The Planning Inspectorate

Appeal Decision

Site visit made on 28 May 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2020

Appeal Ref: APP/B9506/W/20/3245722
12 Sutton Place, Brockenhurst SO42 7TX

- 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 and Mrs P Guiver against the decision of New Forest National Park Authority.
- The application Ref 19/00509, dated 19 June 2019, was refused by notice dated 18 October 2019.
- The development proposed is part change of use of amenity area to allow construction of driveway and off-road parking.

Decision

1. The appeal is allowed and planning permission is granted for part change of use of amenity area to allow construction of driveway and off-road parking at 12 Sutton Place, Brockenhurst SO42 7TX in accordance with the terms of the application, Ref 19/00509, dated 19 June 2019, subject to the conditions set out in Annex A.

Main Issue

2. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

3. Sutton Place is a residential cul-de-sac comprising semi-detached and terraced two storey housing, with a single storey garage block at the end. The road lies within a built-up residential area within the designated settlement boundary of Brockenhurst. The appeal site comprises an open, grassed area to the front of, and within the same ownership as, no.12, which is a two-storey, semi-detached dwelling. The site lies in a visually prominent position within the street scene, at the entrance to the close and beside the junction with the A337 Lyndhurst Road. It comprises a significant area of landscaped open space within the cul-de-sac, and makes a positive contribution to the townscape of the road.

4. The close is characterised by open plan frontages with grassed front gardens and no frontage enclosures. This stems from a condition attached to the original planning permission which restricts what can be carried out at the front of the houses, including walls, fences, hedges and trees. This has given the front gardens a uniformly open, spacious and green character. Parking for the

dwellings is provided by means of a garage block and surface parking area at the end of the Close, together with unrestricted on-street parking.

5. I acknowledge the Council's concerns regarding a suburbanising impact arising from the development. In this respect, I note that the appeal site lies within an established built-up residential area, and I find that in such townscapes, on-site parking with driveway access is a common feature.

6. Furthermore, both main parties are agreed that there is pressure for on-street parking within the cul-de-sac. During my site inspection I observed that, whilst on-street parking space was available, cars were parked within the turning head, and that, due to the street width, on-street parking encroached upon the footway adjacent to dwelling frontages, resulting in a cluttered streetscape. My site visit took place during a weekday afternoon, representing only a snapshot during the week, and there may well be more or less on-street parking at other times, including the evening and weekends. Nonetheless, I find that the visual prominence of parked cars within the street also forms a significant part of the existing townscape.

7. Although of a different surface to the prevailing grass finish which characterises the dwelling frontages, the proposed 'Ecogrid' surface would retain a green surface akin to the prevailing grass finish which characterises the dwelling frontages and open space within the close, comprising a permeable grid surface filled with topsoil and covered with a hard wearing grass seed. It would therefore not appear unduly dissimilar to, or discordant within the context of, the neighbouring grassed frontages.

8. The proposal would take up a relatively small part of the existing large area of open space to the front of no.12. The access drive would be set well back from the Lymington Road frontage, and the parking area would be sited in a relatively unobtrusive position at the back corner of the site furthest away from the public realm of Sutton Place and Lymington Road. Furthermore, the proposal would include the removal of part of the existing tarmac footpath in front of no.12 and its replacement with grass and 'Ecogrid' surfacing, thereby reducing the amount of hardstanding on the site. Accordingly, I find that the open and green edge to this end of the cul-de-sac would be retained.

9. Moreover, views of parked cars on the parking area or access drive, would be largely screened in wider views by the fencing and mature landscaping and trees sited along the appeal site boundary with the neighbouring property in Waters Green Court, and by on-street parking within the close in front of the site. As such, I find that cars parked on the proposed access drive and parking area would not appear unduly visually prominent within the street scene.

10. Furthermore, some visual enhancement of the street scene would result from the proposed planting of a native specimen tree in a visually prominent position near the front of the site, to replace a previous protected tree in this location which was removed some years ago.

11. No form of boundary enclosure is proposed, and the Appellants have confirmed that the development would not incorporate any of the appeal site within the garden of no.12. As such, I find that the proposal would retain the majority of the existing open space and the aforementioned spacious, unenclosed and green nature of the site, in keeping with the existing character of the close.

12. I acknowledge the Council's preference for a more wholesale approach to the parking issue in the road, such as the replacement of the garage block, improvements to the communal parking area, and the installation of a communal electric charging point. However, such proposals are not before me as part of this appeal, which I must treat on the merits of the appeal scheme. Furthermore, the Council has not referred me to any development plan policies which specifically prevent the introduction of on-site parking in this location.

13. I have noted the Council's concerns that allowing the appeal scheme would make it difficult to refuse future similar schemes in respect of neighbouring properties, which the Council considers would harm the character of the area. In this respect I find that that the appeal site comprises a unique parcel of landscaped land within the cul-de-sac in terms of its position and size, and, in any event, I must determine this appeal by assessing the merits of the scheme before me.

14. I am mindful of the statutory purposes of the National Park Designation, and advice within Paragraph 172 of the Framework to give great weight to the conservation and enhancement of landscape and scenic beauty. As I find that the scheme would not harm the character and appearance of the area, which lies within built residential development within the National Park, I find that the development would not materially harm the landscape or scenic beauty of the National Park.

15. In light of the above, I conclude that there would be no materially harmful impact on the character and appearance of the area. The proposal would therefore accord with Policies DP2, SP7 and SP17 of the New Forest National Park Local Plan 2016-2036 (2019). These policies, amongst other things, seek to ensure that new development is of a high-quality design, is appropriate and sympathetic in terms of appearance, form, siting and layout, and conserves the local character, landscape and scenic beauty of the National Park. For similar reasons, the proposal would also accord with Chapter 12 of the National Planning Policy Framework 2019 (the Framework) which seeks to ensure high quality design.

Other Matters

16. The Council considers that the Appellants have not demonstrated that there would be an overriding benefit in highway safety terms to providing off-street parking. However, I have not been referred to any development plan policy requirement to demonstrate such, and I do not find this to be a determining factor in the consideration of this appeal.

17. I have had regard to the concerns raised in respect of highway safety and loss of on-street parking. The Council has confirmed that, following the submission of amended plans in response initial concerns raised about limited turning space, the Council's Highway Officer raises no objection. I have no reason to disagree with the Highway Officer, and I am therefore satisfied that this matter has been satisfactorily addressed.

18. I have noted the third party concerns regarding a general shortage of public open space within the village and the loss of public open space. Neither of the main parties have referred me to any specific development plan policies or planning history designating the appeal site as public amenity area. The Appellants have confirmed that the land is within their ownership, and that

prior to purchasing it from the Crown Estate, it had not been transferred to any public body for maintenance or use as public open space, and was maintained by residents of the road as an open grassed area. This is not disputed by the Council. Therefore, on the basis of the evidence before me, I am satisfied that no loss of public open space would arise from the development.

19. Having regard to the concerns raised by neighbours in respect of potential flooding associated with ditch infilling adjacent to the site, the Appellants have confirmed that the appeal scheme does not propose any such works to the ditch. The Council has raised no concerns in this respect, and I am therefore satisfied in respect of this matter.

20. I have noted the third party concerns regarding disruption associated with previous building works to the property, the letting out of the property by the Appellants, previous removal of biodiversity, impacts on utilities and services arising from the Appellants use of the property, the ownership status of other areas of open land within the close, and the process by which the Appellants acquired the appeal site. These are not matters for consideration under this appeal.

Conditions

21. I have considered the Council's suggested conditions in accordance with Paragraph 55 of the Framework and the national Planning Practice Guidance. Where necessary, I have modified and amalgamated them. In addition to the standard implementation condition (1), it is necessary to define the plans in the interests of certainty (2). In the interests of protecting the character and appearance of the area, a condition is necessary to ensure the implementation of the approved planting scheme, including the replacement of part of the existing footpath with grass (3).

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed.

S Leonard

INSPECTOR

Annex A

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Ordnance Survey Location Plan licence no. 100047514; drawing titled "Layout Plan V.3"; and drawing titled "Pathway and Tree Planting Plan V.2".

3) All planting shown on approved drawing titled "Pathway and Tree Planting Plan V.2" shall be carried out in the first planting season following the commencement of the development hereby permitted.

The "replacement tree" shall be of a minimum stock size comprising 8-10cm girth at a height of 1m above ground level when planted.

If within a period of 5 years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted, destroyed or dies, another tree of the same size and species shall be planted in the same place or in accordance with a variation for which the National Park Authority give their written consent.

*****End of Conditions*****