



Appeal Decision

Site visit made on 7 August 2019

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/B1740/W/19/3228054

Land at 15 Woodvale Gardens, New Milton, Hampshire, BH25 5EE

- 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 S Morton against the decision of New Forest District Council.
 - The application Ref 18/11490, dated the 8 November 2018, was refused by notice dated the 3 January 2019.
 - The development proposed is new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Reference has been made to the National Planning Policy Framework 2018 (Framework). This has since been replaced by the February 2019 version of the Framework. However, the policies that are relevant to this appeal have not changed.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises a parcel of land to the south of 15 Woodvale Gardens (No.15). The site rises from west to east and includes areas of garden, landscaping and paving.
5. The appeal site forms part of a circa 1970's *cull de sac* development of two and three storey terraced houses. The three storey houses include undercroft parking and are located on the eastern side of the estate. The latter are arranged in a single line of ten houses, with the appeal site situated broadly in the centre providing the only open gap within the terrace.
6. The gap that is formed by the appeal site forms part of the original estate design. It provides relief to what would otherwise be a large three storey elevation of ten houses. Similar gaps are to be found throughout the estate, all of which assist in offsetting the sense of enclosure on this small estate and in providing visual breaks to the built form. Moreover, combined with the open frontages to the two storey houses and the communal landscaping strips, these gaps contribute to the sense of openness and spaciousness within the streetscene. As I observed on site, a number of these gaps also provide views

of the mature trees and greenery that form the backdrop to parts of the estate. This green backdrop is prominent in views through the appeal site from the public pavements on Manor Road.

7. The loss of the gap, formed by the appeal site, would significantly increase the sense of enclosure within the streetscene and would harm the spaciousness of this part of the estate. The depth and width of this gap creates an important space and provides relief to what is otherwise an intensely developed area. The appeal proposal would unacceptably reduce the openness at this point. It would also fail to respond to the rhythm and grain of the existing built development and would be harmful to the character and appearance of the area.
8. The appeal proposal would also introduce a further large area of hardstanding on the western side of the new dwelling. This area is currently grassed and overgrown and contributes, together with the communal 'island' of landscaping that it links with to the west, in further softening and mitigating the appearance of the existing built form.
9. The appellant argues that not all of the gap would be lost and that the space retained, which would comprise a small strip for landscaping and the existing public steps that link the estate with Manor Road, would be acceptable and would not harm the character of the area. I do not agree. The majority of the gap would be lost and the space that would remain would be limited, to an extent that the value and role that the gap currently performs would be significantly undermined and harmed.
10. The appellant refers to the impact of the single storey garages, to the west and north west of the appeal site, on the gaps they form part of. However, these garages are detached and have a very low profile due to their flat roof design. As a consequence, they do not impact on the sense of openness created by the gaps they form part of. Moreover, even with these garages in place, the green backdrop to the estate remains highly visible and prominent.
11. The appellant has referred to a new development at 116 and 118 Manor Road, which they argue is comparable. However, the context for that development is completely different. Whilst I have no information on the planning circumstances of this case, based on my observations on site, this development, of detached bungalows, sits comfortably within the streetscene.
12. The appellant argues that the scale, layout and design of the proposed dwelling replicates that of adjoining properties. That may be so, but the harm that arises is not from the design, but from the loss of the majority of the existing gap and the significant contribution that the latter makes to the openness of the estate.
13. The importance of retaining existing gaps is recognised in the Council's New Milton Local Distinctiveness Supplementary Planning Document (SPD). Section 3 (page 13) and paragraph 4.4.8 of the SPD say that gaps, in building lines, are important and that their loss can impact on the character of the area by breaking the 'rhythm' of the street, restricting views and by creating an undue sense of enclosure.
14. For the above reasons, I conclude that the appeal proposal would cause unacceptable harm to the character and appearance of the area. It would

respond poorly to local distinctiveness and result in significant harm to the visual qualities of the area. Accordingly, the development would be contrary to Policy CS2 of the New Forest District (Outside the National Park) Core Strategy (CS), the SPD and paragraphs 127 b) and c) of the Framework. These seek to ensure that new development is well designed and respects the character, identity and context of the area, contributes positively to local distinctiveness and is appropriate in terms of its scale, layout and relationship to adjoining buildings.

Other Matters

15. The Council acknowledge that they are unable to identify a 5-year supply of housing land and consequently that the relevant housing policies of the CS are out of date. In these circumstances, paragraph 11 d) ii of the Framework requires planning permission to be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*
16. The appeal proposal would boost housing supply. However, the benefits would be limited. The proposal is for one new dwelling and therefore its contribution to future housing provision would be small. It would make more effective use of the appeal site, albeit the proposal is not seeking to address a specific local need or provide affordable housing. The adverse impact to the character and appearance of the area would be significant. In my view, the harm I have identified would significantly and demonstrably outweigh these limited benefits when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development envisaged in the Framework does not apply in this instance. The Framework is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.
17. The appeal site would be in close proximity to the New Forest and Solent Coast European nature conservation sites. The Council has undertaken an Appropriate Assessment and put forward a planning condition to secure mitigation measures. The appellant has raised no objection to such a condition. As there is a substantive reason to dismiss this appeal, I have no reason to consider the suitability of the detail and implementation of these mitigation measures any further within the context of an Appropriate Assessment.

Conclusions

18. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires all proposals for development to be determined in accordance with the development plan unless material considerations indicate otherwise. There are no material considerations of sufficient weight or importance arising from this appeal that determine that the decision should be taken other than in accordance with the development plan.
19. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR