
Appeal Decision

Site visit made on 12 December 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 16 January 2018

Appeal Ref: APP/C1760/W/17/3181644

Land North of the A3090, Ampfield Hill, Ampfield SO51 9BD.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Goodwill Homes Ltd against the decision of Test Valley Borough Council.
 - The application Ref 17/01217/RESS, dated 15 May 2017, sought approval of details pursuant to condition Nos 1 & 2 of a planning permission Ref 16/01241/OUTS, granted on 29 July 2016.
 - The application was refused by notice dated 18 July 2017.
 - The development proposed is described as "the erection of four houses after the demolition of existing agricultural buildings, a new package treatment plant and details of access. The details for which approval is sought are: appearance, layout, landscaping and scale.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the surrounding area and on the living conditions of the occupiers of neighbouring Cedar Springs with particular regard to privacy.

Reasons

3. The appeal site is situated on the outskirts of Ampfield and forms part of a larger area which benefits from outline planning permission for the erection of 4 houses¹. Reserved matters consent has previously been granted for three of the plots with the appeal site forming the fourth and final plot (Plot 2). The site consists of a flat rectangular parcel of land bounded by hedges on three sides with its western boundary being open and facing out towards the nearby paddock and the access track serving the wider development.
4. Policy E1 of the Test Valley Local Plan² (LP) requires all new development to be of a high quality in terms of design and local distinctiveness. To achieve this, it states that development should integrate, respect and complement the character of the area in which it is located in terms of, amongst other things, its scale and appearance. Furthermore, it restricts development which is of a poor quality design and which fails to improve the character, function and quality of an area.

¹ Ref 16/01241/OUTS.

² Test Valley Borough Local Plan DPD 2011-2029 (January 2016).

5. The proposal would involve the erection of a 2 storey dwelling situated around 1.5m from the boundary with neighbouring Cedar Springs and around 6 metres from the dwelling itself. It would include a large mansard style roof with a large flat area and dormers projecting out towards the front of the site at first floor level.
6. The Council has raised concerns regarding the height and bulk of the proposed roof structure and how it integrates into the wider setting. These concerns are well founded. While I note the plans indicate that the eaves would be of a similar level to that of neighbouring Cedar Springs, the roof structure itself would be large and bulky. It would fail to integrate well with the roof structures of the surrounding properties, creating a juxtaposition which would be visually discordant within the setting
7. While I am mindful that the National Planning Policy Framework advises against attempts to impose architectural styles or particular tastes on development proposals, it also advises that it is proper to reinforce local distinctiveness. In the present case, the roof structure would appear both alien and prominent within its surroundings. The increased ridge height compared to neighbouring Cedar Springs would exacerbate the impact and result in a poor quality design which fails to improve or respect the character of the area. This would be contrary to LP Policy E1.
8. The Council is also concerned that, in view of the close proximity to neighbouring Cedar Springs, the proposed dwelling would negatively impact on the privacy enjoyed by the occupants of that dwelling. However, while I note that the dormer projections would enable some views into the rear garden of that property, Cedar Springs is positioned centrally within its plot and benefits from a large and generous garden. Any overlooking which would result would be confined to a small portion of this area and, while I acknowledge would result in some reduction in privacy levels, the resultant impact would be marginal. As such, I find no conflict with LP Policy LWH4, which permits development provided that, amongst other things, it provides for the privacy and amenity of neighbouring occupiers. A lack of harm in this respect does not, however, weigh positively in favour of the proposal.
9. Consequently, although I do not consider the proposal would materially affect the privacy levels currently enjoyed by the occupiers of Cedar Springs, I have found above that it would result in a bulky and incongruous addition to the surroundings which would negatively impact on the character of the area. This would be contrary to LP Policy E1 which seeks to protect against such harm.

Other Matters

10. The Council has also specified a number of other LP Policies in its decision notice which it considers the proposal would be in conflict with. These include Policies SD1 & COM2 which set out a presumption in favour of sustainable development and provide the settlement strategy for the area. Although I note that the effect of these policies is to restrict development which does not accord with other policies in the LP, they are generic in nature and I do not consider the proposal would be in direct conflict with them. Likewise, I have not seen any evidence which would lead me to conclude that the proposal would be harmful to the landscape character of the area and, as such, find no conflict with LP Policy E2.

Conclusion

11. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR