
Appeal Decision

Site visit made on 29 January 2019

by AJ Steen BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2019

Appeal Ref: APP/B9506/W/18/3214166
37 Set Thorns Road, Sway SO41 6AG

- 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 William Sparks against the decision of New Forest National Park Authority.
 - The application Ref 18/00173, dated 27 February 2018, was refused by notice dated 16 May 2018.
 - The development proposed is bungalow.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was published following the decision of the Council. The Council and appellant had the opportunity to comment and I have taken its contents into account in coming to my decision.
3. I note that the draft New Forest National Park Local Plan has been submitted for examination but I am not aware of the exact stage it has reached and the extent of outstanding objections or whether the policies concerned will be considered as consistent with the Framework. Consequently, I am only able to give it limited weight in my decision.
4. A Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 was submitted with the appeal that would provide financial contributions toward mitigation of the effect of the development on the New Forest and Solent Special Protection Areas (SPAs). I will take this into account in coming to my decision.

Main Issues

5. The main issues are:
 - the effect of the proposed bungalow on the character and appearance of the surrounding area; and
 - the effect of the proposed development on the New Forest and Solent Special Protection Areas.

Reasons

Character and appearance

6. Set Thorns Road comprises semi-detached and terraced two storey houses with large rear gardens. To the rear of houses on the side of the road of no. 37 is a more recent development of two storey semi-detached houses on Centenary Close.
7. The appeal site comprises the rear part the garden of no. 37, along with what would have been part of the garden of no. 38. As no. 38 is on the corner of Set Thorns Road and Centenary Close, its garden would have faced onto Centenary Close to the side and rear.
8. The proposed bungalow would front Centenary Close with parking and landscaping to the frontage. It would be located very close to the boundaries with 36 and 37 Set Thorns Way that would restrict the potential for private amenity space to the rear of the dwelling. In addition, it would have a substantial footprint, such that the building would take up much of the appeal site, and this would further limit the area available for private amenity space. Given the size of the building and proximity to adjacent boundaries, the proposed bungalow would appear cramped and incongruous on this modest plot.
9. For these reasons, I conclude that the proposed development would harm the character and appearance of the area. As such, it would be contrary to Policies DP1, DP6 and CP8 of the New Forest National Park Core Strategy and Development Management Policies Development Plan Document (DPD) and the Framework that seek the highest standards of design that enhances local character and distinctiveness, including the layout of development. In addition, it would not comply with Policy CP9 of the DPD that supports small-scale development proposals to meet local needs provided that the proposals conform with other policies in the DPD.

Special Protection Areas

10. The appeal site is located within 400 metres of the New Forest SPA and 5.6 kilometres from the Solent SPA such that the proposed development, in combination with other projects, would lead to additional pressures from recreational disturbance on those areas. The UU submitted would provide contributions toward the Council's costs in maintaining and managing the effect on these areas. Nevertheless, were I to consider allowing the appeal, I would need to consider whether appropriate assessment would be required in relation to the effect of the development on the SPAs.
11. As I have concluded that the proposed development would conflict with other development plan policies, I have not completed an appropriate assessment and cannot confirm that the financial contributions in the UU would provide adequate mitigation of any effects of the development on the SPAs. On that basis, I conclude that the bungalow would have a harmful impact on the SPAs such that the proposal would conflict with Policy CP1 of the DPD and the Framework. These policies seek to protect nature conservation sites of international importance, such as SPAs, including requiring adequate measures are put in place to avoid or mitigate any potential adverse effects on the ecological integrity of SPAs.

Other matters

12. There are limited locations within the National Park for new housing to meet the needs of residents. Development on this site would contribute a single dwelling to the supply of housing. However, that would not overcome the harm I have found to the character and appearance of the area and effect of the development on the SPAs.
13. There was a previous planning permission for a dwelling on this site. However, I understand that has since expired without having been implemented. As such, this carries very limited weight in the planning balance.
14. Access and parking would be provided for the proposed dwelling to meet the needs of occupants. The access is located such that there would be visibility to either side along Centenary Close such that the proposal would not result in harm to highway safety.
15. I note that the proposed bungalow is intended to be occupied by relatives of the occupants of 37 Set Thorns Way. Whilst I have sympathy to the circumstances described, they are not sufficient to outweigh the harm and policy conflict identified.

Conclusion

16. For the reasons set out above, I conclude that on balance the proposed development would not accord with the development plan. Thus, having had regard to all other matters raised the appeal should be dismissed.

AJ Steen

INSPECTOR