



Appeal Decision

Site visit made on 4 September 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2019

Appeal Ref: APP/C1760/W/19/3224510

Heather Corner, Chilworth Road, Chilworth SO16 7JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr T Sweetnam of Firvale Clinic against the decision of Test Valley Borough Council.
 - The application Ref 18/03196/FULLS, dated 2 December 2018, was refused by notice dated 5 February 2019.
 - The development proposed is use of part of the house as a private aesthetic medicine clinic and conversion of existing garaging to allow the retention of a 3-bed house (retrospective).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr T Sweetnam of Firvale Clinic against Test Valley Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the determination of the planning application, the National Planning Policy Framework (the Framework) has been updated. References to the Framework within this decision relate to the latest version published on 19 February 2019.
4. Retention does not constitute an act of development and for this reason, I have used the description of development as stated on the Decision Notice.
5. Part of the house is in use as a private aesthetic medicine clinic, and I shall therefore consider the appeal on the basis that the development is part retrospective.

Main Issues

6. The main issues are the effect of the proposal on (1) the character and appearance of the Chilworth Residential Area of Special Character and (2) the Borough's housing stock.

Reasons

Character and appearance

7. The appeal site forms part of the Chilworth Residential Area of Special Character (RASC), an established residential area of high quality and with an identity, which sets it apart from the remainder of the urban environment as a whole¹. Heather Corner is a large detached property, which sits within a spacious, verdant plot. This is consistent with the pattern of low-density development which characterises the locality. Most properties are significantly set back from the road, and sit within large, landscaped grounds, thus giving the area a pleasant and tranquil setting.
8. The aesthetic medicine clinic occupies a substantial part of the ground floor level, and part of the first floor level of the existing building. As part of the appeal proposal, the rest of the property would remain in residential use. External alterations would be required to convert the existing triple garage to additional residential accommodation, but also extend the car parking area.
9. The use of part of the premises as a clinic starkly contrasts with the type of development that prevails in this area which, as noted above, is characterised by large residential properties. This would be exacerbated by the scale of the clinic which, in the context of the Chilworth RASC, would appear disproportionate in comparison with the residential element.
10. Whilst the external alterations to the existing building would remain relatively limited, the appeal scheme constitutes an intensification of activity on the plot. The use of a significant part of the building as a clinic inevitably generates more comings and goings, which would be exacerbated by the level of car parking required for both the commercial and residential elements.
11. As shown on the plans, 13 car parking spaces would be formally created, which would be significantly higher than the number of vehicles normally associated with a single dwelling. I accept that this may represent a worst-case scenario, but I am required to have regard to the proposal before me and assess its resultant effect. For these reasons, the development adversely affects the prevailing character of the Chilworth RASC. Although it is suggested that the wooden gate could be closed if required, this would not constitute a reasonable or enforceable condition, particularly in the context of premises subject to comings and goings throughout the day.
12. In reaching this conclusion, I have considered the conditions suggested by the main parties, notably to limit the number of treatment rooms. However, such a condition is unlikely to be enforceable in practice, particularly given the evidence that would be required to demonstrate that the condition has been breached.
13. Furthermore, my attention has been drawn to an appeal decision², which granted planning permission for the erection of four dwellings following the demolition of Heather Hill. Other than the geographical proximity to Heather Corner, the circumstances of that particular residential scheme are not considered to represent a direct parallel to the appeal proposal which, in any event, I am required to assess on its individual merits. I have also had regard to the employment generated by the clinic, but this does not outweigh the harm which I have identified.

¹ Residential Areas of Special Character Supplementary Planning Document – January 2019.

² APP/C1760/W/16/3152135.

14. For these reasons, I consider that the clinic use does not constitute a type of development which is compatible with the residential character of the Chilworth RASC, thus conflicting with Policies E4b) and E1d) of the Test Valley Borough Revised Local Plan DPD³(LP) as well as the Chilworth Village Design Statement. These policies are considered to be consistent with the Framework, particularly paragraph 127, which notably states that development should be sympathetic to local character and maintain a strong sense of place.

Housing stock

15. The partial change of use to a clinic currently results in the loss of a large dwelling. However, the appeal scheme would nevertheless ensure that a 3-bed dwelling is provided, albeit smaller than the original property. Subject to the provision of this dwellinghouse, the number of residential properties on this site would remain unchanged and the proposal would not therefore affect the Council's housing stock.
16. The Council may not regard the proposed 3-bed dwelling as an equivalent replacement to the original property, as the level of residential floorspace would overall be reduced as a result of the proposal. However, LP Policy COM1 sets out the housing requirements for the Borough, which indicates, as further evidenced by the supported text⁴ to this policy, that the LP seeks before all to resist the loss of dwellings, rather than the loss of residential floorspace. Additionally, the proposed 3-bed property would still be defined as a dwellinghouse, and would in that regard constitute a type of development which would be consistent with the Chilworth RASC. I therefore find no conflict with LP Policy COM1.

Conclusion

17. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR

³ Adopted Local Plan 2011-2029 – January 2016.

⁴ Paragraph 5.34.