
Appeal Decision

Site visit made on 23 March 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/C1760/W/16/3162792

Storn, Pinelands Road, Chilworth, Hampshire, SO16 7HH

- 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 Martin Ursell against the decision of Test Valley Borough Council.
 - The application Ref 15/02976/FULLS, dated 4 December 2015, was refused by notice dated 17 October 2016.
 - The development proposed is the demolition of existing dwelling and garage and erection of 10 apartments with associated car parking (revised application).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the Chilworth Residential Area of Special Character, and;
 - The New Forest Special Protection Area (SPA) and the Solent and Southampton Water SPA.

Reasons

Character and appearance

3. The appeal site lies within the Chilworth Residential Area of Special Character (RASC). Policy E4 of the Test Valley Borough Revised Local Plan 2016 (RLP) is designed to retain the distinctive character of RASCs. As set out in the supporting text to Policy E4 and the Policy E4: Residential Areas of Special Character Topic Paper (June 2014) such areas are typified by low density developments consisting of substantial houses on spacious plots with mature landscaping and trees.
 4. Storn is a large detached house which sits in extensive landscaped grounds, and the other dwellings along Pinelands Road generally follow this pattern of development. Both Storn and the other properties are typical of the type of development found within RASCs and as such make an important contribution to the character and appearance of the area.
 5. The proposal before me is for the demolition of the existing house to be replaced with a building containing 10 apartments. It is agreed between the
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- parties that the size, scale, layout, siting and detailed design of the proposed replacement building would be appropriate as it would, to all intents and purposes, have the appearance of a large detached house with a traditional design and would be well contained within its plot retaining much of the existing landscaping.
6. Policy E4 b), however, also requires the type of development in RASCs to be compatible with their character. As noted above, the type of properties which make up RASCs and which are found along Pinelands Road are substantial houses, not flats. The fact that such areas are characterised by single dwellings makes for the low density of development which is also a characteristic of RASCs.
 7. With low density development there is reduced evidence of human activity. One manifestation of human activity is parked vehicles. The proposed 10 apartments would require around 22 designated parking spaces to accommodate future residents and their visitors; a significantly higher number than that associated with a single dwelling.
 8. Although there is an existing gravel drive to the front of Storn which is capable of accommodating the majority of parking required for the development, this is not all designated parking at present, rather it is simply a large drive which is commensurate with the size of dwelling it serves. This is also the case of other properties in Pinelands Road which have large drives. The character of the frontage at Storn would, however, be significantly altered by such a large increase in the number of parked cars across its frontage. This would highlight the increased residential density of the site and would be uncharacteristic of the area. There is landscaping along the front boundary which is to be retained, but, even if this were to be enhanced further, it would not completely screen the parking area, and, in any event, planting cannot be considered to be a permanent feature.
 9. Furthermore, the proposal would increase vehicle traffic along Pinelands Road. I consider such impacts from this development would not be significant on their own. However, whilst each application and appeal must be treated on its individual merits, I appreciate the concern raised by local residents that approval of this development could be used in support of other similar schemes along Pinelands Road, which is largely comprised of comparable sites to Storn, the cumulative effects of which would entirely alter the character and appearance of the area.
 10. For these reasons the proposal would conflict with Policy E4 b) in that the type of development would not be compatible with the character of the Chilworth RASC. It would also conflict with the relevant provisions of Policy E1 which requires development to make efficient use of land whilst respecting the character of the surrounding area. These policies are consistent with the National Planning Policy Framework which at paragraph 60 sets out that it is proper to seek to promote or reinforce local distinctiveness.
 11. In coming to the above conclusion in respect of the first main issue I note the two planning permissions referred to by the appellant where apartments have been allowed in RASCs. Matters have moved on since both decisions were made, including planning policy and the Council's position in respect of Housing Land Supply. Notwithstanding this, neither provides an immediate context to the appeal site. I also note that there was previously a dental surgery at the

property (1985-2011). However, that is not the existing use of the site and is not a 'fallback' position which justifies the proposal. These matters can therefore only be afforded limited weight.

SPAs

12. The proposed development would result in a net increase in residential dwellings within 13.6km of the New Forest SPA and within 5.6km of the Solent and Southampton Water SPA. These distances define the zones identified by recent research where new residents would be considered likely to visit these sites. The SPAs support a range of bird species that are vulnerable to impacts arising from increases in recreational use as a result of new housing development. Consequently any net increase in dwellings in these zones is likely have a significant effect on the SPAs in combination with other plans and projects.
13. The Council have adopted a strategy whereby financial contributions have been agreed to fund the delivery of measures to address these impacts as set in the New Forest SPA Mitigation – Interim Framework and the Solent Disturbance and Mitigation Project – Interim Framework. The appellant has indicated a willingness to pay the required contributions but there is no mechanism before me to secure such a payment.
14. The appellant has suggested a habitat mitigation condition. However, the Planning Practice Guidance sets out that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases and I find no reason to conclude otherwise in this case.
Notwithstanding the above, as I am dismissing for other reasons I am not pursuing this matter further, as my findings could not lead to a different conclusion on this appeal.

Conclusion

15. For the reasons set out above the proposed development would be harmful to the character and appearance of the Chilworth RASC. Furthermore, in the absence of securing suitable mitigation, the development, by reason of a net increase in residential dwellings, would, in combination with other plans and projects, be harmful to the New Forest SPA and the Solent and Southampton Water SPA.
16. I have had regard to all matters raised including the fact that the proposal would provide additional mixed housing in settlement but conclude that this would not outweigh the harm to the character and appearance of the Chilworth RASC. Any positive pre-application advice from the Council in respect of the principle of additional residential development at the site does not alter my findings in this respect. The appeal is therefore dismissed.

Hayley Butcher

INSPECTOR