of Fawley. The appeal site forms part of the surroundings in which these heritage assets are experienced. As it forms part of the settings of two listed buildings section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged.
14. I understand that Saddlers Mews has been unoccupied for some time and parts of the building are in need of urgent repair/renovation. The shopfront, side and rear extensions and outbuildings lack architectural and historic merit and whilst the garden is not unattractive it does not form an important space within the village. Moreover, the past commercial use of Saddlers Mews creates a sense of 'disconnect' or severance between the building and the garden.

¹ The Council has identified this as a building "of local heritage interest" and an Inspector in a previous appeal (ref. APP/B1740/A/13/2192283) found that it had "some merit as a heritage asset". I shall treat this building as a non-designated asset to which paragraph 135 of the Framework applies.

² Part of this garden is currently being used in association with the neighbouring dwelling Blue Anchor House.

³ Mid 19th century, two storey, red and yellow brick building with slate roofs behind parapet wall.

⁴ Mid 18th century, two storey painted brick building with plain tile roof.

⁵ This is a public right way.

15. For heritage policy, the Framework states, amongst other things, that significance derives not only from an asset's physical presence, but also its setting. Having carefully considered all of the evidence, including the relationship of the appeal site to the three heritage assets and the comments of the Council's Senior Conservation and Buildings Design Officer, there is nothing of substance to demonstrate that the garden area contributes to the heritage interest/significance of these designated and undesignated heritage assets.
16. The proposal would secure a new use for Saddlers Mews and would remove an unremarkable shopfront, side and rear extensions and outbuildings. The retained building would be sympathetically refurbished and would include a new single storey rear extension. These works would enhance the appearance of the building and this part of the village.
17. The proposed extension would link (via a pedestrian gate) to a new, one bedroom, single storey dwelling within part of the existing garden. Each dwelling would have its own separate, modest-sized garden. The appearance of the new single storey dwelling with its rounded walls, sections of full height glazing, flat roof and parapets would have an unashamedly contemporary appearance. This high quality design would be very different to neighbouring buildings and would be finished using brick and painted render to match materials found within the local area. Thoughtful consideration has been given to the proposed design/appearance of the new single storey dwelling.
18. This new low profile dwelling would neither vie with the prominence of the Falcon Hotel or Blue Anchor House nor diminish the significance or integrity of these listed buildings or Saddlers Mews. It would add interest to the street scene of The Lane and sections of the roadside walls would ensure that the space between the entrance door and the edge of the highway would not materially erode any sense of enclosure along this lane. Adequate garden space would be provided to avoid any cramped effect and the retention of existing trees and new garden planting would assist in safeguarding the character and appearance of the area.
19. I concur with the appellant's architect that there would be nothing contextually inappropriate about the proposed design. It would be an architecturally honest response to today's needs and would be sensitive and unique to its setting. The proposal would accord with CS policies CS2 and CS3, DM policy DM1 and the design and historic environment provisions of the Framework.

Living Conditions (neighbours)

20. The proposed single storey dwelling would be built immediately adjacent to part of the boundary with Elm View. However, this neighbouring dwelling is set back from the common boundary and the limited height of the new building would not be so tall or close as to result in an oppressive or overbearing outlook for the occupiers of Elm View. There is also some merit in the appellant's argument that the removal of the existing extensions and outbuildings would provide an enhanced outlook for neighbouring residents. There would be a reasonable outlook for the residents of Elm View.
21. I also the concerns of the occupier of Elm View that the proposal would result in a loss of privacy and cause noise and disturbance. However, the only windows facing towards this existing property would be set back a considerable distance and would be screened by a garden wall and intervening vegetation.

There would be no harmful loss of privacy. Residential activity in this location would be very unlikely to result in significant noise disturbance. Construction activity would be for a limited period of time.

22. The proposal would have an appropriate relationship with Elm View and, as a consequence, would accord with the provisions of CS policy CS2.

