
Appeal Decision

Site visit made on 20 July 2020

by Robin Buchanan BA (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2020

Appeal Ref: APP/B1740/W/20/3251038

Summer Cottage, Lymington Road, Milford-on-Sea SO41 0QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Richard Mitchelmore against the decision of New Forest District Council.
 - The application Ref 19/11524, dated 6 December 2019, was refused by notice dated 3 March 2020.
 - The development proposed is described as the division of land and the erection of 1 new 1 bedroom bungalow and associated external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged the appellant, Mr Richard Mitchelmore, has passed away. The appellant's agent has confirmed that the appeal is to proceed on behalf of Mrs Mitchelmore, who was also an applicant at application stage.
3. The Council's Officer report indicates that it would usually expect its second reason for refusal, relating to the New Forest and Solent European Habitats (the European Habitats), to be addressed by a suitable unilateral undertaking (UU). The appellant has not submitted a UU. I deal with the European Habitats in 'other matters' below.
4. Since the Council's decision, it has adopted a New Forest District Local Plan Part 1: Planning Strategy, July 2020 (the LPP1). The New Forest Emerging Local Plan (the ELP) Policy 10 and the New Forest District outside the National Park Core Strategy, October 2009 (the CS) Saved Policy DM3 are replaced by LPP1 Policy ENV1. The ELP Policy 13 and CS Saved Policy CS2 are replaced by LPP1 Policy ENV3. The main parties have had the opportunity to comment on the LPP1 and these new policies. I have dealt with the appeal on this basis.

Background and Main Issue

5. The appeal proposal is in outline with approval being sought for matters of access, appearance, layout and scale. Landscaping is reserved for future consideration. I have dealt with the appeal on that basis. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site contains a reasonably large detached bungalow and garden within a residential area of Milford-on-Sea. It is one of a small number of residential properties arranged along two private cul-de-sacs, behind one side of Lymington Road. These other homes are mostly large two storey detached houses with reasonably large plots and gardens, including mature boundary trees and hedgerows which gives a semi-rural feel. The appeal site is not within a defined Area of Special Character, but nonetheless there is a strong sense of seclusion and enclosure to this spacious, relatively low density, cluster of residential development.
7. The appeal proposal would sub-divide the plot at Summer Cottage to site a bungalow in the rear garden. There is higher density residential development nearby, in Knowland Drive and Deans Court, including smaller gardens. However, the relative location of these to the appeal site and intervening built form, fences and planting, would prevent these from being observed in any meaningful context with the proposed bungalow on the appeal site.
8. While the proposed bungalow would be smaller in terms of its size, footprint and amount of accommodation than the surrounding residential properties, including Summer Cottage, the Council did not object to this type of dwelling per se considering that Summer Cottage is also a bungalow. In this regard, I have no reason to take a different view. However, it would occupy the vast majority of its plot and be very close (on one side and to the rear) to two adjoining garden boundaries and have very little open garden space within its plot to the front or to the other side of the proposed bungalow, next to Summer Cottage. It would also severely truncate the size and shape of the plot and main rear garden to Summer Cottage.
9. Infilling the appeal site as proposed would therefore unduly reduce openness on the appeal site as well as the degree of spaciousness and separation relative to nearby properties, particularly Summer Cottage, at odds with the general arrangement of residential development in these two cul-de-sacs. As a result, the scale, appearance and layout of the appeal proposal would be incompatible and manifestly out of keeping with nearby residential development, as would the resulting severed plot and main garden for Summer Cottage. This would be a clear departure from the prevailing pattern and distinctiveness of this existing development and would be noticeable in public views from parts of Deans Court and Lymington Road, and also to the occupiers of the homes in these two cul-de-sacs.
10. Considering the above, the proposed development would cause harm to the character and appearance of the area contrary to LPP1 Policy ENV3. This Policy includes that development should be sympathetic to its context and respect and enhance local distinctiveness, character and identity having regard to layout, density and relationship to adjoining buildings and spaces. It would also be contrary to general principles in the Council's Milford-On-Sea Village Design Statement Supplementary Planning Guidance, December 2002, and conflict with the National Planning Policy Framework 2019 (the Framework) paragraphs 8(c), 124, 127(a)(b) and (c) and 130 which seek to ensure high quality places, sympathetic to local character and the surrounding built environment and landscape setting.

Other Matters

11. I appreciate that the appeal proposal is a revised scheme, following three previous decisions of the Council to refuse planning permission for a bungalow on the appeal site, and that the appellant has sought to overcome the Council's previous concerns. In this regard, while Milford-on-Sea Parish Council and some interested parties objected to the proposed access and parking, the Council did not because it is an existing access, traffic generation would be very limited and the amount of parking, its size and layout meet the Council's parking standards. I have no reason to take a different view in this regard and any obstruction of access or property is a private matter.
12. I accept that providing a smaller new home, including for older persons who may wish to downsize and remain living locally, is a planning policy objective recognised in the LPP1 and the Framework and would contribute to meeting an important part of the Council's housing needs. I also acknowledge that the appellant has suggested a planning condition to restrict occupation of the proposed bungalow to older persons and also contends that smaller gardens (including that which would be retained for Summer Cottage) may be valued by existing and future occupiers, including older persons. However, given that the scale of the proposed development is for a single dwelling these benefits would be relatively modest and would not lessen, outweigh or overcome the significant harm that I have found in the main issue above.
13. The Council considers that a UU would secure a financial contribution to manage the recreational impact of new development on the European Habitats, in accordance with the Council's mitigation strategy. Notwithstanding the Council's view that such a UU would mitigate the impact of the proposed development on the European Habitats, the appellant has not submitted a UU. I appreciate that the appellant considers that this matter could be addressed by a planning condition to secure a Community Infrastructure Levy payment via a Section 106 legal agreement, but I note that this is no longer a mechanism supported by the Council. However, in light of my findings in the main issue above, I do not need to consider this matter further.
14. The appellant has also referred to some residential sites elsewhere in Milford-on-Sea and suggests that these have small gardens comparable to the appeal proposal. However, the full details of these other sites are not before me and, in any event, I have dealt with this appeal on its individual planning merits.

Conclusion

15. For the reasons given, the appeal does not succeed.

Robin Buchanan

INSPECTOR