

Appeal Decision

Site visit made on 6 June 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 17 July 2019

Appeal Ref: APP/B1740/W/18/3201157

Land rear of 31-33 West Street, Ringwood BH24 1DY

- 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 and Mrs D Steffe against the decision of New Forest District Council.
 - The application, Ref. 17/11666, dated 30 November 2017, was refused by notice dated 22 March 2018.
 - The development proposed is demolition of the existing buildings and construction of two houses with parking and access.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing buildings and construction of two houses with parking and access at Land to the rear of 31-33 West Street, Ringwood in accordance with the terms of the application, Ref. 17/11666, dated 30 November 2017, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposal on designated heritage assets in the form of the Ringwood Conservation Area and any nearby listed buildings.

Reasons

3. The thrust of the Council's concern within the framework of the main issue is that the scale, form and layout of the proposed dwellings would be inappropriate for this small backland site.
 4. As regards scale, I accept the Council's principle that new development within the rear curtilage of a frontage building should be subservient. However, whether that subservience should take the form of a one storey or 1.5 storey building to my mind depends very much on the individual circumstances of each case. And single storey should not be the default option with an implicit assumption that it is correct, which appears to be the Council's position.
 5. As regards the appeal site, it is unusual because its character and setting is not one of a relatively peaceful haven of a rear garden or courtyard where the context is purely one of diminishing scale from the principal frontage building towards the smaller and supportive ancillary outbuildings.
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6. Instead, the enclosure of site on its western flank is formed by the large bus office building, with its elongated form at full two storey height dominating the access and much of the yard. At this building's south eastern end, the more open aspect is for much of the day towered over by double decker buses manoeuvring close to the boundary and almost twice the height of the existing structures. Also prominent in the outlook to the south east are recently constructed two storey houses – indeed these are clearly visible from the West Street entrance to the appeal site.
7. Given this context I consider that a 1.5 storey building is essential to establish a degree of presence on the site and draw the eye to distract from all or any of the above. And conversely, a single storey building opposite the existing flat roofed single storey extension to Nos. 31-33 with its unsightly fire escape, would be too weak a feature to create a new residential identity for the courtyard with any reasonable perception of a pleasing ambience. A higher building is needed to establish its superior status over the extension, whilst a further advantage of the 1.5 storey option is that with the undercroft parking it allows an efficient use of land.
8. As regards the proposed layout, footprint and detailing, I again consider the appeal scheme to have made the correct choices given the site's context and existing constraints. A balance has been struck that allows this small mews development to establish its own identity whilst at the same time respecting and reflecting the more important positive aspects of the character and appearance of the conservation area.

Other Matter

9. The Notice of Refusal included a reason in relation to the risk of flooding on the site. However, this was based on the premise that the site is located within Flood Risk Zones 2 and 3, whereas the Flood Risk Assessment dated October 2017 and supported by a topographical survey places it within Zone 1.
10. I have no reason to consider that this survey information is inadequate or inaccurate and note that in these circumstances the Council accepts that a refusal on flooding grounds is not justified.

Conclusion and Conditions

11. For the reasons explained I conclude on the main issue that the proposal, through a combination of its own merits and the removal of the existing poor quality buildings and structures, would enhance the character and appearance of the conservation area. As regards the other designated heritage assets, I do not regard the appeal scheme as directly affecting the setting of any of the listed buildings.
12. There would therefore be no harmful conflict with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park 2009; Policy DM1 of the Council's Local Plan Part 2: Sites and Development Management Plan Document 2014; the Council's supporting planning guidance and information documents, and Section 12: 'Conserving and Enhancing the Historic Environment of the National Planning Policy Framework 2019. As regards the latter, because no harm would be caused in respect of the conservation area

there is no requirement to carry out the further procedure in paragraphs 195 and 196 of the document.

13. The appendices to the Council's appeal statement was accompanied by a schedule of suggested conditions. I understand that the appellant has seen them and raised no objections. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of proper planning.
14. A condition stipulating details and samples of proposed external materials will ensure an acceptable appearance for the proposed building. Two of the conditions relate to the provision of appropriate mitigation for the nearby nature conservation sites as specified in the relevant legislation, whilst nature conservation is also the basis for a condition requiring appliances that limit water consumption. Because the site adjoins the bus station a condition is needed requiring the investigation of the potential for contamination and remedial measures as appropriate.
15. A condition requiring the provision of a sealed system of foul water drainage will prevent groundwater infiltration into the foul sewer network. Finally, a parking condition will ensure the provision and retention of the proposed parking space for each unit.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
- 2) The development shall be carried out in accordance with the following approved plans: Drawing No. Series ASP.17.093. Plan Nos. 001 C; 002 E; 003; 004; 005 D; 006 C; 007; 008;
- 3) Before development commences, samples or exact details of the facing, roofing and fenestration materials and colours to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details;
- 4) No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
 - (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto;
- 5) The development shall not be occupied until proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:
 - (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures;
- 6) The installation of fittings and fixed appliances in the dwelling(s) hereby approved shall be designed to limit the consumption of wholesome water to 110 litres per person per day in accordance with Regulation 36(2)b of Part G of the Building Regulations 2010 as amended;
- 7) Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter;

- 8) No development shall take place until a site investigation of the nature and extent of any contamination has been carried out to the standards described in BS10175: 2011 which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If the site is required to be remediated a validation report shall be submitted to and approved in writing by the local planning authority prior to occupation. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures, including validation.
- 9) The development hereby permitted shall be constructed so as to provide a sealed system of foul water drainage.