



Appeal Decision

Site visit made on 10 December 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/C1760/W/19/3234211

12 Hill View Road, Braishfield S051 0PP

- 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 K Bryant against the decision of Test Valley Borough Council.
 - The application Ref 19/00536/FULLS, dated 1 March 2019, was refused by notice dated 20 June 2019.
 - The development proposed is described as proposed land severance to form single storey detached dwelling for supported living at the rear of 12 Hill View Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal, the Council indicated that it no longer wished to pursue the third reason for refusal on the Decision Notice. This was because the appellant provided the Council with a financial contribution to mitigate the effect of the development on the New Forest Special Protection Area (SPA). If I were not dismissing the appeal, I would have carried out – as competent authority – an appropriate assessment of the implications of the development for the SPA in view of its conservation objectives. However, as I am dismissing the appeal for other reasons and the Council no longer contests the issue, I am not pursuing it further because it could not lead me to a different decision.

Main Issues

3. The main issues are the effect of the development on: the living conditions of the occupants of 12 Hill View Road; and the character and appearance of the surrounding area, with particular regard to siting.

Reasons

Living conditions

4. The appeal proposal includes the provision of two parking spaces for use by the occupants of the proposed development. One of these spaces would be directly in front of a window in No 12.
5. It has been put to me that the appellant would effectively have control over who used that parking space, its use would be a private arrangement between the occupiers of the new dwelling and No 12, and it would be used less frequently than the other space at the head of Hill View Road or parking on the verge or road. However, with the new dwelling being self-contained and with little indication that it would operate as ancillary accommodation, the

occupants of the proposed development would not necessarily be associated with the occupants of No 12. Although the appellant presently resides at No 12 and may currently intend to retain control over the new dwelling and its parking, there is little evidence before me that indicates that the appellant and any future occupants of No 12 would retain control of the appeal site and new dwelling indefinitely. As the parking space in front of No 12 is closest to the new dwelling and would provide parking for it, it is also more likely to be favoured by occupants and visitors of the proposed development than the other space or parking on the road or verge.

6. Accordingly, due to the location directly in front of No 12, use of the parking space by occupants and visitors to the new dwelling would result in loss of privacy and create noise and disturbance for the occupants of No 12. This would stem from, amongst other aspects, vehicle manoeuvring, the use of headlights, and people going to and from the parking space and opening and closing car doors in close proximity to the window of No 12. The proposed soft landscaping between the window and parking space would be insufficient to mitigate this. Whether the existing hardstanding could be extended irrespective of the appeal proposal does not lead me to a different conclusion.
7. For the above reasons, I find that the development would harm the living conditions of the occupants of No 12. It would therefore conflict with Policy LHW4 of the Test Valley Borough Revised Local Plan (2016) (TVBLP) which requires, amongst other aspects, development to provide for the privacy and amenity of neighbouring properties.

Character and appearance

8. The site forms part of the rear garden of No 12 and abuts the Braishfield Conservation Area (CA). It is surrounded by relatively high boundary treatment and soft landscaping, and despite any recent clearance of trees and vegetation, it is not particularly visible in the surrounding area. The dwelling would be situated to the rear of No 12 and adjoining properties. Although those buildings face Hill View Road and run along the northern side of it, there is a rather varied building line, with some properties relatively well set back into their plots. The rear gardens of nearby plots are not entirely devoid of built form, with some outbuildings present. Other properties off Braishfield Road also extend towards the site and are situated to the rear of others, such as the property to the north-east, known as Southview, and the buildings to the east, 1-6 Chapel Close. The surrounding area therefore has a relatively varied development pattern.
9. The single-storey dwelling would be relatively modest in size and there would be a reasonable amount of open garden space remaining around it and at the rear of No 12. Due to its size and existing and proposed boundary treatment and soft landscaping, it would not be particularly noticeable in views from the surrounding area, including from the CA and the open fields to the west and the land and buildings beyond. Given its simple appearance, limited scale and the varied pattern of development in the locality, including the properties to the north-east and east, it would not appear incongruous or out of character. Accordingly, it would integrate with its surroundings to an acceptable degree.
10. The Village Design Statement Supplementary Planning Guidance recommends, amongst other aspects, that building behind houses or in gardens should be discouraged and strictly controlled in order to protect the open space nature of

the village. However, the site is bounded by relatively high boundary treatment and the dwelling would be single-storey, relatively modest in size, surrounded by open garden space and located near to built form in the surrounding area. Accordingly, its siting and size would not significantly harm the open space nature of the village. With each case determined on its own merits, this development would also not set a precedent.

11. Although it abuts the CA, the Council does not allege that the development would harm the setting or the character or appearance of the CA. Having considered the development and visited the site, I concur with that view. Accordingly, although I do not consider that it would enhance the CA, it is my view that the development would not harm the designated heritage asset.
12. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area, with particular regard to siting. I therefore find that it accords with TVBLP Policies COM2, E1 and E2. Amongst other aspects, these support development within settlement boundaries provided it is appropriate to other policies, and require development to integrate, respect and complement the character of the area and to not have a detrimental impact on the appearance of the immediate area and landscape.

Other matters

13. After the Council's refusal of the planning application and following advice from Natural England, the Council has also been addressing the effects of new overnight accommodation on the water quality of the Solent and Southampton Water designated nature conservation sites. The advice from Natural England indicates that high levels of nitrogen and phosphorus input to the water environment in the Solent is causing eutrophication. All types of development that would result in a net increase in population served by a wastewater system would create additional levels of nitrogen and phosphorus.
14. On this basis, the development is likely to have a significant effect on the above designated sites due to its contribution, in-combination with other plans and projects, to increasing eutrophication at the sites. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.
15. A number of neighbours have raised other concerns in relation to the development, such as with regards to access, highway safety and the living conditions of other occupiers on the street. However, given that the appeal is dismissed, there is no need for me to address these in further detail.

Planning Balance

16. The appeal proposal would provide a new home on a small windfall site within the boundary of an existing settlement. This is supported by the National Planning Policy Framework, while local policy supports additional development within existing settlements. However, I have found that the development would harm the living conditions of the occupants of No 12. This harm indicates that the site cannot be reasonably described as suitable for the development proposed.
17. The development would provide a new home in a modern, efficient building within an existing village. The dwelling would provide supported living accommodation for people with mental and physical disabilities and needs.

Such accommodation is needed in the area, as emphasised in the various letters of support, which also suggest that the development would enhance the diversity of the local community and that the new residents would benefit from the quiet village setting and access to the services and facilities in the village and wider area. The development and its occupants would contribute to the local economy, while new planting would provide some wildlife enhancement opportunities.

18. I give great weight to the fact that such accommodation is needed in the area. However, given the scale of the development, the benefits would be relatively modest. They do not therefore outweigh the harm I have identified nor provide justification for development that conflicts with the development plan.

Conclusion

19. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR