



Appeal Decision

Site visit made on 2 December 2019

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 21 April 2020

Appeal Ref: APP/A1720/W/19/3235706

21 Burr ridge Road, Burr ridge, Southampton SO31 1BY

- 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 S Carrington against the decision of Fareham Borough Council.
 - The application Ref P/18/1252/FP, dated 29 October 2018, was refused by notice dated 25 April 2019.
 - The development proposed is residential development of 6 No. four bedroom detached dwellings, amenity areas and a means of access from Burr ridge Road.
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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 character of the area;
 - (ii) The effect of the proposal on the living conditions of neighbouring occupiers and whether the proposal would provide suitable living conditions for future occupiers;
 - (iii) The effect of the proposal on protected species; and
 - (iv) The effect of the proposal on European designated sites; and
 - (v) Whether the site would be appropriate for development having regard to its location outside of the settlement boundary.

Reasons

Character and appearance

3. Due to the topography of the appeal site the proposed dwellings would be accessed via the same track as currently utilised by No 21 and 21A Burr ridge Road, but the track would then fall away steeply to the six proposed dwellings.
4. Two of the dwellings would be located almost centrally within the site, Plots 3 and 4, facing the bank towards Botley Road. There would then be two dwellings at either end of the site facing the central section. In order to achieve a generous rear garden all of the six dwellings would be set forward within their respective plots, particularly those in the central section. Due to the scale

of the dwellings, each having 4 bedrooms and representing significant mass, the dwellings would appear cramped when considered in the context of their immediate setting. The central section would appear entirely at odds with the siting of the dwellings either end and as a result the layout of the scheme would create a development that would sit uncomfortably and introduce a discordant and ill-conceived environment.

5. Some effort has been made to vary the design of the dwellings proposed. However, whilst this avoids an entirely uniformed development the reality is that there is little variation between the design for the proposed dwellings, certainly nothing that would suggest a level of individuality or interest. Due to the size of the plots and the layout of the dwellings the design is such that it would simply reinforce a bland and one size fits all approach.
6. Whilst the site would be screened from the main road the introduction of this pattern of development, which would fail to create a positive layout or respect the more varied ribbon style development that dominates the wider area, would be significantly harmful to the character of the area. The fact that the character is semi-urban does not justify the introduction of a cramped and ill-considered layout.
7. I note the reference to the Council's adopted Design Guidance SPD (Excluding Welbourne) (December 2015) figure 9 which identifies examples for development within lower density areas. Figure 9 shows a layout where the plots have an active frontage towards each other, none of them are marooned in the middle of the site. Therefore whilst I acknowledge the desire to optimise the use of land as advocated in the National Planning Policy Framework, this should be done in a way that is suitable and positive in its impact on the character of the area.
8. As such I find that the proposal would result in significant harm to the character and appearance of the area. It would conflict with Policy CS17 of the Fareham Local Development Framework Core Strategy 2011 (the Core Strategy), which requires development to be of a high-quality design that is respectful of the characteristics of the area. It would also conflict with criteria (iii) of Policy DSP40 of the Fareham Local Plan Part 2: Development Sites and Policies 2015 (the Local Plan), which requires development is sensitively designed to reflect the character of the neighbouring settlement.

Living conditions of neighbouring occupiers and future occupiers

9. Whilst the proposal would result in a change to the outlook of those occupiers at 23-29 Burridge Road, the separation distances would ensure that the new dwellings would not appear overbearing in relation to the use of the gardens or habitable rooms of neighbouring properties.
10. There would be an increase in vehicular movements along the track to access the site. I note that the traffic flows modelled from the development identify that at the busiest times of day only three trips per hour are anticipated. Such a marginal increase in traffic movement would not have a detrimental impact on the living conditions of neighbouring occupiers.
11. The rear gardens of Plots 3 and 4 would extend across the front elevation of the dwellings at either end of the site, two of which would be orientated towards those rear gardens. However, adequate levels of separation between

the dwellings and the rear gardens of plots 3 and 4 would be provided, and I am satisfied that the proposal would not result in any direct overlooking such to cause inadequate living conditions for future occupiers.

12. I find that the proposal would not result in harm to the living conditions of neighbouring occupiers and would provide a suitable level of amenity for future occupiers. It would therefore comply with Policy DSP3 of the Local Plan with regards to ensuring that development does not have an unacceptably adverse impact on living conditions of neighbouring occupiers. It would also accord with Policy DSP2 of the Local Plan which states that development should not have a significant adverse impact on neighbouring development, adjoining land, or the wider environment.

Effect on ecology

13. The western boundary hedge would be retained and enhanced through supplementary native species planting, reflective of those already found on the site. The woodland located along the southern boundary would be retained in its entirety, along with an additional buffer to create a successional edge.
14. I am satisfied that the proposed measures as identified within the ecology report and subsequent information, which could be secured by way of condition, would be suitable to ensure that the ecological features of the site and associated hedgerows would be protected. Accordingly, I find that the proposal would comply with Policy DSP13 of the Local Plan insofar as that policy seeks to protect biodiversity.

Effect on European Sites

15. The appeal site lies within the zone of influence of the Solent and Southampton Water Special Protection Area and Ramsar Site and the Solent Maritime Special Protection Area of Conservation. At its closest the site is less than 500 metres from the protected site. The Solent coastline (including the River Hamble) provides feeding grounds for internationally protected populations of overwintering birds and is used extensively for recreation purposes. Having regard to the distance from the protected sites, the proposal would be likely to have a significant effect on the protected characteristics of those sites.
16. Under the precautionary principle in the Habitats Directive as embodied in the Habitats Regulations it is necessary to ensure that development, either alone or in combination with other plans or projects, will only be permitted if it can be concluded that it will not affect the integrity of European sites, and were I minded to allow the appeal it would be necessary to carry out an appropriate assessment. However, taking account the considerable harm that I have identified in respect of the layout of the proposal and its effect on the character of the area, it is not necessary in this case to conduct the appropriate assessment.

Location

17. The appeal site is located on the southern side of Burrridge Road to the rear of a number of existing properties along Burrridge Road and Botley Road. Whiteley shopping centre and Locks Heath shipping village are located approximately 4kilometeres in either direction from the appeal site with the settlement boundary being some 300 metres from the site. The appeal site is well served

by public transport in terms of a frequent number of buses, along with a train station within 2kilometres.

18. Whilst the appeal site and the surrounding dwellings are located outside of a settlement, the area has a semi-urban feel due to the existing ribbon style development along Burrige Road and Botley Road. This is supported in the Fareham's Landscape Assessment which concludes the character of the area consists of low-density and ribbon development. The appeal site is bordered on three side by existing residential development, and some development of the site would, in principle, sit comfortably within this semi-urban landscape.
19. Due to the location of the site outside of a defined settlement I find that the proposal would conflict with Policy CS14 of the Core Strategy which states that built development on land outside the defined settlements will be strictly controlled, and the proposal would not meet any of the exceptions listed within Policy CS14. It would also conflict with Policy DSP6 of the Local Plan which sets out a presumption against new residential development outside of the defined urban settlement boundaries.
20. However, the Council has confirmed that it is unable to demonstrate a 5 year supply of deliverable sites for housing and therefore Policy DSP40 of the Local Plan is engaged. Having regard to the criteria set out within that Policy I find that the proposal would comply with criteria (i), (iv) and in part (v). However, on the basis of the harm to the character of the area I find that the proposal would conflict with criteria (ii), (iii), and in the absence of an appropriate assessment part of (v).
21. Having regard to the physical elements of the surrounding development, the distance from the settlements, and the incorporation of the site into the existing built form, I consider that there are material considerations that would outweigh the conflict with criteria (ii) of that Policy. Nevertheless, the proposal would fail to comply with Policy DSP40 of the Local Plan in its entirety.

Planning Balance and Conclusion

22. There is no dispute that the Council cannot currently demonstrate a five year housing land supply. However, the 'tilted' balance within the Framework at Paragraph 11d)ii would not apply because the application of policies within the Framework that protect habitats sites, as set out within Paragraph 11d)i and Footnote 6 of the Framework, provide clear reasons for refusing the proposal. A presumption in favour of sustainable development does not apply.
23. The proposal would conflict with the development plan when taken as a whole. Whilst there are material considerations that weigh in favour of the proposal, including the increase in the supply of housing, the absence of harm to living conditions, and the retention of ecological protection, these benefits do not overcome the harm to the character of the area and subsequent conflict with the development plan.
24. Accordingly, for the reasons above the appeal is dismissed.

J Ayres

INSPECTOR