
Appeal Decision

Site visit made on 3 September 2019

by L McKay MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 12th November 2019.

Appeal Ref: APP/B1740/W/19/3229999
53 Seymour Road, Ringwood BH24 1SQ

- 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 Willis Owen against the decision of New Forest District Council.
 - The application Ref 18/11561, dated 20 November 2018, was refused by notice dated 13 March 2019.
 - The development proposed is alterations to existing dwelling and creation of new dwelling with cycle stores and parking, extend dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposed development on the character and appearance of the area, and neighbours' living conditions in respect of noise and disturbance.

Reasons

Character and appearance

3. Consistent with the objectives of the National Planning Policy Framework (Framework), Policy CS2 of the New Forest District (outside the National Park) Core Strategy 2009 (NFDCCS) requires all new development to, amongst other things, contribute positively to local distinctiveness and sense of place. The Ringwood Local Distinctiveness Supplementary Planning Document 2013 (SPD) identifies several large garden spaces or groups of tranquil garden spaces as elements of the character and identity of this part of Ringwood. Most of the rear garden of the appeal site is within one of these garden groups. The appellant has raised concerns about the evidence base for the SPD and its 'broad brush' analysis. The SPD is designed to provide detailed guidance on the implementation of policies in the development plan. It is not therefore intended to replace or remove the need for site specific analysis, nor does it preclude development in gardens. Accordingly, the SPD attracts significant weight.
4. Although there are other dwellings in rear garden locations scattered around the local area, the prevailing character is of detached dwellings with street frontages and good sized gardens behind. The proposal would introduce a dwelling centrally into this group of gardens, which does not currently contain

any dwellings or substantial buildings. Therefore, the proposal would be a marked change to the pattern of development in the locality.

5. Tall hedges and small trees around the site boundaries give the garden a verdant, enclosed feel. It and surrounding rear gardens are noticeably quieter than the areas in front of the dwellings, and are pleasant, tranquil spaces. The proposed dwelling would introduce additional domestic activity and vehicle movements, generating more noise and disturbance than is currently experienced in this area. As a result, the tranquil character of the group of gardens would be significantly and harmfully altered.
6. The proposed hardstanding would extend to the boundaries of the site, where there is currently mature vegetation. Although not shown on the proposed plans, some of the existing trees and hedging would have to be removed or at least cut back to accommodate the parking and turning areas. As a result, the proposal would adversely affect the green and enclosed nature of the site.
7. The proposal would substantially reduce the size of the garden of the existing dwelling and provide only a modest garden for the proposed dwelling. Both gardens would be markedly smaller than those of surrounding properties and the development would appear cramped in comparison to the more spacious plots in the surrounding area.
8. The form and appearance of the proposed dwelling would be similar to the existing dwelling and in keeping with other dwellings in the area. From public vantage points on Seymour Road and Seymour Gardens, the view into the site would be of part of the proposed dwelling and its bin store, seen across a considerable expanse of hardstanding. The dominance of the hardstanding would result in a harsh and unattractive appearance. Although this would only be seen when approaching the driveway, nonetheless it would adversely affect the appearance of the site and the immediate area. Due to the limited space available for landscaping, this harm could not be mitigated by planning conditions.
9. The proposal would result in significant harm to the character and appearance of the area and compromise the integrity of this identified group of gardens. Although the site is not in a conservation area or other designated area, nonetheless the proposal would harm specific elements of local distinctiveness identified in the SPD. It would therefore conflict with Policy CS2 of the NFDCS and with the SPD, which seeks to protect local character and maintain the positive features that contribute to the local distinctiveness of the area.
10. The proposal would also conflict with Framework paragraphs 124 and 127 which, amongst other things, identify good design as a key aspect of sustainable development and seek to ensure that developments add to the overall quality of the area, are visually attractive and are sympathetic to local character.
11. The Council has drawn my attention to conflict with Policy 13 of the Local Plan Review 2016-2036 Part One: Planning Strategy (LPR) which relates to design quality and local distinctiveness. Although the LPR is at an advanced stage, there are no details of any proposed modifications or unresolved objections. Therefore, the emerging plan attracts only limited weight.

Living conditions

12. The proposal would introduce vehicular movements immediately adjacent to the boundaries with the gardens of 51, 53 and 55 Seymour Road and alongside several windows in the side of No 53. The proposed layout would require vehicles to reverse into or out of the parking spaces. Although this could be done in relatively few manoeuvres, it would nevertheless generate noise and disturbance. While a single dwelling is likely to generate relatively few movements per day, the impacts would be harmful in what are currently quiet garden spaces.
13. There would be insufficient space within the site to provide enough landscaping to create a buffer between the proposed vehicle movements and the neighbouring properties. As such, the harm identified above could not be mitigated by appropriately worded planning conditions.
14. Consequently, the proposal would harm the living conditions of the occupiers of 51, 53 and 55 Seymour Road in respect of noise and disturbance. It would therefore conflict with Policy CS2 of the NFDCCS insofar as it seeks to prevent development which would cause unacceptable effects on local amenities by reason of noise, and with the objective of Framework paragraph 127 to achieve a high standard of amenity for existing users.

Other matters

15. The appellant has referred me to 12 other developments in surrounding roads, which I have visited. While there are some drawings from these cases, there are limited details of the circumstances which led to those examples being built, or of the previous condition and use of the sites. Some, such as at 87 Poulner Road, pre-date the adoption of the NFDCCS and the SPD, so were determined in a different policy context. Others are for subdivisions of plots with the dwellings side by side, so are not directly comparable with the appeal proposal. According to the Council, the recently permitted scheme at Peacehaven is on a site previously used as open storage with an existing access. The plot is also wider and larger than the appeal site, allowing for more landscaping. Consequently, it is materially different to the appeal proposal, which is considered on its own merits. These developments are scattered around the local area and have not altered the prevailing pattern of development to the extent that the appeal proposal would be any less harmful to the character and appearance of the area.
16. The appellant has also directed me to an appeal decision¹ for a development of 43 retirement properties. There, the Council's lack of five-year housing land supply was given weight, but significant social and economic benefits were also identified which weighed in favour of that proposal, in particular the contribution to retirement housing for which there was an identified need and no alternative sites. The situation is not therefore directly comparable to this appeal and attracts very limited weight.

Planning balance and conclusion

17. For the above reasons, the proposed development would conflict with the development plan when read as a whole. The parties agree that the Council cannot demonstrate a 5-year supply of housing land, therefore paragraph 11d)

¹ APP/B1740/W/18/3198347

of the Framework is engaged. There is however disagreement between the parties as to the extent of the shortfall.

18. The proposal would contribute to the Framework objective of boosting the supply of homes and as a small site, is potentially capable of being built out quickly. There would also be economic benefits from construction and occupation of the proposed dwelling. However, the contribution of one dwelling would be small, and consequently carries limited weight.
19. The proposal would provide an energy efficient dwelling in a built-up area, where services and facilities are easily accessible without private transport, which would contribute to sustainability of the local community. It would accord with the objectives of the Framework to make efficient use of land and support the development of windfall sites in existing settlements. It would however conflict with Framework policies which promote good design and high standards of amenity.
20. The proposal would be acceptable in terms of highway safety, access and parking, is not in an area of flood risk and would not overlook neighbours. These matters are of neutral consequence in the planning balance however.
21. The proposal would result in significant harm to the character and appearance of the area and to the living conditions of existing occupiers and I give substantial weight to the resulting conflict with the development plan. Even if I were to conclude that there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of providing one additional dwelling, when assessed against the policies of the Framework taken as a whole.
22. The proposal has the potential to impact on the New Forest and Solent Coast European sites² (NFSC European sites) and the River Avon Special Area of Conservation (RASAC). However, as the appeal is being dismissed for other reasons this is not a matter that needs to be addressed.
23. Overall, taking account of the Framework and the above considerations, including the benefits of the development, I find that material considerations do not indicate that planning permission should be granted for the development, which conflicts with the development plan. Consequently, the appeal should be dismissed.

L McKay

INSPECTOR

² New Forest European Site comprising the New Forest SAC/SPA/RAMSAR site and the Solent Coast European site comprising Southampton Water SPA/RAMSAR site, Solent & Isle of Wight Lagoons SAC, Solent Maritime SAC