
Appeal Decision

Site visit made on 24 June 2019

by S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2019

Appeal Ref: APP/Y9507/W/18/3211903

Highcroft, Love Lane, Twyford, Hampshire SO21 1FB

- 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 Reilly Developments Ltd against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/02177/FUL, dated 24 April 2018, was refused by notice dated 20 July 2018.
 - The development proposed is for extensions and alterations to existing property and construction of one custom/self-build dwelling adjacent.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr P Reilly (Reilly Developments Ltd) against South Downs National Park Authority/Winchester City Council. This application is the subject of a separate Decision.

Procedural Matters

3. During the course of the appeal the South Downs Local Plan (2014-2033) has been adopted (2 July 2019). The Authority has provided an update with regards the Winchester District Local Plan Review policies, which have been replaced by policies from the now adopted Local Plan. Furthermore, the Council has set out how the adopted Local Plan policies apply to the proposed development, now that they have full weight. The appellant has responded with comments to this policy update from the Council. I shall therefore assess the proposals against the policies of the South Downs Local Plan and not the Winchester District Local Plan Review policies which were originally included with the Council reason for refusal.

Main Issues

4. The first main issue is whether the principle of the proposed development is acceptable, given its location being outside of any defined settlement boundary.
5. The second main issue is the effect of the development to the character and appearance of the area, including the scenic beauty of the South Downs National Park.

Reasons

Location of Site

6. The site contains a single detached dwelling in a spacious curtilage. The site is near Twyford, but outside of its settlement boundary as defined by the South Downs Local Plan (LP). There are other dwellings adjacent to the site along Love Lane, although this is primarily a rural location.
7. As stated above, the adoption of the LP means that the Winchester District Local Plan Review policies have been replaced. In this regard, policy SD25 of the LP is relevant, as it refers to the principle of a new dwelling outside of settlement boundaries. Being outside of a settlement boundary, in policy terms, the site is within the countryside.
8. This was also an issue considered under the previous appeal at the site (ref: APP/Y9507/W/17/3184226) and similarly with the appeal at West Meon that has been submitted to me (ref: APP/Y9507/W/17/3183953). Under the previous appeals, policy MTRA 4 of the Winchester District Local Plan Review was considered. This restricted development outside of settlements to those with specific justification. This policy, in these previous appeals, was considered to be not consistent with the National Planning Policy Framework (the Framework). However, this policy has been superseded by policy SD25 of the newly adopted LP. This new LP policy SD25 is similar to MTRA 4, but there are differences in the detail. The proposal is therefore assessed against SD25, and not MTRA 4.
9. Policy SD25 seeks "to identify towns and villages across the broad areas and river corridors of the National Park that are able to accommodate growth of a scale and nature appropriate to their character and function" (Para 7.7). In this case, the site is outside of the settlement with Love Lane having a distinctly rural appearance which differs from the typically higher density built development within the village. The proposed new dwelling would therefore not appropriately contribute to the growth of Twyford, as it is physically separate from the edge of the village. Instead, the new dwelling would add to a group of sporadic dwellings in the countryside. The proposal would therefore conflict with this policy.
10. Paragraph 79 of the Framework states new isolated homes in the countryside should be avoided unless there are special circumstances. Furthermore, paragraph 78 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. I recognise that in the previous appeal it was considered by the Inspector that the site was not isolated, and that the development would contribute to the vitality of rural communities.
11. However, whilst not in an isolated location, there is a clear gap between the site and the edge of the settlement of Twyford. I recognise that it may be possible to walk to the village from the proposed development, albeit along mostly narrow and unlit roads, to access bus services and other facilities and services within Twyford. However, policy SD25 is a new spatial strategic policy (which was not adopted at the time of the previous appeal at the site) that has recently gone through the adoption process with the LP. As such, I regard this policy as consistent with the Framework and the proposal is contrary to this policy.

12. The proposal is for a new house in the countryside, outside of any defined settlement boundary, with no sufficient justification for this development in such circumstances. As such, the proposal would conflict with policy SD25 of the adopted LP, which seeks to, amongst other things, focus development to settlements that can support growth.

Character and Appearance

13. As described above, the site is within a rural setting and part of the South Downs National Park. Paragraph 170 of the Framework makes it clear that, among other things, valued landscapes should be protected and enhanced. Paragraph 172 of the Framework states great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks, which have the highest status of protection.
14. The extended and altered existing dwelling and the proposed new dwelling would be visually different in terms of style and scale, although both would be large dwellings. However, in this area there is a mix of dwelling types and designs with no clear uniformity. The bespoke and differing designs of the two houses at this site would therefore be appropriate in this context.
15. There is no requirement for a uniform design approach to this pair of houses considering the varied nature of housing in this area. In this regard the design approach is appropriate with suitable materials also proposed.
16. However, there is also the issue of the scale of the proposed extended house. Policy SD31 of the LP requires that extensions to existing dwellings do not exceed 30% over their size in 2002. The purpose of this policy is to avoid the over-extension of existing dwellings which could otherwise have an adverse impact to the character and appearance of the area.
17. The extended house would be substantially more than 30% larger in floor-area than the existing dwelling which I would not regard as a modest increase. It may be that the existing dwelling is substandard, but improvements to the existing dwelling could be achieved without such a sizable level of extension. I also recognise that there may be a need for some 'larger' houses in the, but I am not convinced they need to be of the size proposed to meet this demand.
18. There is some flexibility mentioned in the supporting text to policy SD31. Whilst I recognise the efforts made for the extended dwelling to fit within the landscape setting and provide a design that would improve over some of the features of the existing appearance, the resultant size would be substantially larger than existing to an extent that it would be more intrusive in the rural setting (as discussed further below) and therefore would not accord with this adopted policy.
19. Not only would the existing dwelling be substantially increased in size, but there is also the proposed large new dwelling within the site, which would draw further attention to the overall development and its visual impact within this countryside setting. This would, in total, significantly increase the mass of building on the site and reduce the spaciousness of the plot considerably. This spaciousness of the site contributes positively to the National Park scenic beauty.
20. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA), June 2018. This highlights the mature trees that would filter views of

the site and would reduce the visual impact of the proposed extended house and the new dwelling. However, many of the trees at the site are deciduous and therefore in winter months there would likely be some views of the development when these trees are not in leaf. I note that the LVIA indicates that there would be some slight adverse effect in winter from certain vantage points. Even with glimpsed views, whilst the LVIA suggests the impact of the development would be minimal, the substantially extended dwelling and the new dwelling as proposed would be evident in this rural location as large dwellings increasing the mass of building significantly at this plot.

21. Furthermore, the landscaped nature of the site is a situation that could change over time if trees were to die or be removed for some other reason, for example. I recognise that there is a Tree Preservation Order covering all or most of the trees at the site, and there is tree management which could be put in place, but this would not prevent all circumstances where trees may have to be removed over time. Replacement trees could also take years to mature. I also note that the LVIA suggests a 15 year period until the reinforced landscaping would have full residual effects, but in the significant post-construction period until the new landscaping is mature the visual impact would be greater.
22. For a site in a rural location within the National Park, in an elevated position on the side of a hill-slope, the proposed scheme would result in a substantial development within this plot and erode its spacious character. I recognise the approach to the design and landscaping taken to mitigate the impact of the development within this sensitive landscape, such as the lower ridge heights than previously proposed and keeping the existing access. However, I am not convinced that the mature trees that surround much of the site would sufficiently mitigate the visual impact of this scale of development in perpetuity, with some views being possible especially in winter months. Therefore, the existing and proposed additional landscaping would not sufficiently mitigate the adverse impact to the National Park landscape and the rural character of the area as a result of this proposed development.
23. Furthermore, improvements to the appearance of the existing house as part of this proposal would not outweigh the adverse visual impact of the substantially larger dwelling that would occupy the site adjacent to another new dwelling.
24. Whilst I note there has been no objection from the Council Landscape Officer, in my opinion the development would result in a significant reduction in the spaciousness of the site which contributes positively to this important landscape setting. Therefore, this which would adversely affect the rural landscape character of this rural location within the South Downs National Park.
25. I recognise that there is an objective for the Local Authority to enhance the economic wellbeing of communities within the National Park, but any positive economic impacts of this development would be substantially outweighed by its adverse visual effects and intrusion into the landscape.
26. Therefore, whilst the differing design approach between the proposed two dwellings on site is appropriate, the scale of new build development on the site would substantially and harmfully diminish the rural and spacious character of the site, which positively contributes to its setting. The proposal therefore conflicts with policies SD5 and SD31 of the LP which seeks to limit the size of

extensions to existing dwellings and ensure developments integrates sympathetically with landscapes, amongst other things.

Other Matters

27. The Draft Twyford Neighbourhood Plan (NP) has been brought to my attention, with the appellant highlighting the need for some larger houses and a minimum of 20 dwellings overall. However, I understand that the NP is in the early stages with no examination date as yet. Also, the site in this case is separate from the village and outside of its settlement boundary, as explained above. Therefore, the siting of the proposed large new dwelling would not be appropriately sited.
28. It may be that other sites being considered in the Draft NP are in countryside locations and more visible from public views, but this is a consideration of the NP and its process of site allocations. This appeal is assessed against the merits of the scheme at the Highcroft site and the relevant adopted policies.
29. The Framework does seek to effectively use land for development, and I recognise this is previously developed land and the proposal would result in the net gain of a single dwelling. The Framework also seeks to support Small-Medium size housebuilder companies and state that housing need for different groups in society, including those that wish to build their own home, should be reflected in planning policy.
30. It is stated that the appellant's employee is on the self-build register, with information provided on this matter. There has also been a legal agreement submitted to require the appellant to attempt to have the development purchased by someone on the self-build register. However, these matters associated with the proposed development do not outweigh the harm I have identified to the character of this sensitive rural location within the National Park.
31. I have had regard to the appellant's concerns regarding communication from the Council and the consultation with the Design Review Panel during the planning application process, but that does not affect my assessment of the planning merits of the scheme before me, based on current local and national planning policy.
32. I recognise that the Local Authority has not objected to the proposal with regards amenity space provision, parking and access, or the effects to living conditions of neighbours to the site, but a lack of objection does not positively outweigh the harm I have identified above.

Conclusion

33. For the reasons above the appeal is dismissed.

S. Rennie

INSPECTOR