



Appeal Decision

Site visit made on 4 February 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

Appeal Ref: APP/M1710/W/19/3241882

Dene Stores, The Dene, Ropley, Alresford SO24 0BH

- 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 C Goodson, Goodwill Homes Ltd, against the decision of East Hampshire District Council.
 - The application Ref 57683, dated 31 January 2019, was refused by notice dated 6 August 2019.
 - The development proposed is the demolition of the existing building and construction of a terrace of three houses with associated parking, access and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the vitality and viability of the existing small local centre; (ii) the effect of the development on the character and appearance of the area; (iii) the effect of the proposal on the living conditions of the occupiers of 'Hampshire Cottage' and 'Caplode', with particular reference to noise and disturbance; and (iv) the effect of the development on the designated Solent and Southampton Water Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar sites along the Solent coast.

Reasons

Site and proposal

3. The appeal site is located on a prominent open corner position at the junction of The Dene (the A31) and Darvill Road. It comprises a detached two-storey building with single-storey side and rear extensions. Although fronting onto the A31 the building, together with other buildings along this section of the A31, is set back from the main road behind a grass verge and an unnamed service road that runs parallel with the A31.
4. As part of my site visit, I was afforded access to the site and the building. Based on what I saw and the evidence before me, the building once comprised a shop at ground floor level and accommodation at first floor level.
5. The proposed development would demolish the existing building and erect a terrace of three houses with associated parking, access and landscaping.

Retail use

6. The proposed development would result in the loss of the retail use at the site. Policy CP8 of the East Hampshire District Local Plan: Joint Core Strategy 2014 (JCS) states that the vitality and viability of the District's centres will be maintained and improved according to the role of the various centres set out in a hierarchy of centres. The appeal site is not in any of the town, district or local centres listed in the policy. However, by virtue of the presence of other commercial premises in the vicinity of the site, including a petrol station located a few hundred metres west of the site on the A31 and a shop and post office in Ropley, it is, as a matter of fact and degree, in a 'small local centre'. Although local parades and small local centres sit at the bottom of the hierarchy of centres listed in the policy, the supporting text to the policy states that they nonetheless are an important focus for residents and visitors alike and should continue to be maintained and protected.
7. Policy S5 of the East Hampshire District Local Plan: Second Review 2006 (LP) states that the change of use of local and village shops from Class A1 use will only be permitted where all reasonable efforts have been made to let or sell the premises as a shop. The supporting text to the policy states that evidence will be required that all reasonable efforts have been made to market the retail unit as extensively as possible at a competitive retail market price.
8. The appellant's evidence is in the form of a 'Marketing Activity Report', dated 3 June 2019. It indicates that the premises ceased trading in 2013 and in 2015 the property was marketed for a period of 12 months for either commercial or residential use on an 'offers invited' basis to ensure any potential buyer was considered. The report states that a shortlist of three potential purchasers were identified over the marketing period and all were seeking a residential redevelopment / refurbishment.
9. Whilst the report provides a comprehensive summary of the marketing activity carried out for a period of 12 months from 2015, it does not include any supporting evidence in the form of the 'marketing material' used or details of the referenced 'online marketing portals'. However, even if it did, taking into account that the application for planning permission was submitted to the local planning authority in January 2019, and therefore over two years after the marketing activity ceased, there is no evidence before me of an up-to-date marketing campaign of the premises as a shop.
10. Furthermore, I have not been presented with any reasons why up-to-date marketing of the property would not result in a different outcome to the marketing activity carried out in 2015.
11. Without evidence of an up-to-date marketing campaign, and in the absence of any other compelling evidence before me, I do not consider the appellant has clearly demonstrated all reasonable efforts to sell/let the retail premises.
12. Therefore, I conclude that the loss of retail use at the site cannot be justified. Consequently, the proposed development would conflict with Policy CP8 of the JCS and Policy S5 of the LP which, amongst other things, seek to maintain the vitality and viability of small local centres.

Character and appearance

13. The area is characterised by mainly residential properties, although the appeal site and the commercial premises on the opposite corner of The Dene and Darvill Road are exceptions to this. The residential properties in the vicinity of the site are a mix of single-storey and two-storey detached, semi-detached and terraced dwellings of varying architectural styles. Most properties are modest in size and are generally sat within spacious plots with generous separation distances between neighbouring buildings.
14. By virtue of its increased footprint and scale, the proposed development would result in a building of greater bulk compared to the existing building and most other residential buildings in the vicinity of the appeal site. Although the separation between the proposed building and Hampshire Cottage would be maintained, as a result of it being around 2 metres wider than the existing building the built form would close the gap towards Darvill Road and in doing so reduce the open nature of the corner plot.
15. The appellant contends that as the width and height of the proposed building is comparable with neighbouring buildings the proposal is entirely in keeping with surrounding development. However, the proposal would sub-divide the site so that the resultant plot size and the associated rear gardens for the three proposed dwellings would be at odds and, hence, out of character with the general pattern of residential development in the surrounding area with the greater sense of spaciousness and larger rear gardens. This would be exacerbated by the proposed hardstanding area at the rear of the site which would result in a garden area for plot 3 significantly smaller than the rear gardens of most surrounding dwellings. Considering the scale and bulk of the proposed building in combination with the resultant smaller sized plots following the sub-division of the site, the proposal would result in a denser and cramped form of development.
16. With the position of the proposed development on a prominent corner plot, and its visibility within the street scene, the sub-division of the plot and the loss of spaciousness would be evident. This would not be satisfactorily addressed by the fact the proposed building would be set back on more or less the same building line as the commercial premises on the opposite corner of Darvill Road or the use of the same external materials as the existing building. Overall, the proposal would not respect the prevailing pattern of residential development in the surrounding area.
17. For the reasons outlined above, I conclude that the proposed development would be significantly harmful to the character and appearance of the area. Consequently, in this regard, it would not accord with Policy CP 29 of the JCS, Policy RNP11 of the Ropley Neighbourhood Plan 2019 (RNP) and the Ropley Village Design Statement 2006 which, amongst other things, set out to ensure that the scale, bulk and pattern of development proposals respect the character of existing development in the surrounding area.
18. The appellant has drawn comparison to another housing development at Brighton Hill in Ropley, east of the appeal site. I have taken this development into account in terms of any influence on the character and appearance of the area so far as I am able to, based on the information before me. I am not aware of the full circumstances which led to this other development being built. In any event, I have determined the appeal proposal based on the

circumstances of the site, on the evidence before me and on its individual planning merits. The existence of the referenced development does not alter my view that the proposal would be significantly harmful to the prevailing character and appearance of the area.

Living conditions

19. The proposal would incorporate two parking spaces, in a tandem layout, alongside the west elevation of the proposed building adjacent to the common boundary with Hampshire Cottage. A further three parking spaces would be provided at the rear of the site adjacent to the common boundary with Caplode.
20. As part of my site visit, I was able to see that off-street parking spaces in front and to the side of residential properties is commonplace in the vicinity of the appeal site.
21. In this context, and taking into account the existing screening afforded by mature boundary planting, which would mainly be retained, I do not consider that the development would have a significantly harmful effect upon the living conditions of the occupiers of Hampshire Cottage and Caplode in terms of noise and disturbance associated with the comings and goings of vehicles and other activities.
22. For the reasons outlined above, I conclude that no material harm would be caused to the occupiers of Hampshire Cottage and Caplode in respect of noise and disturbance. Consequently, in this regard, the proposal would suitably accord with Policy CP27 of the JCS and Policy RNP11 of the RNP which set out to ensure proposals avoid harmful effect upon the living conditions of occupiers of neighbouring development.
23. The Council has referred to Policy CP29 of the JCS in their refusal notice. However, this policy is not directly relevant to this main issue.

Protected Nature Conservation Sites

24. The Council's decision notice includes a fourth reason for refusal. This relates to the location of the site within an area which deposits nitrates into the Test and Itchen Rivers which is linked to a strategic issue regarding the level of nitrogen and phosphorus deposition in the Solent resulting in eutrophication, caused in part by foul water drainage connections from new development.
25. Natural England have advised the Council that this is having a detrimental impact upon protected habitats and bird species in the designated Solent and Southampton Water Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar sites along the Solent coast.
26. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to approve planning permission.
27. Thus, given my overall conclusion on the main issues it has not been necessary for me to pursue this matter any further. In this respect, it has not been necessary for me to conclude against policies CP21 and CP22 of the JCS.

Conclusion

28. The proposal would not cause material harm to the living conditions of the occupiers of Hampshire Cottage and Caplode. However, I cannot conclude that the proposal would fully accord with policy CP8 of the JCS or with policy S5 of the LP and therefore there is potential for harm to be caused to the vitality and viability of the small local centre. Furthermore, significant harm would be caused to the character and appearance of the area. The latter are matters of overriding concern and I therefore conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR