
Appeal Decision

Site visit made on 2 May 2017

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 27 June 2017

Appeal Ref: APP/B1740/W/17/3167653

Land to the rear of 28 and 30 Lavender Road, Hordle, Lymington SO41 0GF

- 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 Belmore Developments against the decision of New Forest District Council.
 - The application Ref 16/11374, dated 5 October 2016, was refused by notice dated 13 December 2016.
 - The development proposed is the construction of two three bedroom bungalows.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of two three bedroom bungalows on land to the rear of 28 and 30 Lavender Road, Hordle, Lymington SO41 0GF in accordance with the terms of the application, Ref 16/11374, dated 5 October 2016, subject to the conditions set out in the Annex to this decision.

Main Issue

2. The effect of the proposal on the character and appearance of the surrounding residential area.

Reasons

3. Lavender Road is a long road, with dwellings, mainly bungalows, lining both sides of the road. There is a varied appearance to the dwellings in the street, with a variety of designs, and many of the bungalows have been extensively altered. It is proposed to build two bungalows in the rearward part of the gardens of 28 and 30 Lavender Road, with an access drive running between the two existing properties, necessitating the removal of a garage to No 30.
 4. There are no local policies which preclude either backland development or the development of residential gardens. The National Planning Policy Framework (the Framework) suggests to local authorities that they may wish to consider the case for setting out policies to resist inappropriate development of residential gardens, but does not rule out such development. Moreover, no "back garden" policies were included in the Local Plan Part 2 Sites and Development Management Document, adopted in 2014, subsequent to the publication of the Framework.
 5. The only policy in dispute is New Forest Local Plan Part 1 (Core Strategy) Policy CS2, which deals with design quality. It seeks to ensure that development respects the character, identity and context of the area's towns, villages
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and countryside, and that it should contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape.

6. The rear of the site abuts a backland development of 6 bungalows at Lavender Gardens, which takes its access from Lavender Road, a few doors down from the appeal site. The rear gardens of Nos 28 and 30 are larger than those to the south-east of the site, in terms of both width and length. The site backs onto bungalows on Pinewood Road which have smaller gardens, with dwellings fairly close to the north-west boundary of the appeal site. There is also backland development accessed from Pinewood Road, which backs onto Lavender Road properties to the south-east of the site.
7. The rear gardens of the dwellings on this side of Lavender Road can only be glimpsed from the public realm; dwellings, garages, outbuildings and front garden planting prevents most views into the rear gardens, and so they make a very limited contribution to the pleasantness of the wider area. Moreover, in the very mixed context where there are bungalows in Lavender Gardens on one side, and bungalows in Pinewood Road fairly close to the rear boundary, I consider that the area is not one which has a distinctive open and verdant character, where the proposals would look out of place.
8. The bungalows would not have the same street presence as some of the other backland developments in the area, which have wider access streets, and are more visible from the roads from which they are served. However, they would be fairly inconspicuous, and would not harm the street scene.
9. Nor do I consider that the dwellings would appear cramped; at 20 dwellings per hectare they would have a lower density than the Lavender Gardens development and the bungalows on Pinewood Road. There would be good sized gaps between the dwellings and those at 28 and 30 Lavender Road, and there would adequate space around the dwellings.
10. The Council has referred me to Supplementary Planning Documents (SPDs) relating to other areas in the district which refer to backland garden development. However, these can carry little weight as they do not apply to Hordle. Moreover, the SPD refers to rear gardens through their greenery, tranquillity and biodiversity often forming a strong part of the distinctiveness of an area. It also speaks of rear gardens forming a "peaceful oasis". In my view, none of these descriptions is entirely apt when applied to the appeal site. The closeness of the Lavender Gardens and Pinewood Road dwellings gives a built-up residential context to the site, and the proposal would not undermine any specially valuable distinctiveness to the area.
11. The access to serve the two dwellings would take the form of a single track, widened near the junction with the road to form a passing place. I recognise that there would be little space to carry out any significant landscaping along the length of the access and the small landscaped strip alongside the dwelling at No 30 would have a limited visual impact. However, it is intended to retain the hedge alongside the north-western boundary of No 28 which would line part of the access, and this has the potential to provide an attractive margin. Moreover, this would be a narrow drive, rather than a road, and would be little different from the drives that some properties along Lavender Road possess,

and I am satisfied that it would not look out of place or unduly stark in the varied street scene.

12. The necessity to provide 2 parking spaces in the remaining front garden of No 30 would still leave a significant area of lawn, and I saw on my visit that several properties along the road had all or much of their front gardens given over to hardstandings, and in this context, the proposal would not be unusual or damaging.
13. I have had regard to the other instances of backland development in Hordle referred to me by the appellants, all of which I saw on my visit. None of these precisely replicates the circumstances of the appeal site, and other than to confirm that backland development is a feature of the area, and can fit in satisfactorily into the surrounding development, they do not add to my reasons for allowing the appeal.
14. I therefore find on the main issue that the proposal would not result in material harm to the character and appearance of the surrounding residential area or conflict with CS Policy CS2.

Other matters

15. The proposed bungalows would have limited views towards neighbouring properties, but being single storey, they would not overlook them. There would be adequate distance between the windows in the bungalows and those of nearby properties. The relatively low height of the bungalows would ensure that they would not cause material harm to neighbours' living conditions with regard to outlook or loss of light.
16. Each of the bungalows would have two parking spaces, and I consider that any additional on-street parking, or traffic generated by the new dwellings would not materially affect the existing conditions along Lavender Road.

Conditions

17. The Council has suggested a number of conditions which I have considered in the light of national guidance. A condition to require the development to be carried out in accordance with the approved plans is needed to secure certainty. A condition relating to materials is needed in the interests of appearance. For the same reason, although not suggested by the Council, I shall impose a condition relating to landscaping to give effect to the appellants' intentions that there should be a landscaped buffer along the drive and other planting within the site.
18. A condition relating to the provision and retention of parking is needed in the interests of highway safety, whilst a condition to secure cycle storage is required to promote travel other than by car. A condition relating to foul and surface water disposal is needed to ensure that the site is adequately drained.
19. A condition to ensure that the increased recreational pressure arising from the development is adequately mitigated is necessary to ensure that there would be no adverse effect on the integrity of designated European nature conservation sites. I am satisfied that the reasons put forward by the Council justify a departure from the Planning Practice Guidance which advises against the use of negatively worded conditions in cases like this.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR

ANNEX

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development permitted shall be carried out in accordance with the following approved plans: STA/000/001, STA/000/002, STA/000/003, STA/000/004, STA/000/005, STA/000/006, STA/000/007 and STA/000/008.
- 3) Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until the spaces shown on plan STA/000/003 for the parking of motor vehicles have been provided, and thereafter the spaces shown on this plan for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.
- 5) Prior to first occupation of the dwellings hereby approved, plans and particulars showing details of the provisions of cycle storage within the site shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.
- 6) Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the local planning authority. Development shall only take place in accordance with the approved details.
- 7) No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
 - a) Provide 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 this document in force at the time), or for mitigation to at least an equivalent effect;
 - b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.

The development shall be carried out in accordance with and subject to the approved proposals.