



Appeal Decision

Site visit made on 10 September 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2019.

Appeal Ref: APP/W1715/W/19/3229639

21 Hocombe Road, Chandler's Ford, Eastleigh SO53 5SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Matthews against the decision of Eastleigh Borough Council.
 - The application Ref O/18/84620, dated 10 December 2018, was refused by notice dated 6 February 2019.
 - The development proposed is new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal application was made in outline form with matters of scale, appearance and landscaping to be considered at reserved matters stage. A plan detailing elevations and floor layouts of a dwelling has been submitted with the appeal application (Drawing No E-ID-426.1.04). Insofar as the scale and appearance of the proposal is reserved, I have treated this plan as purely indicative.
3. The Council indicates that the flood risk reason for refusal has been subsequently addressed through the submission of an updated Flood Risk Assessment. The Environment Agency has also subsequently advised that, subject to conditions, it no longer objects to the proposal. I shall proceed on this basis.
4. The Council has highlighted that since the appeal application was determined, an issue has arisen in relation to the potential effects of the proposal on the Solent and Southampton Waters Special Protection Area (SPA). I deal with this matter further below.

Main Issues

5. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of future occupiers, with particular regard to the adequacy of garden space.

Reasons

Character and appearance

6. The character of the area is defined by its many trees and the spacious quality of predominantly detached dwellings set back from the road within generous plots. Whilst there is no uniform style of dwelling, most are two storeys, well-proportioned and are orientated to face towards Hocombe Road with the widest part of the dwelling largely occupying most of the width of the plot. The appeal dwelling, No 21, has a plot of particularly generous dimensions with excess space to the side that does not appear to be a feature of neighbouring plots. This space is largely occupied by trees towards the front, centre and on its boundaries.
7. The proposal would introduce a dwelling with a disproportionately narrow frontage to the space to the side of No 21, set back from the general building line observed by dwellings elsewhere along the road. The existing trees to the front, sides and rear of the dwelling appear to dictate its irregular form and positioning. The proposed dwelling would extend deeper into its plot to compensate for its narrowness.
8. Whilst it is evident that consideration has been given to retaining the existing trees as far as possible to accord with Local Plan¹ Policy 181.LB which seeks to protect the special character of Hiltingbury, the way in which this has dictated the form and siting of the dwelling would undermine the existing coherent character and appearance of the area. The relationship of the building to the retained trees would also lend to a sense of the plot being overcrowded, although this is unrelated to the density of development relative to plot size and the number of houses proposed in purely numerical terms.
9. Other than to preserve existing trees and ensure that the siting and type of development is in accord with the area, the requirements of Local Plan Policy 181.LB are also to ensure that any proposed subdivision of the plot would not result in the plot being significantly smaller than those in the immediate vicinity of the site and to ensure that an appropriate scheme of landscaping accompanies any proposal. I am satisfied that, on balance, the plot size would be comparable in size to some of the more modest plots along Hocombe Road, albeit significantly constrained by the number and position of trees. The appellant has offered to retain the large majority of trees as an appropriate scheme of landscaping with additional planting if necessary. I agree that further landscaping could be conditioned were it considered necessary.
10. In terms of the design of the proposed dwelling, this is a reserved matter. However, the fixed layout lends to an understanding of the way in which the dwelling would be viewed in the street scene. For reasons of its narrow frontage and position relative to the road and common building line, the dwelling would appear an anomaly in the street scene. Whilst it would not be particularly prominent given the extent of tree coverage in the area, this does not negate the need for it to be designed to accord with the prevailing character of the area so that it reads as a coherent part thereof in attainable views.
11. I acknowledge that it may be possible, using innovative design techniques, to allow sufficient light to enter any proposed dwelling in order to minimise the pressure to prune any trees as they presently exist. However, as it has been noted, the only changes to the area since previous appeals is that the trees have grown and matured further. Given the density of trees and the proximity

¹ Eastleigh Borough Local Plan 2001 – 2011

of the dwelling thereto, this continued growth would likely lead to tensions for future occupiers of any dwelling built on the site to prune the trees to optimise internal living conditions.

12. Similarly, I also acknowledge that the National Planning Policy Framework (2019) (the Framework) supports innovative design solutions. However, for reasons of its form and siting, the proposed dwelling would appear incongruous considered in the context of the existing pattern of development. The appearance of the dwelling is not for my consideration at this juncture.
13. In view of this main issue, the proposal would harm the character and appearance of the area and therefore conflicts with Local Plan Policies 59.BE and 181.LB which seek to protect the special character of Hiltingbury and that development proposals are appropriate in mass, scale, materials, layout, density, design and siting, both in themselves and in relation to adjoining buildings, spaces and views, natural features and trees worthy of retention.

Adequacy of garden space

14. The external amenity space to serve the proposed dwelling would take the form of a space predominantly to the rear of the dwelling. It would also be enclosed by trees and vegetation giving it a high degree of privacy. The size of the south facing element of the rear garden is suggested by the appellant as being in the region of 1,000 sqm and exceeds the minimum requirement of 60% of the floorspace set by the Quality Places SPD². Whilst generous in size, the garden is largely dominated by trees growing in the central area and around the perimeter of the site. These trees subject the site to a high degree of shading, leaf fall and have made the ground uneven where some of the tree roots extend just beneath the surface.
15. The far end of the garden would be less constrained by the number and position of existing trees and could offer a pocket of space that would be less shaded and more useable. Although it is claimed that the site is not entirely covered by tree canopies, there is no measurement of the size of this area put forward by the appellant. However, the modest area of unshaded space that would be available would be separated from the dwelling by the central wooded section of the garden, creating a compromised and illogical layout. There would also be competing tensions for such a modest area of unshaded space for sitting out and clothes drying, highlighting the limitations posed by the shaded areas. Such a compromised layout could still lead to future occupiers seeking to remove additional trees from the site.
16. In view of this main issue, the proposal would fail to achieve satisfactory living conditions for future occupiers, with particular regard to the adequacy of external amenity space. As such, in this regard, the proposal conflicts with Local Plan Policies 59.BE and 181.LB which seek to ensure developments take full and proper account of the context of the site and does not involve the loss, or prejudice the retention of existing mature healthy trees on the site.

Other Matters

17. I note that there is no dispute about the principle of development and that the site is considered to be a sustainable location. I also note that the proposal would result in an increase of one dwelling within the local housing stock and

² Quality Places Supplementary Planning Document – Adopted November 2011

would generate both economic and social benefits. I attribute these benefits moderate weight in my assessment.

18. The whole of the borough of Eastleigh utilises waste water treatment works that discharge into the SPA which is designated in accordance with the Habitats Directive as transposed in the UK by the Conservation of Habitats and Species Regulations 2017. Natural England has highlighted that all types of development that would result in a net increase in population served by a wastewater system, including new homes, will have inevitable wastewater implications through an increase in nitrogen which, considered in combination with other developments, result in harm to the integrity of the SPA. Subject to the outcome of an Appropriate Assessment, it may be possible for the appellant to propose a means of securing measures to demonstrate achievement of nutrient neutrality, thus mitigating the effects on the SPA. Two potential measures are put forward by the appellant, including the use of a non-mains foul drainage system, or for an offset allowance from the cessation of agricultural use of two Council-owned sites. Whilst I have limited information in respect of either of these options, as the appeal is being dismissed for other reasons, I have not considered this matter further.

Conclusion

19. For the reasons given above, the proposal would not accord with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Hollie Nicholls

INSPECTOR