

Appeal Decision

Site visit made on 10 August 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2020

Appeal Ref: APP/B1740/W/20/3250281

11 Barton Wood Road, Barton on Sea, New Milton BH25 7NN

- 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 Ms Pat Haskell against the decision of New Forest District Council.
 - The application Ref 19/11550, dated 17 December 2019, was refused by notice dated 17 February 2020.
 - The development proposed is plot severance and construction of single storey dwelling on land at rear of 11 Barton Wood Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During my site visit I was able to assess the proposal from Nos 9, 11 and 15 Barton Wood Road and 9 White Horses, with access being granted in each case to the property itself and the garden.
3. The Council made its decision prior to the adoption of the New Forest District Local Plan 2016-2036 Part 1: Planning Strategy (NFDLP). Policy CS2 of the Core Strategy referenced on the decision notice has been superseded by NFDLP Policy ENV3 and this policy has full weight as part of the development plan. The parties have been able to comment on the implications of the altered policy context.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. Barton Wood Road contains an eclectic mix of architectural styles, but mainly comprises 2-storey detached houses set facing the road behind landscaped frontages and driveways. There is a general consistency in the front and rear building lines and many of the plots are generously proportioned. The appeal property is located on the south side of the road where the dwellings have particularly spacious rear gardens. Those gardens combine to create an oasis of greenery which provides a sense of tranquillity, away from the activity of the street and seafront to the south. Several of the properties have outbuildings, but these modest structures sit comfortably within an attractive verdant setting which can be enjoyed by all residents.

6. The proposed dwelling would be constructed to the rear of the street frontage, served by a new access running between No 11 and No 15. The building itself would not be visible from the public highway and the access would be a discrete alteration to the street scene of Barton Wood Road. Notwithstanding this, the development would appear incongruous when viewed from the first floor windows of adjacent properties. The new dwelling would be significantly larger and bulkier than any existing outbuilding and, despite its green roof, the mass of the building would be an alien intrusion into the garden setting and out of character with the prevailing pattern and grain of development. I acknowledge that there is already a bungalow set behind the flats at No 17; however, this is not representative of the character of Barton Wood Road taken as a whole.
7. The New Milton Local Distinctiveness Supplementary Planning Document (SPD) (2010) recognises¹ that, collectively, rear gardens through their greenery, tranquillity and biodiversity often form a strong part of the distinctiveness of an area. The guidance states that backland development which breaks into and destroys a peaceful oasis of rear garden land should be avoided. The appeal site is not identified on the plan for Character Area 9: Barton Gardens under the heading 'larger garden space or groups of tranquil garden space'. Based on my observations, it should have been. As acknowledged within the SPD (p.77), the green setting offered by private gardens is a strong element in this area.
8. I have been supplied with an appeal decision for 14 Southern Lane² where a backland bungalow was allowed. That scheme is some distance (circa 750 m) from the appeal property. An analysis of the Inspector's reasoning suggests that the context was different in that the gardens in Southern Lane were of varying sizes and contained a range of other structures and outbuildings. The gardens in the present appeal are larger and more undeveloped and they have greater value in terms of their contribution to the character and appearance of the area. An absence of public views does not mean that there cannot be harm to the character and appearance of the area.
9. The appellant has provided a list of other backland developments in the local area. I have not been given the background to those schemes, and do not know the circumstances or policies under which they were permitted. These isolated examples do not reflect Barton Wood Road, the character of which in my opinion is worthy of preservation. Moreover, their existence does not persuade me that the appeal scheme should be viewed favourably.
10. The Council's planning policies do not specifically preclude backland schemes. However, Policy ENV3 of the NFDLP seeks to ensure that development is sympathetic to its environment and context, respecting and enhancing local distinctiveness, character and identity. Regardless of the functional merits of the scheme and its environmental credentials in terms of biodiversity and rainwater harvesting, the proposal would be materially harmful to the character and appearance of the area. It would conflict with NFDLP Policy ENV3 and supporting guidance within the SPD, which are consistent with the requirement in the National Planning Policy Framework that development should be sympathetic to local character.

¹ Page 18

² APP/B1740/W/17/3181881

Other Matters

11. The site lies within the buffer zone of several European protected sites. The appellant has provided a unilateral undertaking which would secure a financial contribution towards measures to mitigate the adverse impacts resulting from increased recreational pressures. This approach accords with the methodology set out in the Council's Mitigation Strategy For European Sites Supplementary Planning Document (2014).
12. An additional concern has been flagged up in relation to the impacts of nitrate loading on European protected sites. The parties have agreed that this may be dealt with by means of a negatively worded condition. I note that there are no immediately available nitrate solutions, but that the Council hopes to publish a mitigation strategy shortly. Had I been minded to grant permission I would have needed to consider whether a condition would comply with the exceptional circumstances test set out within the Planning Practice Guidance³. However, since I am dismissing the appeal for other reasons this is not a matter which needs to be addressed in my decision.
13. The appellant draws my attention to the fact that the Council has raised no objections in respect of a whole range of matters. However, this is a neutral factor in the planning balance.
14. I have taken account of all other concerns raised by local residents, including highway and parking issues and the effects on trees and living conditions. However, based on the information before me, these matters would not form grounds for dismissing the appeal.

Planning Balance and Conclusion

15. The proposal would deliver an additional small dwelling and contribute to the Council's supply of new homes, in a location which is well related to services and facilities. However, the very modest benefits in this regard would be outweighed by the harm to the character and appearance of the area. The proposal conflicts with the development plan taken as a whole and there are no material considerations to justify a decision otherwise than in accordance with the development plan.
16. For the reasons given above and having regard to all other matters raised, including the representation of support from New Milton Town Council, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR

³ Reference ID: 21a-010-20190723