



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: 08 April 2020

Appeal Ref: APP/C1760/W/19/3238942

1 Blagden Cottages, The Dene, Hurstbourne Tarrant SP11 0AL

- 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 Battle against the decision of Test Valley Borough Council.
 - The application Ref 19/00989/FULLN, dated 17 April 2019, was refused by notice dated 12 June 2019.
 - The development proposed is erection of dwelling on land to front of 1 Blagden Cottages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area, and the effect on European Nature Conservation Sites.

Reasons

Character and appearance

3. Hurstbourne Tarrant has the character of a rural settlement that has evolved on a piecemeal basis. Consequently, older buildings are interspersed with more recent development creating a rich variety in architectural form. Most dwellings are set back from the road frontages such that the numerous landscaped front boundaries take precedence over the buildings giving a verdant appearance of a settlement, grounded in the landscape. Behind the appeal site, the rising land of the North Wessex Downs Area of Outstanding Natural Beauty (AONB) strengthens this character and gives a strong connection to the countryside.
4. The Crescent, a development of bungalows that adjoins the site is an overtly suburban cluster of housing in marked contrast to the majority of the wider settlement. Unlike most other development that lines the road through the village, it turns its back on the road and presents a somewhat stark rear boundary wall to the street, with a separate estate road serving two opposing lines of dwellings. However, this area is part of the street scene and the views along the road towards its rooftops cannot be ignored in defining the context of the site.
5. Nos. 1 & 2 Blagden Cottages are set deeply back from the road on rising land and so have little visual influence on the street scene. The proposed dwelling

would partially obscure views to them and, although set behind an existing roadside hedge, would be clearly seen in views along the road. However, whilst it may be closer to road than the adjoining dwelling 'Martindale', it would still be set back a similar distance to many other dwellings in the locality. Given its relatively small size, it would not be overly prominent in the street scene.

6. At the site visit, I saw a number of examples of so-called 'tandem development', where one house sits behind another, relative to the roadside. The closest of these immediately adjoins Blagden Cottages where 'Chalklands' is seen behind 'Martindale'. The parallel lines of dwellings at the Crescent are also noticeable within the street scene. The proposed pattern of development, therefore, responds to the established arrangement of dwellings. Whilst brick may be the predominant facing material, there is use of render in the settlement and so the proposal would not appear out of place in terms of its exterior finishes.
7. The submitted plans indicate that the roadside hedge would remain. It has been suggested that there could be future pressure to remove the hedge, but that is unsupported by objective evidence. Whilst the hedge would not screen the development from view, the Council's landscape officer considers that it would help to soften the development. Furthermore, as views around the dwelling to the rising landscape beyond would remain, the retention of this feature would allow the site to adequately maintain its contribution to the verdant, landscape-grounded character and appearance of the area.
8. The dwelling and its plot would be smaller than many others in the locality. However, as I have found that it would integrate satisfactorily with the landscape and surrounding settlement pattern, and given the wide architectural variety in the locality, no harm would arise in this regard.
9. There would be some increase in hard surfacing to accommodate additional parking requirements, but the majority of this would be beyond the new dwelling when seen from the road. Whilst the Council has expressed some doubts about the practicality of planting a new hedge alongside the driveway, the landscape officer's consultation response suggests that any new hard boundary in that location could be adequately softened through appropriate planting. Whilst the appellant has indicated a preference for a hedge, I see no reason why final details could not be agreed through the imposition of planning conditions.
10. The site is adjacent to the boundary of the Hurstbourne Tarrant & Ibthorpe Conservation Area. The conservation area plan provided with the Council's appeal questionnaire also indicates the presence of a number of listed buildings within the vicinity. However, the Council's reasons for refusal do not suggest any harm to these designated heritage assets and in light of my above findings, I have no reason to disagree with that position.
11. With regard to the above, I find that the proposal would not harm the character and appearance of the area and would conserve the landscape and scenic beauty of the AONB. It would, therefore, not conflict with those aims of Policies E1 and E2 of the Test Valley Borough Revised Local Plan DPD 2016 that seek to ensure that development integrates, respects and complements the character of an area and does not have a detrimental impact on landscape character.

European Nature Conservation Sites

12. The Council did not object to the application on biodiversity grounds. The officer report sets out that, following consideration by the Senior Ecologist, there would be a neutral effect on biodiversity and no conflict with LP Policy E5 that seeks to ensure the conservation of biodiversity.
13. However, since the Council made its decision, revised advice from Natural England indicates that every permission for new dwellings in the area could result in increased nutrients entering the Solent and Southampton Water European Sites¹ (the European Sites). Such can cause increased growth of plants and algae which, in turn affects oxygen and light levels within the water, thus affecting other species and habitats.
14. Whilst the site is some distance from the European Sites, and the application was initially made to the Council before the revised advice was published, the advice indicates that it applies to all new planning permissions for residential development within the catchment, no matter how small. Accordingly, the proposal could lead to likely significant effects on the European Sites and appropriate assessment is required under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). This I have conducted on a proportionate basis with regard to the evidence provided by the Council, response from the appellant and a consultation response from Natural England directly relating to that evidence.
15. The revised Natural England advice indicates that there are high levels of nitrogen and phosphorus input into the Solent and Southampton Water catchment, with sound evidence that these nutrients are causing eutrophication at the European Sites. It goes on to say that the nutrient inputs are currently caused mostly by wastewater from existing housing and agricultural sources, and that there is uncertainty as to whether new housing growth will cause further deterioration.
16. Appropriate assessment must be taken so as to ensure there is no reasonable scientific doubt as to the effects of the proposal, in combination with other development. Given the current uncertainties, Natural England advise a precautionary approach whereby all new dwellings within the catchment should achieve 'nutrient neutrality'. If they do not, then additional nutrient loads could enter the water environment causing significant adverse effects on the European Sites and their features of interest.
17. The appellant has calculated the likely nitrogen generation from the proposed development and concluded that it would be negligible. However, having reviewed the appellant's response, Natural England is not content that, without mitigation, no significant adverse effects on the integrity of the European sites would arise in combination with other plans or projects.
18. The Natural England advice indicates that until strategic solutions are developed, to which individual proposals can contribute, it may be difficult for smaller developments to demonstrate nutrient neutrality. However, that does not negate my duty, as competent authority under the Habitats Regulations, to find that there would be no adverse effect on the integrity of the European Sites before agreeing to the proposal.

¹ The relevant sites are confirmed by Natural England as being the Solent & Southampton Water Special Protection Area and Solent Maritime Special Area of Conservation.

19. Subsequently, the appellant has indicated that an avoidance and mitigation package will be provided in accordance with a report to the Partnership for South Hampshire (PfSH) Joint Committee on behalf of the PfSH Water Quality Working Group (the PfSH Report). Furthermore, the appellant has suggested that a 'Grampian Condition' requiring details to be approved prior to the occupation of the dwelling could be imposed.
20. The PfSH Report indicates that the methods and science behind achieving nutrient neutrality are complex and evolving with a significant degree of uncertainty over how to address the situation. It goes on to explain a commitment to collective joint action to the establishment of strategic long-term solutions, but that investigation and discussion of options for potential mitigation measures to achieve nutrient neutrality is ongoing.
21. The PfSH Report also sets out a number of potential short-term mitigation options but accepts shortcomings and further uncertainties in most. There are some measures, including improving the water efficiency of existing dwellings, that may offer more immediate solutions, where they can be secured in perpetuity and if funding sources/mechanisms can be identified. However, I have no detailed evidence as to the progress of any of these projects, the likely time period for their implementation, or their likely availability as mitigation for the appeal scheme.
22. Even if a Grampian condition could prevent development occurring until suitable mitigation was confirmed, an appropriate assessment must consider detailed mitigation proposals at the decision stage. Without firm proposals, following appropriate assessment, I cannot conclude that adverse effects on the integrity of the European Sites would not arise from the development, in combination with other development. Such would result in a conflict with LP Policy E5.

Planning balance and conclusion

23. I have found that no harm would arise to the character and appearance of the area. However, in accordance with Paragraph 175 of the National Planning Policy Framework, and following my duties under the Habitats Regulations, my findings in respect of European Sites are determinative.
24. Therefore, I conclude that the appeal should be dismissed.

M Bale

INSPECTOR