Living Conditions (incoming residents)

23. The external opening to the bedroom of the new single storey dwelling would comprise a single rooflight. I note the appellant's argument that this style of opening would provide adequate levels of natural light and views of the day and night sky. In my experience, roof/sky lights are not uncommon for bedroom spaces and in this instance, this form of opening would provide an adequate outlook for residents. There is no cogent evidence to support the Council's concerns that occupiers of the proposed dwelling would have an unacceptable outlook.

Car Parking

24. The space at the front of the proposed single storey dwelling would allow for the parking of a single motor car. Whilst noting the recommended parking provisions contained within the 2012 SPD, these must be considered with other matters, such as the need to secure high quality design and the efficient use of land. One parking space would be adequate for this single bedroom unit in a village centre location where there is a regular bus service to Southampton and where spare capacity exists for on-street parking in some neighbouring streets.
25. As I also noted during my visit⁶ the space in front Blue Anchor House is used for the parking of motor cars and a similar space exists in front of Saddlers Mews. Even if this space could not be used for the parking of cars by occupants of Saddlers Mews, as I have already noted, there is spare capacity for on-street parking nearby. The proposal would be unlikely to result in any significant interruption to the flow of traffic along the local highway network or congestion. There is nothing to demonstrate that existing residents would be unduly inconvenienced as a result of any very modest increase in demand for on-street parking. There is also nothing of substance to support fears that the proposed parking arrangements would compromise highway safety interests. The proposals would not conflict with the provisions of CS policy CS24.

Other Matters

26. The proposed development would increase the stock of dwellings within the district, including bringing back into use an empty/under-used building. Occupiers of the dwellings would also have convenient access to local facilities and services, including public transport. These matters weigh in support of the appellant's argument for granting planning permission.
27. As part of the development plan process an Appropriate Assessment, pursuant to the Habitat Regulations 2010, was undertaken on behalf of the Council in respect of sites of international nature conservation importance. This included the New Forest European sites⁷ and the Solent Coast European sites⁸. The

⁶ This was made during the early part of the morning before most people were likely to have left home for work.

⁷ Comprising the New Forest Special Area of Conservation (SAC), the New Forest Special Protection Area (SPA) and the New Forest Ramsar Site.

proposed development could increase the recreational pressure upon these protected sites and, in combination with other developments, could have a significant adverse effect upon nature conservation interests.

28. Having regard to the above noted 2014 SPD and to avoid significant adverse effects, it would be necessary for the proposal to contribute towards mitigation measures in respect of these European sites. The appellant appears content to make an appropriate contribution.
29. I note the Council's detailed explanation of the appropriate mechanism for securing a contribution towards habitat mitigation measures as set out in section 7 of its Statement, including the effects of Regulation 123 of the Community Infrastructure Regulations 2010 (as amended). I concur with the Council's pragmatic approach for securing such mitigation by way of a negatively worded planning condition. I also note that this approach has been supported elsewhere on appeal (refs. APP/B1740/W/16/3143587 and APP/D3640/W/15/3028247).

Planning Obligations

30. I have been provided with copies of two obligations (agreements with the District Council) under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended). One includes a mechanism for the payment of financial contributions towards affordable housing provision and habitats mitigation. However, that obligation is undated and has not been signed/agreed by the Council. As it is incomplete I am unable to take it into account. The other obligation is dated and signed by the appellant and the Council. It includes a £7,610 contribution towards affordable housing provision. However, the LPA has informed me that for sites of less than ten dwellings it no longer seeks the payment of affordable housing contributions. I have not therefore taken this contribution into account.

Planning Conditions

31. In the interests of certainty a condition would be necessary specifying the approved plans. To safeguard the character and appearance of the area conditions would be necessary requiring the submission/approval of details relating to: the external finishes of the proposed development; landscaping⁹; and the proposed slab levels. A condition would also be necessary to ensure adequate car parking provision was made to serve the development.
32. In the interests of nature conservation interests conditions would be necessary requiring the submission/approval of an updated ecological survey and details of any external lighting. Separate conditions would also be necessary to safeguard archaeological interests, ensure adequate drainage and address any land contamination. Finally, as I have noted above, a condition would also be necessary to secure necessary mitigation to European sites of nature conservation importance.

⁸ Comprising the Solent Maritime SAC, the Solent and Southampton Water SPA, the Southampton and Isle of Wight Lagoons SAC and the Southampton Water Ramsar Site.

⁹ Whilst the Council has not suggested a condition requiring details of the landscaping, the submitted plans show trees to be retained and new areas of garden. Section 197 of the Town and Country Planning Act 1990 (as amended) includes a duty, whenever appropriate, to impose conditions relating to trees and CS policy CS2(d) requires the provision of appropriate landscaping. A landscaping/tree condition could therefore be reasonably expected.

33. Conditions to the above effect would accord with the provisions of paragraph 206 of the Framework. Where necessary and mainly in the interests of concision, I have altered the wording of some of the conditions that have been suggested to me.

Overall Conclusion

34. Given all of the above, I conclude that the proposal would accord with the provisions of the development plan and would comprise sustainable development as provided for within the Framework. The appeal should therefore succeed.

Neil Pope

Inspector

SCHEDULE OF PLANNING CONDITIONS

1. The development hereby permitted shall begin no 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: 1:1,250 and 1:500 scale site location plan (ref. 1486.02); 1:100 scale site plan (ref. 1486.03); 1:1,250 and 1:500 scale proposed block plan (ref. 1486.25); 1:50 scale proposed ground floor plan (ref. 1486.23); 1:50 scale proposed first floor plan and section AA (ref. 1486.24); 1:50 scale proposed east and west elevations (ref. 1486.21); 1:50 scale proposed north and south elevations of retained unit (ref. 1486.22); 1:50 scale proposed north and south elevations of new unit (ref. 1486.31).
3. No development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) samples of the facing and roofing materials to be used and details of the colours of the rendered surfaces, window frames and external doors and;
 - ii) a scheme of landscape planting, including the retention of trees and boundary vegetation and measures to protect trees during the construction phase, as well as a timetable for planting.The development shall be undertaken in accordance with the approved details and any trees, shrubs or plants dying, removed or diseased within five years of planting shall be replaced by trees, shrubs, plants of a similar size and species.
4. No development shall commence until details of the proposed slab levels in relationship to the existing ground levels set to an agreed datum have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.
5. The development hereby permitted shall not be occupied until the spaces shown on plan ref. 1486/23 for the parking of motor vehicles and cycles have been provided. These spaces shall thereafter be retained and kept available for the parking of motor vehicles and cycles for the dwellings hereby approved.

6. No development shall commence until an updated ecological survey, undertaken at an appropriate time of the year, in respect of bats, has been carried out by an appropriately qualified person and submitted to and approved in writing by the Local Planning Authority. The survey should establish the presence or absence of any protected species and include details of any mitigation/compensation measures in respect of any protected species, as well as a timetable for undertaking such measures. The development shall be undertaken in accordance with the approved details.
7. No external lighting shall be installed on the site until such details have been submitted to and approved in writing by the Local Planning Authority.
8. No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
9. No works shall commence on the construction of the new single storey dwelling until details of a surface water sustainable drainage system (SuDS), designed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the site for the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The new single storey dwelling shall not be occupied until the approved SuDs has been provided.
10. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the Local Planning Authority (LPA). If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the LPA. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the LPA. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the LPA. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the LPA within 28 days of the report being completed and approved in writing by the LPA.
11. No development shall commence until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites has been submitted to and approved in writing by the Local Planning Authority (LPA), and the LPA has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must provide:
 - (a) for mitigation in accordance with the New Forest District Council

Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for that document), or for mitigation to at least an equivalent effect; and

(b) details of the manner in which the proposed mitigation is to be secured, including arrangements for the monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for public access thereto.

The development shall be carried out in accordance with the approved mitigation.