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## Appeal Decision

Site visit made on 13 March 2017

**by Veronica Bond LLB (Hons), Solicitor (non-practising)**

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

**Decision date: 7 April 2017**

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**Appeal Ref: APP/B1740/W/16/3163866**

**4 Kennard Road, New Milton BH25 5JU**

- 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 and Mrs McLeod against the decision of New Forest District Council.
  - The application Ref 16/11028, dated 20 July 2016, was refused by notice dated 13 October 2016.
  - The development proposed is demolition of existing garage and construction of a detached bungalow to rear of existing.
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### Decision

1. The appeal is dismissed.

### Main Issue

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

### Reasons

3. The appeal site forms part of the rear garden to the property at 4 Kennard Road. There is some variety in property designs in the area, with evidence of modern backland development as a consequence of plot severance. In spite of this intensification, the area retains a sense of green openness, achieved in part by the presence of mature trees and greenery, and through the remaining undeveloped rear garden areas.
4. The New Milton Local Distinctiveness Supplementary Planning Document (adopted June 2010) (SPD) recognises the pattern of progressive intensification in the area and identifies the particular importance, in this context, of the remaining 'tranquil islands' where combined rear garden space is yet to be developed. The appeal site is specifically identified as part of a cumulative grouping of rear gardens which are presently undeveloped.
5. The proposal follows, and seeks to overcome, a previous refusal for two dwellings on the site. The proposed development would introduce on to the site a large bungalow and would see the demolition of an existing garage adjacent to the dwelling at No 4, along with a number of smaller outbuildings. The effect would be the introduction of a significant mass of built form into the existing garden area. This would consequently result in harm to the locally distinctive feature of 'tranquil islands' of green space, which would be

- particularly apparent within the rear garden environment of the surrounding properties.
6. Policy CS2 of the Council's Core Strategy – New Forest outside the National Park (adopted October 2009) does not preclude the development of residential gardens, nor backland development, as confirmed by a recent appeal decision at Uplands Avenue<sup>1</sup>. The Council also has not taken the opportunity to adopt such a policy following the introduction of the National Planning Policy Framework (the Framework).
  7. However, Policy CS2 requires all development to contribute positively to local distinctiveness and for the reasons identified, the proposed development would not achieve this aim. There is no indication of a similar sensitive locally distinctive characteristic having been relevant in the determination of the Uplands Avenue appeal. Equally, whilst the Framework's imperative to resist the inappropriate development of residential gardens does not suggest that all garden development will be unacceptable, again, harm has been identified in this case. Prior intensification may have been encouraged by policy at the time but this does not alter the harm found in the present context.
  8. It is apparent that there is existing backland development within the surrounding area and the appellant notes that No 4 is the only property on the east side of the road which has not been developed at the rear. Whilst the proposal would reflect to some extent the existing pattern of development in this way, it is the extent of existing backland development in this location which makes it particularly sensitive to further loss of green space. The traditional appearance proposed and fact that the proposed bungalow would be of a comparable scale to development to the north and is designed to respect the rhythm of existing backland development, also does not compensate for the harm to a locally important feature.
  9. The removal of the existing garage and outbuildings to the rear offers little weight in favour of the proposal given that the garage is positioned outside of the green space to the rear and as the scale, bulk and massing of the outbuildings to be replaced would not be comparable to the proposed bungalow. Permitted development rights also offer limited weight as a fall-back position in the absence of evidence of any firm intention to carry out such development.
  10. I conclude then on the main issue that the proposal would have a harmful effect on the character and appearance of the area. It would conflict with policy CS2 of the CS which seeks, amongst other things, to ensure that new development contributes positively to local distinctiveness.

### **Other Matters**

11. The proposal would provide an additional unit of residential accommodation in a sustainable location in line with the local settlement strategy and local and national policy aims related to increasing the supply of housing and

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<sup>1</sup> APP/B1740/W/16/3147829

encouraging use of sustainable transport modes. This offers modest weight in favour of the development.

12. The absence of harm in other respects is only a neutral matter. Comments from third parties have not, in view of my finding on the main issue above, led me to any different overall conclusion. Representations have been made related to the New Forest and the Solent European Nature Conservation Sites and as to whether the development would require the payment of a contribution or mitigation measures. As I am dismissing the appeal for other reasons, I have not dealt with this matter any further.

### **Conclusion**

13. Although the proposal would offer modest benefits as outlined, this does not outweigh the development plan conflict and harm found. Given the tri-partite definition contained in the Framework, the proposal would not represent the sustainable development in respect of which there is a presumption in favour. For the above reasons, the appeal fails.

*Veronica Bond*

INSPECTOR