



Appeal Decision

Site visit made on 12 August 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2019

Appeal Ref: APP/Y9507/W/19/3229525

1 Elm Crescent, Upham, Winchester, Hampshire SO32 1JG

- 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 Robert Cunningham against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/04145/FUL, dated 6 August 2018, was refused by notice dated 28 February 2019.
 - The development proposed is the erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On the 2 July 2019 South Downs National Park Authority (SDNPA) adopted the South Downs Local Plan (2014-2033) (the SDLP). This supersedes the saved policy of the Winchester District Local Plan Review (2006) and the policies of the Winchester District Local Plan Part 1 – Joint Core Strategy 2013 as cited in the SDNPA's decision notice dated 28 February 2019. As these policies are no longer material considerations, I have not had regard to them in determining this appeal.
3. Nevertheless, policies of the SDLP, then emerging, were considered in the SDNPA's determination of the application Ref SDNP/18/04145/FUL, and the main parties have had the opportunity to comment on this changing policy context at appeal. I have determined this appeal against the relevant policies of the newly adopted SDLP.

Main Issues

4. The main issues are i.) the effect of the development on the character and appearance of the area, with particular reference to its location within the South Downs National Park (the NP) and ii.) whether the site would be a suitable location for housing, having regard to the Development Plan.

Reasons

Character and appearance

5. The appeal site forms part of the garden belonging to 1 Elm Crescent (No 1) which is part of a small development of 3 pairs of semi-detached dwellings. The houses within the Crescent are of similar form and design, laid out in a

- regimental manner with gaps between and to the side of the buildings, which deliver a mature verdant setting.
6. The Crescent is rather an anomaly within the settlement, which is characterised primarily by dwellings with road frontages displaying a ribbon form of development through the village. The houses within Elm Crescent are set back from the road at a higher level and are clearly visible from the main village street. With two large swathes of grassed open areas to the front, and the open frontages which display the strong facades, the layout of the development makes a significant contribution to the rural setting and character of this part of the village.
 7. The appeal proposal would introduce a single dwelling with not dissimilar proportions to the individual semi-detached properties within the Crescent. The Council acknowledges that following previous proposals, the design of the appeal proposal better reflects its neighbours in terms of proportion, architectural features and materials, except for the design of the fenestration, and I have no reason to disagree.
 8. Nevertheless, the proposed introduction of a single detached dwelling at one end of the pairs of houses would represent a conspicuous intrusion into the ordered layout of the Crescent. Its proposed siting would jar with the clean building line which is particularly noticeable when approaching from the east along Upham Street. It would be at odds with the character of the Crescent which has its particular rhythm in its symmetry displayed by both the buildings and the spaces, not only in between, but around the buildings. Set back from the roadway and displaying a homogenous design, the proposed arrangement would appear visually cramped and contrived and would not reflect the established pattern of development within the Crescent.
 9. The proposal would result in a marked loss of the appeal site's openness and landscape qualities and would significantly change the appearance of this prominent site when viewed from within the site, and adjacent land and properties. The siting of the new dwelling would not respect the spatial characteristics of Elm Crescent, which is important to the overall character and appearance of the area. As a result, the development would fail to make a positive contribution to the rural settlement and to the visual integrity, identity and scenic quality of the NP.
 10. For the reasons outlined above, I conclude that the development would cause significant harm to the character and appearance of the area and the setting of the NP. Consequently, and in this regard, it would be contrary to Policies SD4 and SD5 of the South Downs Local Plan (2019) (the SDLP), which require that, amongst other matters, new development conserves and enhances the character and appearance of the area and makes a positive contribution to local distinctiveness through its relationship to adjoining buildings and spaces and landscape features.

Location of development

11. The recently adopted SDLP sets out the housing strategy for the area and Policy SD25 sets a clear distinction between land within a settlement boundary, where the principle of further development is established, and countryside. The policy identifies 53 settlements that are considered well-placed to

accommodate some level of growth and generally limits new residential development to within settlement boundaries.

12. Upham is not included within this group of settlements and consequently does not have a settlement boundary. In planning policy terms, the village is treated as countryside where there is a general presumption against new development. There is nothing before me to indicate that the proposal falls within the exceptional circumstances set out in Policy SD25 of the SDLP.
13. For these reasons, the site is not an appropriate location for the proposed development. It would fail to comply with Policy SD25 of the SDLP which seeks to resist development in the countryside in the absence of exceptional circumstances. It would also conflict with Policy SD1 of the SDLP which reflects the presumption in favour of sustainable development where proposals accord with relevant policies within the plan as a whole and conserve and enhance the natural beauty of the area. As Policy SD26 of the SDLP sets out figures for how many new homes will be provided in individual settlements, this does not appear relevant to the appeal site. Accordingly, the proposal would be unacceptable in principle having regard to the aforementioned SDLP policies.

Other Matters

14. I acknowledge the appellant has, on the advice of the Council, undertaken various amendments to the scheme previously submitted, including reducing the proportions of development and re-siting. Furthermore, I recognise the support for the scheme from some residents. I also note the appellant's concerns about the length of time that it took to determine the planning application and hence the consequences of the adoption of the SDLP.
15. Nevertheless, it has been necessary that I determine this appeal on the basis of the most up to date policy position having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004. For the foregoing reasons, I have found the proposal to be unacceptable both in terms of location and its effect on the character and appearance of the area. The length of time to determine the planning application would not provide reasonable justification for allowing the appeal.
16. Reference has been made to other development in Upham Street however, I have not been provided with full information relating to the circumstances which led to this development being approved and whether such development was comparable to the appeal site. In any event, such development would not alter my views in terms of the overall distinctive characteristics of the setting.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

S Hanson

INSPECTOR