The Planning Inspectorate

Appeal Decision

Site visit made on 6 August 2019

by David Wyborn BSc(Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: APP/W1715/W/19/3226613
9 Hound Road, Netley Abbey SO31 5FZ

- 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 & Mrs M Wiseman against the decision of Eastleigh Borough Council.
- The application Ref F/18/84319, dated 25 October 2018, was refused by notice dated 20 December 2018.
- The development proposed is a 3 bedroom detached house with associated car parking and bin and bike storage.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - the effect of the proposal on the character and appearance of the area,
   - whether the provision of car parking is adequate in terms of layout, highway safety and living conditions, and
   - the effect of the development on the Solent and Southampton Water Special Protection Area (the SPA).

Reasons

Character and appearance

3. Within the section of Hound Lane, in the broad vicinity of the site, the properties are generally either semi-detached or detached, with some boundary planting including occasional mature trees. The dwellings have a mix of designs and external materials, with spacing between some properties while other buildings are constructed up to the side boundaries. Off road parking is predominantly within the frontage areas, with the majority of the properties also accommodating some space for planting. Generally, the street has a mature residential character.

4. The dwelling is proposed to the side of 9 Hound Road and would be lower in height than No 9, with a fully hipped roof. It would be set back in the plot compared to this neighbouring dwelling, which would help to retain some of the frontage space and reduce the visibility of the property in angled views within the road. The front elevation of the dwelling would accord with the building line

of the bungalow on the adjoining site. In these respects, I see no clear conflict with the limited advice in the Character Area Appraisal for Bursledon, Hamble-le-Rice and Hound (January 2008).

5. However, notwithstanding these more agreeable aspects of the scheme, the overall composition of the design, with the lower ridge, reasonably low profile form of the roof and the fairly narrow front projecting hipped gable, emphasise a scale and appearance which would be at odds with the generally more substantial form and proportions of the variety of dwellings on other plots in the vicinity. Furthermore, the dwelling would be built to within about a footpath width of each side boundary creating a somewhat cramped appearance, and the car parking would dominate the frontage area with little opportunity for landscaping.

6. The combination of all these factors would result in the dwelling itself appearing discordant compared to the general form of buildings in the vicinity and the proposal overall would be an overdevelopment of the site when viewed from the road. The presence of the dwelling would erode the open space to the side of No 9 thereby undermining the positive contribution the space makes to the immediate surroundings, and introduce a scheme that would not integrate successfully with the character of the area.

7. In this way, the scheme would not meet the National Planning Policy Framework (the Framework) requirements that developments should add to the overall quality of an area and be sympathetic to local character.

8. The nearby examples of dwellings that have been drawn to my attention, some of which have been constructed or extended up to the side boundaries, are not generally cases which exhibit the more positive aspects of the character of the street scene. Furthermore, these properties are generally larger, on more sizeable widths of plot and often with some meaningful landscaped areas. As a consequence, these developments generally appear less cramped than the proposed scheme and, therefore, I afford these examples limited weight as a justification for the proposal.

9. In the light of the above analysis, I conclude that the development would harm the character and appearance of the area and therefore conflict with saved Policy 59.BE of the Eastleigh Borough Local Plan Review 2001-2011 (the Local Plan Review 2001), Policy DM1 of the submitted Eastleigh Borough Local Plan 2011-2029 (the submitted Local Plan), Policy DM1 of the emerging Eastleigh Borough Local Plan 2016-2036 (the emerging Local Plan) and the Framework that seeks development, amongst other things, to take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood.

10. I attach extremely limited weight to Policy DM1 of the submitted Local Plan because this plan while not withdrawn has not been progressed. I attach limited weight to Policy DM1 of the emerging Local Plan because of the stage of preparation of the emerging plan and the generally consistent approach of the policy with the Framework.

Car parking

11. Saved Policy 104.T of the Local Plan Review 2001 and Policy DM14 of the emerging Local Plan requires new development to provide off-highway parking

in accordance with Eastleigh Borough Council's Residential Parking Standards Supplementary Planning Document (January 2009) (the Parking SPD). In this case, the Parking SPD requires 2 spaces to serve No 9 and 2 spaces for the additional dwelling.

12. The evidence indicates that the dropped kerb has been permitted to be widened and the plans show a space within the frontage of No 9 and three spaces within the frontage area of the proposed dwelling. While the appropriate number and size of spaces has been provided, the outer spaces in front of the new dwelling are shown to be tight against the side walls of No 9 and No 11 which is likely to restrict the ability to gain access to some types of vehicles. There would also be limited gaps between the spaces to allow access to the front door of the new dwelling and to the side passageways. This layout of parking spaces would not provide satisfactory pedestrian access to the new dwelling, which in some circumstances may be required for wheelchair and other less able users, and consequently this would adversely affect the living conditions of occupiers of the new dwelling.

13. The photograph of 3 cars parked in this frontage area submitted by the appellant appears to demonstrate that the parking of cars as proposed would restrict the ability to access all the car doors and limit access to the new building for all types of occupant and visitors.

14. The manoeuvring area to access the parking space in front of No 9 could be restricted to some extent by the area identified for car space 1 for the new dwelling. I have not been presented with clear evidence, such as a swept path analysis, to demonstrate that access and egress could be achieved satisfactorily to the space in front of No 9 if all the car parking spaces in front of the new dwelling were to be occupied.

15. The layout of the parking spaces is such that I am not satisfied that they could all be provided and used on a practical day to day basis for the reasons explained. In such circumstances, this would in all likelihood lead to some additional on street car parking with the potential to inconvenience other road users, especially as while there are on-road car parking spaces available for general use these are limited by the dropped kerbs in the area.

16. While the situation is likely to lead to inconvenience to other road users due to the additional on-road parking there is no clear evidence that this would lead to a highway safety issue that would justify refusal on this ground. Nevertheless, this would not address the harm detailed above.

17. The appellant has highlighted that a development of bungalows nearby was agreed with an unallocated parking provision of 1½ spaces per unit with no visitor parking. However, I have no detailed information that the circumstances are comparable to the present proposal and therefore attribute this matter limited weight.

18. Accordingly, I conclude that the provision of car parking would not be adequate in terms of layout and the living conditions of future occupiers of the new dwelling. In this respect the scheme would conflict with Policies 59.BE and 104.T of the Local Plan Review 2001, Policies DM23 and DM24 of the submitted Local Plan and Policies DM13 and DM14 of the emerging Local Plan and the Parking SPD, which seek, amongst other things, to provide off-road car parking in accordance with adopted standards.

19. In respect of Policies DM23 and DM24 of the submitted Local Plan I attach extremely limited weight because this plan while not withdrawn has not been progressed. In respect of Policies DM13 and DM14 of the emerging Local Plan I attribute them limited weight because of the stage of plan preparation and that they are broadly consistent with the approach in the saved policy in the Local Plan Review 2001.

The effect on the SPA

20. The evidence indicates that the site is located within the zone of recreational influence of the Solent and Southampton Water SPA. The Solent Recreation Mitigation Strategy (SRMS) advises that the Solent coast, particularly its mudflats, shingle and salt marshes, provide essential winter feeding and roosting grounds for birds that spend winter in the area. The wide range of recreational activities which take place on the coast can result in disturbance to the birds, albeit often unintentional, and this can ultimately adversely affect the bird populations.

21. Such recreational pressure would, based on the evidence, in combination with other sites, in all likelihood lead to an adverse and significant impact on the integrity of the SPA. The SRMS aims to prevent bird disturbance from recreational activities in a strategic way and there is a contribution required for every net additional dwelling within the zone of influence unless it is demonstrated that bespoke mitigation to fully mitigate the impacts of recreational impact from the development has been provided on site.

22. The appellant has indicated a willingness to pay the specified contribution on approval of planning permission. However, it is necessary to ensure that the necessary mitigation is secured at this stage so it can be considered when undertaking an appropriate assessment in terms of The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). In the absence of the required mitigation I am unable to conclude, on the evidence before me, other than that there would be a likely significant effect on the integrity of the SPA.

23. Residential development could, in all likelihood, take place elsewhere with the appropriate mitigation and therefore this site is not the only solution to deliver housing in the plan area. Furthermore, there are no imperative reasons of overriding public interest to justify permitting the development.

24. As a consequence, I conclude that the proposed scheme would be likely to have, in combination with other schemes, a significant and adverse impact on the SPA and this would conflict with Policy 25.NC of the Local Plan Review 2001, Policy DM9 of the submitted Local Plan and Policy DM11 of the emerging Local Plan which sets out, amongst other things, that development which is likely to adversely affect the integrity of an international or European nature conservation site will not be permitted.

25. I attribute extremely limited weight to Policy DM9 of the submitted Local Plan because this plan while not withdrawn has not been progressed. I attach limited weight to Policy DM11 of the emerging Local Plan because of the stage of plan preparation and that the emerging policy is broadly consistent with the approach in the Framework.

Other Matters

26. The proposal would provide a small boost to housing in an area that has reasonable access to local services and facilities. There would be social and economic benefits to the local area during construction, and in subsequent occupation. The scheme would provide a dwelling with a good sized garden and without undue impact on the living conditions of adjoining properties. However, the cumulative benefits of this windfall housing site would be limited as only a single dwelling is proposed and they do not outweigh the harm I have identified above. Furthermore, these benefits are tempered because, while the Framework seeks to make the efficient use of land, this policy is not at the expense of the desirability of maintaining an area's prevailing character and setting, including residential gardens.

Conclusion

27. Accordingly, taking all other matters into account, I conclude the appeal should be dismissed.

David Wyborn

INSPECTOR