



Appeal Decision

Site visit made on 2 December 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Appeal Ref: APP/C1760/W/19/3236264

Poplar Vale, Foundry Road, Anna Valley SP11 7LX

- 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 Poplar Vale (Anna Valley) Ltd against the decision of Test Valley Borough Council.
 - The application Ref 19/00181/FULLN, dated 23 January 2019, was refused by notice dated 21 March 2019.
 - The development proposed is four new residential dwellings with associated garaging and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, revised plans were submitted showing some obscure glazed panel enclosures around balconies on the proposed dwellings and altering internal garage widths. Where amendments are proposed, regard should be had to the 'Wheatcroft'¹ principles - including whether the amendments would materially alter the nature of the application and whether anyone who should have been consulted on the changed development would be deprived of that opportunity. As the plans detail minor amendments, and the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take the amended plans into account. I shall therefore determine the appeal on the basis of the plans referred to on the decision notice, as well as the amended plans submitted as part of the appeal.
3. The Council indicates that the submitted amended plans adequately address the seventh reason for refusal which relates to parking standards. I shall proceed on this basis.
4. Since the appeal application was determined, Natural England has updated its advice in respect of the increase in population and associated waste water implications within the zone of influence of the Solent and Southampton Waters Special Protection Area (SPA). I address this matter further below.

¹ Wheatcroft Ltd V SSE [1982]

Main Issues

5. The main issues are:

- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on future and neighbouring occupiers, with particular regard to the adequacy of garden space and overlooking,
- The effect of the proposal on the living conditions of neighbouring occupiers at Poplar Vale, with particular regard to noise and disturbance; and
- Whether the proposal would adequately mitigate any effects on the biodiversity value of the site and adjacent Pillhill Brook.

Reasons

Character and appearance

6. The appeal site lies within the settlement and also within the Local Gap, respectively defined by Policies COM2 and E3 of the Revised Local Plan². There is no disagreement about the principle of development in respect of its position within the settlement. The issue between the parties is the effect of the proposal on the character and appearance of the area, which falls within the Local Gap.
7. There is an extant permission for the construction of a dwelling adjacent to the appeal site which appeared to have been implemented at the time of my site visit through the construction of foundations. That dwelling has also been accepted as capable of forming part of the Local Gap without harm to its character and appearance.
8. The appeal site lies to the rear of the dwelling known as Poplar Vale which forms part of a limited number of dwellings lining the northern side of Foundry Road. Poplar Vale and its neighbours have spacious plots and are interspersed with a high number of trees. Owing to the density of trees, topography and the existence of the dwellings themselves, this particular cluster of dwellings contributes little to the openness of the Local Gap. The views back towards the site from Balksbury Hill confirm that the site is occupied by buildings and along with the cluster of adjoining dwellings, does not appear to visually relate to the integrity of the Local Gap.
9. In a wider context, the appeal site also lies a short distance from the boundary of the Upper Clatford Conservation Area (CA) and is close to the non-designated heritage assets (NDHAs), St Anne's Well and April Cottage. These buildings are sited a short distance to the east of the appeal site and constitute NDHAs in terms of the application of policies of the National Planning Policy Framework (the Framework).
10. The Conservation Area Character Appraisal³ defines the special qualities of the CA (Upper Clatford) along with that of Goodworth Clatford, as comprising a good number of timber framed, thatched cottages and large distinctive historic houses which utilise characteristic building materials and architectural features, including porches. Both villages are surrounded by open space and traditional

² Test Valley Borough Revised Local Plan DPD – Adopted Local Plan 2011 – 2029: adopted January 2016

³ Goodworth Clatford and Upper Clatford Conservation Area Character Appraisal

water meadows which contribute to their setting. There is also a strong sense of enclosure provided in part by brick and flint walls, well established hedgerows, mature gardens and trees.

11. The appeal site is not situated within the CA. Owing to the location of the site and density of tree screening in the area, the appeal site is viewed as a distinct entity which bears little resemblance to any of the CA's special qualities. The existing dwellings on, and directly adjoining the appeal site, are of modern character. The buildings which have, or are yet to be removed from the appeal site, are features that have less cohesion with the wider surroundings given that it is a predominately residential area. As such, I do not consider that the appeal site makes any contribution to the significance of the CA or its setting. For similar reasons, nor do I consider that the appeal site contributes to the significance or setting of the identified NDHAs.
12. The appeal proposal would introduce a scheme of bulky, two storey dwellings closely arranged on the site. Given their collective bulk and massing, the extent of coverage of buildings on site and their visibility in localised views owing to their height, the appeal proposal would result in a harmful urbanisation of the site that would undermine the area's character and appearance. The tight-knit arrangement of buildings would undermine the sense of spaciousness presented by the built form in this area. Owing to the density and design of the scheme, its impact on the site and immediate surroundings are sufficiently harmful so as to raise conflict with Revised Local Plan Policies E1 and E2, despite that there would be little effect on the integrity of the Local Gap.
13. In view of this main issue, the proposal would conflict with, in particular, Revised Local Plan Policies E1 and E2 which, amongst other things, set out that new development should integrate, respect and complement the character of the area in which the development is located in terms of layout, appearance, scale, materials and building styles. The proposal would not conflict with Revised Local Plan Policy E3 as it would not individually or cumulatively with other existing or proposed development compromise the integrity of the Local Gap. Similarly, there would be a neutral effect on the setting of the NDHAs and CA.

Living conditions of future and neighbouring occupiers

14. The gardens for the proposed dwellings would be sited to the rear and some would adjoin the bank of Pillhill Brook. Owing to the layout of the proposal and the retention of existing trees, the gardens would be compromised to a degree by their orientation and the extent to which they would be shaded by the retained trees and the dwellings themselves. Nonetheless, the gardens would be sufficiently spacious and would provide a sufficiently pleasant outdoor environment for the proposed occupiers.
15. The amended plans provide for privacy screens on the side of the balconies of the proposed dwellings. This alteration would mean that the privacy of future occupants of plots 1 and 2 would be protected from one another. However, the rear-facing aspect of each balcony would be contained by a low, clear glazed balustrade. This would still allow future occupants to look into the windows, balcony and garden of Cricklade Lodge and harm the amenities of its future occupiers. Whilst there is a suggestion that the balconies could be removed, no such plans are before me to consider.

16. Proposed plot 4 would also be sited in close proximity of the extant dwelling on site. Whilst that dwelling has been designed to take advantage of a spacious curtilage and outlook towards Pillhill Brook, owing to the siting, scale and form of the proposed dwelling (plot 4), there would instead be a significant expanse of flank wall and close boarded fence which would dominate views from the garden and principal elevation. The living conditions and outlook for the occupant of the extant dwelling would therefore be undermined to an unacceptable degree.
17. In view of this main issue, the proposal would harm the living conditions of neighbouring occupiers and would therefore be contrary to Revised Local Plan Policy LHW4 which seeks to ensure that new development provides for the privacy and amenity of its occupants and those of neighbouring properties.

Living Conditions of occupiers of Poplar Vale

18. The host dwelling, Poplar Vale, is situated adjacent to, and has little meaningful set back from the area that would form the shared surface access road intended to serve all proposed dwellings, including that currently under construction. Its main entrance door faces onto the access and a number of windows in its side elevation also face onto it. The rear garden also adjoins the proposed access and is currently exposed in parts owing to the absence of some fence panels.
19. The use of the access for one additional dwelling to the rear of Poplar Vale has already been established by the extant permission. Notwithstanding that the proposed access may be suitable for the proposal from a highway safety perspective, the proposal would add substantially to the number of cars that would use the access with vehicular movements from four additional family homes. The restricted width and alignment of the access would prevent two way traffic from passing alongside Poplar Vale. This also suggests that there would be a high number of instances where vehicles would wait for other vehicles to pass either alongside Poplar Vale or its garden.
20. Given the anticipated number of additional vehicular movements and close proximity of the access to Poplar Vale, the proposal would result in an unacceptable degree of disturbance for which there has been little consideration of mitigation. For these reasons, the proposal would be harmful to the living conditions of the occupiers of Poplar Vale, contrary to Revised Local Plan Policies E8 and LHW4. Read together, these Policies seek to ensure that development does not result in pollution (including noise) that would cause unacceptable effects on general amenity.

Biodiversity effects

21. Notwithstanding that the appeal application was accompanied by bat surveys, it does not appear that any assessment was made of the baseline ecological value of the remainder of the site or the adjoining Pillhill Brook.
22. Some of the appeal site is in use as a domestic curtilage which has introduced a degree of domestication along the bank of Pillhill Brook. There appeared to be no management of any surface water run-off from either the curtilage or construction activities.
23. The proposal would result in an intensification of the population on site, additional hard surfaced areas and potentially also a number of different

occupiers with different intentions for the management of their respective gardens with boundaries backing onto the Brook. As such, whilst I understand that the appellant may have been presented with limited opportunities to address this matter prior to the determination of the appeal application, no information has come forward as part of the appeal that indicates that the proposal would maintain the biodiversity value of the site and adjoining watercourse.

24. In view of this main issue, in the absence of information to the contrary, the proposal would harm the biodiversity value of the site and adjacent watercourse, contrary to Revised Local Plan Policy E5. This Policy, amongst other things, seeks to ensure that development in the Borough conserves, and where possible restores and/or enhances biodiversity.

Other Matters

SPA

25. The appeal site lies within the zone of influence of 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 (Habitat Regulations).
26. Since the appeal application was determined, Natural England has revised its advice in respect of the potential effect of an increase in population within the zone of influence of the SPA. The '*Advice on achieving nutrient neutrality for new development in the Solent Region*' is dated June 2019 and sets out that new development which includes overnight accommodation would be likely to result in additional wastewater discharging to the SPA which affects the balance of its nutrients and thus has the potential to harm its integrity. This issue therefore requires detailed consideration.
27. The appellant has not provided any additional information in respect of the potential effects on the SPA in this regard and nor has any mitigation been secured were it necessary. However, as the circumstances that could have led to the granting of planning permission are not present, it is not necessary for me to ascertain the appropriateness of the scheme or necessity for mitigation within an Appropriate Assessment. Consequently, as I am dismissing the appeal for other reasons, I have not taken this matter further.

General matters

28. I note that there is support for the proposal from a neighbouring occupier given the contribution of the houses to the local housing stock and the additional choice it will offer to families wishing to reside in the area. Whilst this is a positive aspect of the proposal, this does not alter my findings in respect of the main issues.

Planning balance and conclusion

29. The benefits of the proposal include the provision of four dwellings in a sustainable location. The dwellings would add to the local housing stock and would create economic and social benefits, throughout the construction phase and also during their occupation. The scale of these benefits are modest given the scale of the proposal.

30. The proposal would harm the character and appearance of the area, result in harm to the living conditions of the neighbouring occupiers and in the absence of evidence to the contrary, would harm the biodiversity value of the site.
31. For these reasons, the proposal conflicts with the development plan and Framework when read together. There are no matters of sufficient materiality to outweigh the identified conflicts.
32. Consequently, the appeal is dismissed.

Hollie Nicholls

INSPECTOR