The Planning Inspectorate

Appeal Decision

Site visit made on 17 June 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 09 July 2019

Appeal Ref: APP/B1740/W/19/3226044
1 Corner Cottage, Barton Common Road, Barton-On-Sea, BH25 5PR

- 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 LKK Property Ltd against the decision of New Forest District Council.
- The application Ref 18/11088, dated 7 August 2018, was refused by notice dated 4 October 2018.
- The development proposed is demolish existing building and erect 6 no 3 bedroom flats with parking, bin and cycle stores.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on, firstly, the character and appearance of the area, and secondly, the living conditions of the neighbouring occupiers of No 2 Barton Common Road with particular regard to overlooking.

Reasons

Character and appearance

3. The site lies on the corner of Becton Lane and Barton Common Road. This is a prominent corner position raised from the approach from the south. It is the first property of those forming the east side of Becton Lane, which has a modest domestic scale of bungalows and two storey dwellings. It is also the first dwelling in a linear frontage along Barton Common Road. These increase in scale and are more substantial to the east. Whilst these buildings increase in scale and height, the road lowers and the linear building line extends back producing a generally consistent character of roof heights and extensive front gardens. Whilst there is a diversity of dwelling types, the plots are typically large spacious single dwellings, or single buildings containing a number of units, with gaps between. The appeal site is therefore within an area of transition from the strong frontage to the suburban scale housing to the north.

4. The existing building has been extended over time and covers a significant footprint, close to the north and east boundaries. However, this is at single storey height and therefore has limited impact in the streetscene.

5. The proposal would introduce a building comprising 2 stories across a similar footprint to the existing building. Whilst set marginally further away from 2

Barton Common Road, this would remain close to the eastern boundary. The proposal would also extend forward of the existing building line substantially.

6. This height and positioning close to the neighbouring property would be incongruous with the open spacious nature between buildings along the frontage, eroding this local character. The extent of the building positioned further south of the existing general building line would highlight the scale of the building and limited gap between the properties. It would also leave the proposal with uncharacteristically limited front outdoor space, significantly less than others in the street which otherwise benefit from generous front gardens as part of the established open character.

7. The building will be highly visible from the south, introducing a scale of built form at odds with this more wooded approach. This would be accentuated by its elevated position. I note that the appellant considers that the site has considerable capacity to accept change and add prominent built form to define the corner. I also note that it has boundary landscaping and is not a conservation area or other specific designation. However, the proposal would not reflect the local spacious character and would be harmful to the appearance of the wider area.

8. I note that there have been other significant replacement buildings along Barton Home Road. However, these are set back further and whilst large, maintain the characteristics of the street. Similarly, the large property known as Berrington is within a more built up suburban character with tighter relationship of properties. Therefore, I am not convinced that the presence of these justifies the proposal.

9. Therefore, the proposal would harm the character and appearance of the area due to its positioning, scale and design. Consequently, it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park (2009) (CS) and the New Milton Local Distinctiveness Supplementary Planning Document (2010). These require development to contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting.

Overlooking

10. The proposal is positioned forward of the building to the east and includes a two first floor balconies projecting from the southern side (the side south east elevation as listed on the plans). Whilst there is some oblique overlooking from buildings fronting Barton Common Road, these are staggered and set back resulting in some distance. The proposal would introduce elevated views across the neighbouring front garden of No 2 Barton Common Road, with one in close proximity. It is acknowledged that this is a front garden and there is some overlooking from the street, however the garden of No 2 is positioned higher than the road which reduces the perception of overlooking. The positioning of a first floor balcony set above the garden and serving principal living space would alter this dynamic to the significant detriment of these occupiers.

11. I note that the proposal could be amended to incorporate a 'Juliet balcony arrangement', however I do not have details of that before me.

12. Therefore, the proposal would result in an unacceptable level of overlooking on No 2 Barton Common Road. Consequently, it would be contrary to Policy CS2

of the CS which, amongst other objectives, requires development to not cause unacceptable effects by reason of overlooking.

Planning Balance

13. The Council states that it cannot demonstrate a five year supply of deliverable housing sites against their local housing need. Given the position in respect of housing land supply, Paragraph 11 d (ii) of the Framework applies; namely that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

14. The proposal would provide a benefit by helping to address the unmet housing need. However, given the scale of development this would be a modest benefit and the harm to the character and appearance of the area and neighbouring occupiers would be significant and long lasting. Therefore, the adverse impacts of granting permission for the scheme as proposed would significantly and demonstrably outweigh the benefits in this case.

Other Matters

15. The Council's Officer Report referred to the potential for significant environmental effects on the New Forest and Solent European Nature Conservation Sites. I also note that there were concerns from third parties in relation to other matters including loss of light, overlooking and impact on other occupiers and the potential effects of traffic, parking provision and construction. However, as I am dismissing the appeal for other reasons, I have not considered these matters further.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

Tim Crouch

INSPECTOR