
Appeal Decision

Site visit made on 1 September 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 04 September 2020

Appeal Ref: APP/W1715/W/19/3240963

River Cottage, 2 Hamblewood, Botley SO30 2GX

- 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 Robert Buckley against the decision of Eastleigh Borough Council.
 - The application Ref F/19/85906, dated 21 June 2019, was refused by notice dated 4 October 2019.
 - The development proposed is described as the '*Conversion, Extension and Alteration of the Existing Two Storey Side Extension and Single Storey Garage to form Self-Contained 1-Bedroom Dwelling with Rationalisation of Vehicle Parking & Landscaping*'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In their decision notice the Council refer to Policies DM1, DM10, DM11 and DM12 of the emerging Eastleigh Borough Local Plan 2016-2036, which has been submitted for independent examination. However, as the Borough Local Plan has yet to be found sound, I afford it limited weight in my consideration of this appeal.
3. The Council's confirms that the appellant, as part of the appeal process, made a payment of £346 as a contribution towards measures to mitigate recreational disturbance of birds within the Solent and Southampton Water Special Protection Area in accordance with the Solent Mitigation Strategy. I shall return to this matter later.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the area, with due regard to the location of the site in the Botley Conservation Area.

Reasons

5. The appeal property is a detached two-storey dwelling located in Hamblewood, close to the junction of Church Lane, within the Botley Conservation Area (CA). As such I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 193 of the National Planning Policy Framework (the

Framework) is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. I have not been presented with the full Conservation Area Appraisal for the CA. However, the evidence before me indicates that the appeal site lies within character zone 5 (Church Lane) of the CA. Based on my site visit and the information before me I consider that the significance of this part of the CA derives, in part, from the predominantly substantial detached dwellings set within generous plots. The appeal property, by virtue of it being a large detached property sited within a sizeable plot in Hamblewood, makes a positive contribution to the character and appearance of the CA and thus the significance of the heritage asset.
7. The proposal would sub-divide the site and result in a pair of disproportionately sized semi-detached properties. The proposed dwelling would be considerably smaller and narrower than the host property and most others in Hamblewood, and would therefore be at odds and hence, out of character with the general pattern of development in the vicinity of the appeal site which mainly consists of substantial detached properties. The resultant plot would also be smaller and somewhat narrower and therefore not typical of the layout of development in the surrounding area with its mainly evenly shaped and generally larger plots.
8. The proposed development would include at the front of the site a vehicle parking area, boundary wall, path, steps and an area for cycle and bin storage. As a result of the location of these features, in combination with the prominent location of the proposed dwelling at the bend in the road immediately after entering Hamblewood from Church Lane, and its visibility in the street scene by virtue of its forward building line relative to the host property, the physical sub-division of the plot would be evident. Overall, the proposal would not respect the prevailing pattern of development in the surrounding area.
9. I am aware that the host dwelling benefits from a recent planning approval¹ for an annexe extension and seeks to undertake similar physical extensions to the building to those already approved, but in this case, to provide a separate self-contained and thus independent one-bedroom dwelling. That approval would not have resulted in the sub-division of the plot and therefore would not be out of character with the pattern of development in the area to the extent that would result from the proposal before me. Hence, the circumstances are sufficiently different so as not to change my view that the proposed development would not be sympathetic to the established pattern of development described above.
10. For the reasons outlined above, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. Furthermore, it would neither preserve nor enhance the character or appearance of the CA. Consequently, the proposal would not accord with Policies 59.BE and 169.LB of the Eastleigh Borough Local Plan Review (2001-2011) 2006, which amongst other things, set out to ensure that development proposals take full and proper account of the context of the site including the character and appearance of the locality; and preserve or

¹ Local Planning Authority reference number: H/18/84251

enhance the character or appearance of the Conservation Area within which it lies.

11. The statutory duty noted in paragraph 5 above is a matter of considerable importance and weight. The proposal would have a detrimental effect on the significance of the designated heritage asset. In respect of paragraph 196 of the Framework, the harm to the CA would be 'less than substantial'.
12. The Framework requires such harm to be balanced against any public benefits of the proposal. There would be a modest public benefit associated with the provision of one additional unit of residential accommodation. I have afforded this moderate weight in favour of the development. However, this modest public benefit would not be sufficient to outweigh the harm that would be caused to the character and appearance of the CA.

Other Matters

13. The council's decision notice included a second reason for refusal. This is in regard to the impacts of the proposed development on the European protected Solent Complex (SPA, SAC and Ramsar sites) from additional recreational pressure and nitrogen loading generated by the population increase resulting from the proposal. As noted above in paragraph 3, the appellant has made a payment of £346 as a contribution towards measures to mitigate recreational disturbance of birds within the Solent and Southampton Water Special Protection Area in accordance with the Solent Mitigation Strategy.
14. Furthermore, the Council confirms that it has developed an interim strategy to address the nitrogen related impacts on the Solent Complex arising from new residential development. The strategy involves the Council taking land that is within its control and ownership out of agricultural use (a high intensity nitrogen use) and placing it into a lower intensity nitrogen generating use (open Space). The reduction in nitrogen input into the Solent Complex arising from these measures is then used to offset the additional nitrogen impacts arising from new residential development. In line with a nutrient budget for the appeal scheme, the Council has indicated that it will ensure that the impact of the proposed development will be offset against land within its ownership and control, in accordance with the interim strategy.
15. Notwithstanding this and the appellant's payment, and aside from the fact that the Council advise that it no longer wishes to defend the second reason for refusal, there would still be a requirement for me to carry out an Appropriate Assessment. However, regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to approve planning permission. Thus, given my overall conclusion on the main issue it has not been necessary for me to pursue this matter any further.

Conclusion

16. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR