
Appeal Decision

Site visit made on 13 November 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 1 December 2017

Appeal Ref: APP/L1765/W/17/3180515

Elswick Cottage, Mislingford Road, Swanmore SO32 2QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Evans against the decision of Winchester City Council.
 - The application Ref 17/00827/OUT, dated 21 March 2017, was refused by notice dated 16 June 2017.
 - The development proposed is the erection of 1 no. detached four bedroom dwelling and detached car barn and cycle store.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters reserved for later determination except access and layout. The appeal has been considered on this basis, treating the front elevation, street scene elevation and details on the tree survey plan and site layout plan as illustrative only.

Main Issue

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

Reasons

Character and appearance

4. The proposal is for a medium-sized detached house in the side garden of Elswick Cottage, a substantial property set well back on the eastern side of Mislingford Road. The site lies just outside the defined settlement boundary of Swanmore as confirmed by the Development Management and Site Allocations Plan 2017 (DMSAP), and thus in the countryside for planning policy purposes. As such the proposal conflicts with Policy MTRA4 of the Winchester Joint Core Strategy 2013 (WJCS) which restricts development to certain limited categories, none of which apply in this case. There is no dispute that the Council can demonstrate a five year supply of deliverable housing sites and consequently policies for the supply of housing are up-to-date.
5. The site lies between Elswick Cottage, the host property, and Ina Cottage, a large two-storey house, but contrary to the appellant's claim not within a continuously developed frontage. Including Elswick Cottage there are only five residential properties along the eastern side of the road and these are

scattered with only two dwellings next to each other and the others separated by wide gaps. On either side of the group the road frontage consists of open agricultural land. The eastern side of Mislingford Road can therefore be clearly distinguished from the western side, within the settlement boundary, which comprises the Orchard Lea housing estate.

6. The dwelling would be screened to some extent by the frontage hedgerow but this would be severed by a new access. The proposal, comprising a detached house, car barn and hard surfaced driveway, would be readily apparent to passers-by, consolidating the existing development along the road frontage to the detriment of its attractive semi-rural character. The new dwelling would intrude into the verdant visual gap between Elswick Cottage and Ina Cottage, detracting from the spacious character of this side of the road.
7. For these reasons the proposal would cause significant harm to the character and appearance of the area contrary to WJCS Policy MTRA4 and DMSAP Policies DM15 and DM23. These resist development outside defined settlement boundaries, ensure respect for the qualities, features and characteristics that contribute to local distinctiveness, and seek to protect the character of the area by minimising visual intrusion into the setting of rural settlements.

Other matters

8. A further reason for refusal, that the detailed siting of the dwelling would adversely affect a mature Oak tree, has been overcome by the decision of the appellant to fell the tree.
9. There is no evidence that the remainder of the housing allocation to the north of The Lakes is unlikely to come forward during the plan period to 2031.
10. The appellant raises two local appeal decisions as precedents in support of the proposal¹. However, these date from 2011 and 2012 and relate to the interpretation of Policy H4 in the Winchester Local Plan Review 2006. This no longer applies having been superseded by the adoption of the WJCS in 2013. A third appeal decision relates to a site in a different local authority area with no direct relevance to the circumstances in this case.

Conclusion

11. The proposal would provide an additional dwelling in a sustainable village location which would have social and economic benefits for the area. The scheme would also include biodiversity enhancements and provide a convenient self-build solution to the appellant's housing needs. However, these material considerations are insufficient to outweigh the provisions of the development plan and the appeal should therefore be dismissed.

David Reed

INSPECTOR

¹ APP/L1765/A/11/2150460 and APP/L1765/A/12/2171913