



Appeal Decision

Site visit made on 27 January 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2020.

Appeal Ref: APP/C1760/W/19/3238975

Northwood, 9 London Road, Andover Down SP11 6LJ

- 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 A Ponting against the decision of Test Valley Borough Council.
 - The application Ref 19/00406/FULLN, dated 19 February 2019, was refused by notice dated 28 June 2019.
 - The development proposed is the erection of two dwellings.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Information provided with the appellant's appeal form indicates that the Council changed the description of development upon registration without correspondence with the appellant. I have, therefore, referred to the original description of development, as applied for, in my heading above.

Background and Main Issues

3. One of the Council's reasons for refusal related to a lack of information regarding potential effects on protected species. An Ecological Impact Assessment was submitted with the appeal documents and the Council has confirmed in its appeal statement that this has overcome that reason for refusal.
4. Accordingly, the main issues are:
 - (i) Whether the site is in an appropriate location for development with regard to local and national planning policies;
 - (ii) the effect on the character and appearance of the area with particular regard to the design of 'dwelling B'; and
 - (iii) the effect on highway safety.

Reasons

Location of development

5. There is no dispute that the site is located in an area defined by the development plan as countryside. There is also no dispute that Policy COM2 of the Test Valley Borough Revised Local Plan DPD 2016 (LP), which seeks to guide the location of development within the Test Valley Borough, does not

permit new residential development of the type proposed in such locations. The proposal is, therefore, in clear conflict, with the development plan in terms of the suitability of the site for the development in location terms.

6. Notwithstanding this, the site is surrounded by other residential development and could be considered to be within a settlement, albeit not one defined in the development plan. I understand that an urban extension at Picket Piece will bring development up to The Middleway, from which the site derives vehicular access. Whilst I have limited details of this urban extension, the appellant advises that it would bring footpath infrastructure into close proximity with the site, thereby improving its accessibility by non-car means.
7. There is dispute between the appellant and the Council as to whether the site should be considered previously developed land (PDL). If I were to accept the appellant's position that it should, then the National Planning Policy Framework (the Framework) would give support for its redevelopment for housing. Indeed, there is support within the Framework and the development plan for the use of PDL in meeting objectively assessed housing needs, and Framework Paragraph 118 indicates that substantial weight should be given to this.
8. However, although not making explicit reference to PDL, the supporting text to LP Policy COM2 sets out that the Council has defined a hierarchy of settlements to accommodate growth based on other factors including the proximity to facilities. It also indicates that development away from the defined settlements is unlikely to meet all the elements of sustainable development, particularly access to a range of facilities. Whilst accessibility to the site may be improved by the Picket Piece urban extension, I have no substantive evidence regarding distances to services and facilities and whether the development would be appropriately located in those terms.
9. Therefore, whilst the development of PDL can contribute to sustainable development objectives, such would not be sufficient to outweigh the clear conflict with the development plan in terms of location. Accordingly, with regard to local and national planning policy, I conclude the site is not in an appropriate location for the development.

Character and appearance

10. The area is characterised by a low density arrangement of substantial dwellings in large, landscaped plots. The Council's landscape officer in response to consultation on the application noted that the individual dwellings are of different styles and have different characteristics to each other. There is no dispute that 'dwelling A' would be appropriately designed and respect the character and appearance of the area.
11. 'Dwelling B', would include an integral garage, creating an elongated mass. In addition, there are a range of design features that overall would result in a somewhat incoherent and bulky design. However, the Council's officer report indicates that, in all likelihood, there would be no visibility of the dwellings from the public realm.
12. LP Policy E1 requires development to be of a high quality. It indicates that to achieve this, it should integrate with, respect and complement the character of the area in which the development is located, amongst other matters. The variety of building styles in the vicinity means that these aims would be met

and given the lack of visibility of the site no harm would arise from the somewhat disjointed architectural composition.

13. The development would also provide an opportunity to improve the appearance of what is currently a somewhat untidy site. The appellant suggests that such would bring about a positive change to the landscape, but the lack of visibility of the site tempers these benefits as much as it tempers any harm that may be associated with the detailed design.
14. Framework Paragraph 130 indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Paragraph 118 also encourages decisions to support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. Whilst the site could be tidied and additional landscaping added without the grant of permission for redevelopment, the proposal would nevertheless take opportunities to improve the quality of the area.
15. Overall, a neutral effect would arise and I, therefore, find that there would be no harm to the character and appearance of the area.

Highway safety

16. Additional information provided with the appellant's appeal documents indicates that appropriate visibility splays could be provided at the access. The Middleway is straight as it leads from the junction with London Road, past the site, and for some distance thereafter. There is a wide verge that affords a clear line of sight along the road frontages of adjoining dwellings in both directions.
17. In the direction towards London Road two trees close to the site access would interrupt visibility. The trees are located to the rear of the verge and so a driver may have to pull slightly onto the carriageway to obtain full visibility to the junction. However, at the site visit, it appeared to me that a vehicle would still be substantially clear of the carriageway when full visibility was gained and, for the entirety of the manoeuvre, the emerging vehicle would be in very clear view of any approaching traffic given the wide verge.
18. Therefore, whilst there may be a technical shortfall in the visibility available, the characteristics of the road and access are such that there would not be any demonstrable harm to highway safety. There would, therefore, be no conflict with LP Policy T1 that, amongst other things, seeks to ensure that the access to the highway network is safe.

Planning balance

19. Taking account of benefits associated with improving the appearance of the site, I have found that no harm would arise in respect of the character and appearance of the area or highway safety. These matters are neutral in the planning balance. Therefore, my findings in respect of the location of the development result in a conflict with the development plan, considered as a whole.
20. There is much discussion in the evidence about whether the development plan is silent on the matter of previously developed land, as there is no specific policy relating to it. Be that as it may, even if I were to accept that the site

was PDL and, notwithstanding the substantial weight that should be given to the use of such land for homes, I have found that this would not outweigh the conflict with the development plan in respect of the location of the site.

21. The Framework, at Paragraph 11(d) indicates that a presumption in favour of sustainable development would apply if there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. LP Policy COR2 is relevant and important. There is no clear evidence that would indicate that this policy, or any other policies of the development plan should be considered out-of-date.
22. At Paragraph 12, the Framework is clear that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Therefore, taking account of the benefits associated with the use of PDL, there are no material considerations of sufficient weight to indicate a decision otherwise than in accordance with the development plan.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

M Bale

INSPECTOR