
Appeal Decision

Site visit made on 23 October 2017

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 3 November 2017

Appeal Ref: APP/W1715/W/17/3179775

1 St Edwards Road, Netley Abbey SO31 5FG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ben Curtis against Eastleigh Borough Council.
 - The application Ref F/17/80241 is dated 16 March 2017.
 - The development proposed is erection of 2-bedroom dwelling house.
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Decision

1. The appeal is dismissed and planning permission for erection of 2-bedroom dwelling house is refused.

Main issues

2. I have had regard to the Council's concerns in its purported reasons for refusal in defining my main issues in this appeal, which are:
 - the effect that the proposed development would have on the character and appearance of the surrounding area, and
 - whether the proposal would have a significant adverse effect on the Solent and Southampton Water Special Protection Area and Ramsar Site (SPA).

Reasons

Character and appearance

3. The appeal site includes the side garden of the end of terrace dwelling at 1 St Edwards Road. It adjoins the existing dwelling on one side, Grange Court on the other, the parking space in front of the existing garage at the back, and St Edwards Road at the front. Beyond Grange Court and the short length of Grange Road on the opposite side of St Edwards Road, the main part of Grange Road runs parallel to the side of 1 St Edwards Road, beyond which is open countryside. The site is in an area which is mainly characterised by 2-storey dwellings that are set well back from the roads in an ordered and spacious layout. The openness around the road junctions, wide grass verges and green spaces contribute positively to the sense of place.
4. The proposed 2-storey dwelling would adjoin the existing dwelling at 1 St Edwards Road and its form would be similar. However, due to its siting, the proposed dwelling would project in front of the strong building line on the north west side of the existing dwelling, which continues along the short length of Grange Road on the opposite side of St Edwards Road and across the

courtyard maisonette development beyond the back of the site. Thus, the proposal would be harmfully prominent and it would unacceptably disrupt the street scenes in Grange Court and St Edwards Road. Because its siting would be at odds with the established formal development pattern, which is important to the openness around road junctions, the dwelling would look out of place. Due to the openness around the junction of St Edwards Road with the main part of Grange Road, the harm that the dwelling would cause would also be clear from the fairly busy main part of Grange Road.

5. The Council has not raised concerns about the scale or layout of the outdoor amenity space for the dwelling in terms of the future occupiers' living conditions. However, the widened vehicle crossover would unacceptably erode the important grass verge in Grange Court, and the 2 parking spaces and bin stores towards the back of the site, next to the existing garage and its parking space, would look cramped and incongruous, to the detriment of the Grange Court street scene. The shallow amenity space at the side and back of the dwelling would also be out of character with the generally deeper gardens that contribute positively to local distinctiveness.
6. As I have found that the proposed extension of the existing terrace for the dwelling would go against the grain of the prevailing pattern of development, my findings are consistent with those of my colleague in his appeal decision ref APP/W1715/W/17/3171563, regarding a proposal for 2 flats at the site.
7. Therefore, I consider that the proposal would harm the character and appearance of the surrounding area. It would be contrary to Policy 59.BE of the *Eastleigh Borough Local Plan Review (2001-2011)* (LP) which aims for development to take account of the context of the site including the character and appearance of the locality, and the *Eastleigh Borough Council Character Area Appraisals Bursledon, Hamble-le-Rice and Hound Supplementary Planning Document* (SPD), which seeks to maintain the strong character of the formal building compositions around route intersections and open spaces, and to retain the wide grass verges. It would also be contrary to the *National Planning Policy Framework* (Framework) which seeks to take account of the character of different areas.

SPA

8. The appeal site is within the 5.6 km buffer zone of the SPA. So, in accordance with the Solent Recreation Mitigation Partnership mitigation plan for the in-combination recreational impacts, which incorporates the wardening of coastal habitats, to manage visitor access, and site specific management measures, a financial contribution is required from all new housing to ensure delivery of the mitigation package. The contribution would be directly related to the development, necessary to ensure that the development would not have a significant adverse effect on the SPA, and fairly and reasonably related in scale and kind to the development because the contribution would be in accordance with published criteria.
9. Although the contribution would meet all 3 statutory tests in Regulation 122 of *The Community Infrastructure Levy Regulations 2010* as amended, and in Framework paragraph 204, no completed planning obligation for a financial contribution towards the Solent Disturbance Mitigation Project for the proposal has been put to me. Insufficient reasons for the failure to do so have been given. Details of a payment relating to planning application ref F/16/78676

have been drawn to my attention, but it is not relevant to the proposal in this appeal.

10. Thus, I consider that the proposal would have a significant adverse effect on the SPA. It would be contrary to LP Policy 25.NC which aims for appropriate measures to be taken to mitigate or compensate for any adverse impact on a habitat or feature of importance for wild fauna and flora, the *Eastleigh Borough Council Planning Obligations Supplementary Planning Document* which seeks payments towards schemes to mitigate adverse impacts on biodiversity, the *Eastleigh Borough Council Quality Places Supplementary Planning Document* which seeks strategically planned and delivered green infrastructure, and the Framework which aims to contribute to conserving and enhancing the natural environment.

Other matters

11. The Council has explained that relevant policies of the *Eastleigh Borough Local Plan 2011-2029*, whilst in line with relevant Development Plan policies, attract very little weight. I see no reason to disagree. The appellant says that the proposal would be sustainable but there is little to explain this. Even so, as the benefits including the new dwelling and its energy efficient construction would be significantly and demonstrably outweighed by the environmental harm identified in the main issues, the proposal would not be in accordance with the presumption in favour of sustainable development. It would also be contrary to the Development Plan as a whole. The appellant's concerns about the Council's handling of the application have been noted but they are not relevant to the planning considerations in this appeal. My attention was drawn to other local developments, some of which I saw, but they are not helpful as I have little information about them and the dwellings on the opposite side of the main part of Grange Road are not within the character area defined in the SPD. Thus, I have dealt with the proposal on its merits and in accordance with its site specific circumstances and relevant local and national policy and guidance.

Conclusion

12. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR