
Appeal Decision

Site visit made on 23 May 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 7th June 2017

Appeal Ref: APP/W1715/W/17/3169329

96 Lakewood Road, Chandlers Ford SO53 5AB

- 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 T Wakeford against the decision of Eastleigh Borough Council.
 - The application Ref F/16/78756, dated 14 June 2016, was refused by notice dated 11 August 2016.
 - The development proposed is subdivision of plot to form two dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council refer to Policy DM1 of the submission Eastleigh Borough Local Plan 2014. I note that the Council intend to replace this document with a new local plan and will not make any further progress on the 2014 version. I therefore give this policy very little weight.

Main Issue

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

Reasons

4. The proposal would result in the subdivision of the existing bungalow, which is a detached corner property set within a large plot and within a heavily landscaped setting. The character and appearance of the locality consist of large detached dwellings of a variety of styles set amongst an abundance of mature trees, hedgerows and shrubs and within the Hiltingbury and Hocombe Park Special Policy Area ('SPA').
 5. Within this area, Policy 1.81LB of the Eastleigh Borough Local Plan 2006 ('LP') states that the sub-division or redevelopment of plots is permissible subject to all of 4 criteria being met. This includes the size of the proposed plot not being significantly smaller than those in the immediate vicinity, that it does not prejudice the retention of existing healthy mature trees on site, is compatible with the Arcadian character of the area and is accompanied by a detailed planting scheme.
 6. The appellant has referred me to the supporting text of Policy 1.81LB insofar as it states that the objective of the policy is *'not simply to maintain the existing low density but to ensure that new development respects and enhances the*
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special characteristics of the SPA'. Nonetheless, the text is also clear that it seeks to protect the low density character of the area, of which plot size is clearly a key component.

7. However, the supporting text does not have the statutory force of policy where, to apply it, would conflict with the policy itself. In this particular case, the existing plot appeared to me to be one of the smaller plots in the locality and in any reasonable assessment the proposal would result in a significantly smaller plot for the dwelling accessed from Lakewood Road, than those in the immediate vicinity of the site and would be evidently less spacious. The proposal would therefore conflict with part (i) of Policy 1.81LB of the LP.
8. Turning to the effect on the protected Sweet Chestnut Trees¹ during the course of the Council's determination the appellant submitted further details which outlines tree protection measures and methods for the construction of the driveway. Although I note the Council's concerns regarding the level of detail for protection measures I am satisfied that the method of construction is appropriate for the development proposed and a condition could also be imposed that requires further tree protection details to be agreed. Subject to such a condition the health and amenity value of the trees would not be prejudiced.
9. For these reasons, the proposal would cause harm to the character and appearance of the area. It would conflict with Policy 181.LB and 59.BE of the LP which allow the subdivision of plots subject to all criteria being met and permits development in accordance with other policies in the plan that, amongst other things, takes full and proper account of the context of the site including the character and appearance of the locality or neighbourhood.

Other Matters

10. I accept that the proposal would result in an additional dwelling. Furthermore, that the physical changes would be limited to minor external alterations, the adaptation of an existing access from Hocombe Road and a new native hedgerow to demarcate the plots would be planted. I also note the appellant's contention that some of these could take place without planning permission. However, the absence of harm from such changes and other harm is neutral in the planning balance and the limited benefits from the addition of one dwelling do not outweigh the clear conflict that I have identified in relation to the main issue.

Conclusion

11. For the reasons set out above, although there would be compliance with some parts of the relevant policies the policies are clear that all criteria must be met. The proposal would conflict with the development plan, when read as a whole and material considerations do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

¹ TPO Order No. 247 Trees G29.