The Planning Inspectorate

Appeal Decision

Site visit made on 17 August 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2020

Appeal Ref: APP/H1705/W/20/3250785
Land to rear of 9 - 13 Dellands, Overton RG25 3LD

- 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 Stuart Ward of VIVERA Property Ventures Limited against the decision of Basingstoke & Deane Borough Council.
- The application Ref 19/03055/FUL, dated 4 November 2019, was refused by notice dated 4 March 2020.
- The development proposed is erection of 6 terraced houses.

Decision

1. The appeal is dismissed.

Procedural Matter

2. For the avoidance of doubt, my determination of this appeal is made against layout drawing no. 18-RG/246/106J and not the plans attached to the Transport Note which show a seventh dwelling to the east of the access road.

Main Issues

3. The main issues are:

   a) whether the proposed housing mix is acceptable having regard to development plan policy and relevant guidance;

   b) whether the development would make adequate provision for parking and servicing by refuse vehicles;

   c) the effect of the proposal on the integrity of European protected sites; and

   d) the effect on the character and appearance of the area.

Reasons

Housing mix

4. Policy CN3 of the Basingstoke and Deane Local Plan 2011-2029 (BDLP) permits market housing where, amongst other things, it includes a range of house type and size to address local requirements, and where the mix is appropriate to the size, location and characteristics of the site and the established character and density of the neighbourhood. Proposals are required to provide evidence, proportionate to the scale of development proposed, to justify the mix of housing proposed.

5. Policy H1 of the Overton Neighbourhood Development Plan 2016-2029 (ONDP) requires residential development to provide a mix of dwelling sizes.

6. The Council's Housing Supplementary Planning Document (2018) (Housing SPD) recognises that different housing mixes will be appropriate in different locations. In the centres of settlements, where there is a good or reasonable range of services or public transport provision, it will be appropriate to have a greater focus upon the provision of smaller homes such as flats. The guidance highlights concern about the predominance of larger dwellings in rural areas and the need to ensure that smaller dwellings are provided as part of a mix to allow older residents to downsize and free-up accommodation for families.

7. The proposal would provide 4 no. 3-bedroom dwellings and 2 no. 4-bedroom dwellings but there is no substantive evidence to explain how this mix was arrived at. Appendix 3.1 to the Housing SPD sets out data to show that 3 and 4-bed properties make up more than two-thirds of the existing housing stock within Overton, Laverstoke and Steventon parish. Projecting existing occupancy patterns forwards results in a requirement of 3 and 4-bed homes. However, this does not factor in the higher propensity within Basingstoke and Deane for under-occupation or the need to deliver smaller units to encourage downsizing.

8. The issues surrounding housing mix are complex, and there is a need to be proportionate in the manner in which development plan policy is applied. It would not be appropriate on a scheme of this scale to require the application to be supported by a housing needs survey. Nevertheless, I have been provided with no convincing reasons, based on the size, location and characteristics of the appeal site, why the scheme could not incorporate an element of 1 or 2-bed homes. The housing mix has not been robustly justified and therefore the proposal conflicts with BDLP Policy CN3 and ONDP Policy H1.

Parking and servicing

9. The Council's parking standards are set out in its Parking Supplementary Planning Document (2018) (Parking SPD). This document has been prepared in line with the Local Plan Regulations[1] and the process has included public consultation. I therefore afford the Parking SPD significant weight.

10. The site lies within the 'Outer urban and rural settlements' zone where the expected standard is for 1.75 spaces per 3-bed dwelling and 2.75 spaces per 4-bed dwelling. Applied to the appeal scheme, this creates a requirement for 13 parking spaces. The proposed layout would provide this number of spaces, arranged as a pair of tandem spaces per unit and a single communal bay adjacent the access road. An additional 2 spaces would be provided for 9 Dellands to make up for the loss of its existing driveway to the access road.

11. The Parking SPD stipulates that parking spaces should be 2.7 m wide by 5.2 m in length, except where a space is confined by a wall, fence or landscaping. In such instances the space should be 3 m wide to allow for ingress and egress from the vehicle. Most parking spaces within the scheme are constrained in some way and a significant number fall short of the 3 m width standard. The appellant argues that this would not prevent their use; it would simply make the spaces a little inconvenient. However, with average car sizes increasing and larger vehicles taking a greater market share, use of the allocated parking

[1] The Town and Country Planning (Local Planning) (England) Regulations 2012

areas by residents and visitors as a matter of routine cannot be guaranteed. There is a significant risk that cars would be parked in less constrained locations such as in the front of the properties, along the access road or in the turning head. This could interfere with the manoeuvring of refuse collection vehicles (RCVs) and prevent them from exiting the site in forward gear.

12. Whether or not the access road is offered up for adoption, if RCVs cannot physically access the site then householders will be forced to leave their bins at the kerbside of Dellands, potentially causing obstruction to visibility splays and the footway. Such impacts may be temporary, but they can give rise to safety issues and are indicative of poor scheme design.

13. I therefore conclude that the proposal would conflict with BDLP Policy CN9 insofar as it requires layouts to make appropriate parking and servicing provision, in accordance with the Parking SPD and without compromising highway safety.

European protected sites

14. Natural England advises that there are high levels of nitrogen and phosphorus input to the water environment of the Solent region caused by wastewater from housing and agricultural sources, and that these nutrients are causing eutrophication at designated nature conservation sites which include the Solent and Southampton Water Special Protection Area and Ramsar and Solent Maritime Special Area of Conservation. This results in dense mats of green algae that are impacting upon the Solent's protected habitats and bird species.

15. There is currently uncertainty as to whether new housing growth will further deteriorate the European sites and work is ongoing on this issue. This could involve identifying mitigation measures for affected developments. In the meantime, Natural England advises that one way to address the uncertainty is to achieve nutrient neutrality whereby an individual scheme would not add to nutrient burdens through site-specific mitigation.

16. No site-specific mitigation measures are being put forward in this case and there is no evidence before me to indicate that the scheme would achieve nutrient neutrality. Taken in combination with other residential developments within the relevant catchment areas, and applying a precautionary principle, I cannot exclude the possibility of likely significant effects on the internationally important interest features of European sites. Appropriate Assessment[2] (AA) is therefore required prior to any grant of permission. This must demonstrate, beyond reasonable scientific doubt, that the integrity of the designation would not be adversely affected.

17. The level of information required for a robust AA has not been provided. The appellant is inviting me to impose a negatively worded condition with the effect of requiring a contribution to mitigate the impact of the proposal on European sites. Although the Council is actively considering a strategic approach to mitigation, this is not sufficiently well advanced to give me the necessary confidence that adverse impacts would be avoided. Additionally, there is nothing to convince me that adequate mitigation could be delivered at the individual site level. A condition would essentially amount to a 'blank cheque' and it would not pass the rigour of the AA process.

[2] Under the provisions of the Conservation of Habitats and Species Regulations 2017

18. Accordingly, I conclude that the proposal would conflict with BDLP Policies EM4 and EM12 which seek to safeguard European protected sites and prevent pollution which poses unacceptable risks to the natural environment. The failure to address the requirements of the Habitats Regulations would be fatal to the appeal, even in the absence of other reasons for dismissal.

Character and appearance

19. The mainly terraced blocks of housing fronting onto Dellands, Sapley Lane, Charledown Road and Crawts Road form a perimeter block, with the rear gardens merging together to create one large undeveloped area which is out of view from the street.

20. The proposed development would break into this space. It would be served by a new access road running between Nos 7a and 9 Dellands, through the space presently occupied by No.9's detached garage. The Council is concerned that the access would be prominent and unattractive, but its appearance would not be significantly different to a double driveway. The shared surface design would assist in not drawing attention to this aspect of the scheme.

21. Although concerns are raised in relation to the appearance of a replacement driveway for No 9, the recent construction of driveways at No 7 and No 7a demonstrates how this might be achieved without detriment to the street scene. Further details of this aspect of the scheme could be secured by condition in the event of permission being granted.

22. The development itself would comprise two rows of 3 dwellings fronting onto one another on an east-west axis. Short terraces are characteristic of the area and this urban typology would be in keeping with the locality. However, the cheek by jowl mews style arrangement, whereby the terraces would be separated by only 9 m, would be at odds with the spacious setting of open garden land. The proximity of dwellings and hard surfacing to the edges of the site, without any meaningful soft landscaping to ameliorate the visual impact of built form, would make the development unduly stark.

23. Furthermore, although their scale would be broadly similar, the dwellings would lack affinity with the surrounding housing which is characterised by its simple red brick construction and hipped/cropped roofs. Full gables, dormer windows, parapet roof detail separating individual units and horizontally split brick and render facing would all read as discordant design features.

24. The appellant argues that introducing something new and different can enhance the setting. Clearly it is impossible to replicate the established pattern of urban form, given that the proposal would constitute backland development. Any new housing within the centre of the perimeter block needs to make efficient use of land in accordance with national and local policy whilst also making every effort to integrate with the surrounding townscape. The scheme does not strike that balance and for this reason I consider that it would be materially harmful to the character and appearance of the area, contrary to BDLP Policy EM10.

Planning Balance and Conclusion

25. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. This would normally trigger the tilted balance set out in paragraph 11(d)(ii) of the National Planning Policy Framework. However, the presumption in favour of sustainable development does not apply in circumstances like this where the

proposal is likely to have a significant effect on a habitats site, either alone or in combination with other plans or projects.

26. The proposal would conflict with the development plan in relation to the habitats issue, and also in respect of matters of housing mix, parking and servicing and the effect on the character and appearance of the area. The social and economic benefits of delivering additional housing in a sustainable location are significant material considerations weighing in favour of the scheme, particularly given the shortfall in housing supply, but they do not outweigh the above conflicts with the development plan.

27. For the reasons given above I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR