
Appeal Decision

Site visit made on 11 April 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 17 May 2017

Appeal Ref: APP/L1765/W/17/3166680

The Anchorage, Northbrook, Micheldever, Winchester SO21 3AJ

- 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 H Browning against the decision of Winchester City Council.
 - The application Ref 16/01218/FUL, dated 1 June 2016, was refused by notice dated 3 October 2016.
 - The development proposed is demolition of existing house and garage. Construction of new house and garage.
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Decision

1. The appeal is dismissed.

Background

2. Following the last date for observations to be made on the appeal the Council adopted the Winchester District Local Plan Part 2: Development Management and Site Allocations (WDLPP). This was anticipated by the parties who had made observations in their submissions accordingly.
3. The Council considered the application on the basis of amended plans which relocated the proposed garage to the north of the site and marginally reduced the dwelling's ridge height. It is on these plans that my decision is based.

Main Issues

4. The main issues in this appeal are: **first**, the effect of the proposed development on the character and appearance of the surrounding area; and **second**, whether the proposed development would result in the loss of a small dwelling in the countryside and whether any harm in that respect is outweighed by other matters.

Reasons

Character and appearance

5. The appeal site fronts onto a country lane. Both sides of the lane in the vicinity of the appeal site are, over a substantial distance, fronted by ribbon development. This development is comprised of houses of a wide variety of sizes, ages and style. Some considerable distance to the south of the site are some thatched cottages. However, in the vicinity of the site development is largely comprised of moderately sized houses and bungalows largely dating in style from between the 1960s-1980s.

6. On the appeal site is a small 1930s style bungalow. It has been extended to the rear by a lengthy collection of structures of a rather temporary appearance. These appear to be long-standing albeit later additions. Given their location behind the bungalow they do not greatly increase the apparent size of the property when seen from the road. Directly to the south of the appeal site is a moderately sized 1980s style house. To the north is a relatively small bungalow.
7. The proposed dwelling would, with an attached double garage to the side, extend not far from the full width of the site. In its own right this would make it appear a more substantial property than most of the houses along this road and indeed in the vicinity of the site. This alone would make it stand out intrusively. Adding greatly to this impression would be the chosen design of the house with its classical appearance and dominant roof within which would be dormer windows. Although an attractive design in its own right, a property so distinctly different from most development in the immediate locality, allied to a style which emphasises its scale, would appear out of keeping. As such it would detract from the character and appearance of the area, especially as although well screened from the north by a roadside hedgerow it would be clearly visible from directly opposite and from the south. I note observations that some other dwellings in the area have dormer windows. However, it is not such windows per-se that I find undesirable but rather the way in which they add to the visual impact of the proposed development
8. It is concluded that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to WDLLP Policy DM15 which requires new development to respond positively to the character and appearance of the local environment in terms of design and scale.

Effect on supply of small dwellings and whether harm in this respect outweighed by other matters

9. Policy DM3 of the WDLPP says that the extension and replacement of smaller dwellings in the countryside will be limited so as to retain the stock of such dwellings within the District. Dwellings with a gross external floor space of up to 120 square metres may be replaced by dwellings 25% larger than their original size.
10. Explanatory text to the Policy says that in calculating the size of the dwelling outbuildings and detached garages will not be included in the calculation, although integral garages and other buildings originally attached to the dwelling and forming part of the usable living space will.
11. The Policy seeks to retain small dwellings wherever possible so as to maximise the variety in the housing stock. This is seen as important in the rural areas of the District where there is a bias towards houses with 4 or more bedrooms. The retention of smaller dwellings is also seen as enabling the provision of more affordable housing in a District where average house prices are significantly above the average for the country and the South East as a whole. In the application of this Policy the Council defines affordable as being relative to the market price that may be achieved on an unfettered development. The Council recognises that in this area some of the smallest dwellings may still have an above market price but still be relatively affordable when viewed in the context of average house prices in the local area.

12. There is a dispute over the size of the bungalow that would be replaced. The appellant claims that it is 170 square metres in size and that Policy DM3 does not therefore apply. This estimate takes into account the substantial extensions to the rear of the property. However, given their design, layout and fittings they do not appear to be part of the usable living space of the bungalow. Rather they appear to be an addition to the building potentially used for some form of horticultural operation. As such, having regard to the explanatory text of the Policy, they should not be taken into account in determining the size of the bungalow. Excluding these areas from the calculation it seems to me that the property is likely to have an external floor space of less than 120 square metres. Policy DM3 therefore applies to this case.
13. The proposed development is for a substantial 6 bedroom house of 2 main storeys and rooms in the roofspace. It would be well over the 25% increase in size permitted in Policy DM3. There would thus be a contravention of one of the objectives of the Policy, the retention of a stock of smaller dwellings in the countryside. Turning to the other Policy objective, the retention of affordable dwellings in the countryside, the existing dwelling on the appeal site was purchased in 2015 for £475,000. This is much more than may generally be seen as affordable. Whether it is affordable in the terms of Policy DM3 requires a consideration of whether it is relatively affordable and for this account has to be taken of average house prices in the local area. Neither the Policy nor its explanatory text defines local area. The Council has limited its evidence on house prices to the immediate area of the appeal site. I consider this to be far too restrictive and prefer the appellant's approach which takes into account the small village of Micheldever which lies only a small distance from the ribbon of houses in which the appeal site lies. Detailed evidence from the appellant on house prices in this area shows that relatively small properties may be purchased for much less than the value of the bungalow on the appeal site. Thus the proposed development would not, in the terms of Policy DM3, result in the loss of an affordable dwelling.
14. A further material consideration to be taken into account is the size of the appeal site. I have found that the proposed development is so large that it would detract from the character and appearance of the area. However, the site is capable of taking a larger property than would be permitted by Policy DM3 and in the context of most of the ribbon of development in which the site lies to limit the size of a replacement dwelling to that permissible under Policy DM3 would result in development out of keeping with its surroundings.
15. It is concluded that the proposed development would result in the loss of a small dwelling in the countryside contrary to WDLPP Policy DM3 but that any harm in that respect is outweighed by other matters.

Other third party considerations

16. Given the separation distance to the house to the south the proposed house would not extend so far forward of the neighbouring house as to appear unduly obtrusive. The location and distance of the proposed dormer windows from neighbouring properties is such that no loss of privacy would arise from them. A ground floor window in the south elevation of the proposed dwelling would potentially give rise to unacceptable overlooking of the house to the south. However, had I been minded to allow the appeal a modifying condition could have prevented that harm.

Conclusion

17. I have found no harm in relation to the second issue and nor in relation to some third party concerns. However, harm on the first issue alone is such as to justify dismissing the appeal. Although in some respects development plan Policies would be complied with it would be contrary to the development plan when read as a whole.

R J Marshall

INSPECTOR