The Planning Inspectorate

Appeal Decision

Site visit made on 24 August 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/W1715/W/20/3253609
Mole Cottage, High Street, Bursledon, Southampton SO31 8DL

- 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 Tony and Paula Brooks against the decision of Eastleigh Borough Council.
- The application Ref C/20/87290, dated 31 January 2020, was refused by notice dated 2 June 2020.
- The development proposed is replacement dwelling.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Brooks against Eastleigh Borough Council. This application is the subject of a separate decision.

Procedural Matters

3. Surveys carried out since the application was determined have found no evidence of bats using the existing building as a roost. The Council has therefore withdrawn the final reason for refusal.

4. The decision notice makes reference to the Submitted Eastleigh Borough Local Plan (2016-2036). This plan is still undergoing examination and it is unclear at this stage whether the relevant policies will be found sound. I have attached the emerging plan minimal weight.

Main Issues

5. The main issues are:

   a) the effect of the proposal on the character and appearance of the area, having regard to the location of the site within the Old Bursledon Conservation Area and Old Bursledon Special Policy Area, and the effect on the setting of Grade II listed Yew Tree Cottage; and

   b) the effect of the proposal on the living conditions of the occupiers of Yew Tree Cottage, with particular reference to outlook, daylight and sunlight.

Reasons

Character and appearance

6. Old Bursledon comprises an area of low density housing, woodland, open fields and salt marshes adjacent to the River Hamble. The distinctive character and high quality environment have been recognised via the designation of a conservation area and a Special Policy Area (SPA) within the Eastleigh Borough Local Plan Review (2001-2011) (LPR). The boundaries of these designations are not perfectly aligned but they cover substantially the same area.

7. LPR Policy 179.LB protects the special loose-knit character of Old Bursledon and seeks the retention of existing open areas. The policy allows for replacement dwellings, provided that they respect and enhance the character of the SPA. This character is quite diverse, but there is a prevailing sense of space and openness which derives in part from the relationship of plot to building size. This attribute is recognised in the Old Bursledon Conservation Area Appraisal.

8. The strong framework of trees and hedgerows gives Bursledon a semi-rural quality which may explain why it lies outside of the urban edge. LPR Policy 8.CO allows the replacement of an existing dwelling in the countryside provided that the proposal meets certain criteria. In order to comply, a replacement dwelling should be of an appropriate design which reflects its countryside location; it should not be disproportionate in size to neighbouring properties or disproportionate in relation to its plot; and should not have a greater impact physically or visually on the character and appearance of its immediate surroundings, or on the countryside in general, than the existing dwelling.

9. The appeal site lies within the historic core of Old Bursledon[1]; this is one of the more densely developed parts of the conservation area. Although there are a small number of modern properties, it is the mix of historic buildings and boundary walls hard against the edge of the road which draws the eye. This is particularly the case at the eastern end of the High Street where there is a prominent cluster of listed buildings. This includes Yew Tree Cottage, an attractive double-fronted 18th Century house.

10. Adjacent to Yew Tree Cottage is Mole Cottage, a detached, timber framed and shingle clad bungalow. The dwelling sits gable-on to the High Street towards the front of a generous plot. The building is of no particular architectural merit but is innocuous due to its modest height and narrow width, the mellow facing materials and screening effect of shrubbery on the frontage. The property is glimpsed from the road and when viewed as part of a street vista with Yew Tree Cottage in the foreground only the top of the tiled roof is visible above a boundary hedge. The building's low profile adds to the sense of space and maintains a focus on Yew Tree Cottage and the other period properties which contribute positively to the character and appearance of this part of the conservation area.

11. The replacement dwelling would be 2 metres taller than the existing bungalow and it would be twice the width. The building would have a substantially larger footprint and it would be significantly closer to the side boundaries. The additional height and mass, and the orientation of the roof, would combine to create a much bulkier building, despite the half-hipped roof. Whilst there is

[1] Zone 7 within the Old Bursledon Conservation Area Character Area Appraisal

some merit in the proposal to push the development deeper into the plot, this would not mitigate the adverse visual impact arising from the excessive scale.

12. Although it would not be disproportionate to the size of the plot or adjoining properties[2], the dwelling would be unduly prominent and it would erode the site's contribution to the perception of space within the SPA, contrary to Policy 179.LB. It would unquestionably have a greater impact on the character and appearance of its immediate surroundings than the existing dwelling, contrary to Policy 8.CO.

13. The officer report acknowledges, fairly in my opinion, that it is to be expected that a replacement dwelling would be larger than the existing small bungalow. However, any proposal for a more than modest increase in scale would need to be justified by high quality contextual design. The proposed chalet bungalow would bear no relation to the vernacular buildings in the immediate vicinity of the site. Its form would be ugly and its dormers clumsy and oversized. The overall design is bland and undistinguished, more appropriate to a suburban setting than a conservation area. The development would form an elevated backdrop to Yew Tree Cottage from the High Street and it would jar with the listed building, harming the historic setting in which it is experienced.

14. The appellant had the option to draw upon the influences present on nearby period properties or to offer a new approach that complements the surrounding buildings. The scheme falls into neither category. Its design fails to take the opportunities available for improving the character and quality of the area, and thus it would conflict with national policy set out within paragraph 130 of the National Planning Policy Framework.

15. The Council has raised concerns regarding the proposed replacement front wall and gates, arguing that they are too grandiose. However, the remodelled entrance would be not dissimilar to other boundary treatments that can be found within a short distance of the site. Consequently, I do not consider that this objection should weigh against the proposal.

16. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the Old Bursledon Conservation Area; it would also harm the character of the Old Bursledon Special Policy Area and the setting of Grade II listed Yew Tree Cottage. Consequently, the scheme would conflict with LPR Policy 8.CO in respect of replacement dwellings in the countryside and LPR Policies 59.BE, 169.LB and 179.LB as regards the need for good design which respects local character and heritage assets.

Living conditions

17. Yew Tree Cottage is set at a lower level than Mole Cottage and is angled such that its rear windows face diagonally towards the boundary with the appeal site. The property's small rear garden sits in a hollow and is physically confined by buildings and retaining walls. The principal outlook when relaxing in the garden and conservatory is towards the appeal site with an unrestricted view of sky above the boundary hedge. Under the appeal proposal this would be replaced by a view of a brick gable and roof hip. The new building would be set back from the boundary but its height and mass would dominate the outlook for the neighbours

[2] The appellant estimates that the built footprint would occupy 12% of the site area and this is not contested.

and increase the sense of enclosure within their garden. Given the already constrained nature of the garden this impact would be materially harmful.

18. The appellant has produced a drawing which demonstrates that there would be no unacceptable reduction in daylight, assessed using the methodology set out in the Council's 'Quality Places' Supplementary Planning Document (2011) (SPD). However, there is no corresponding analysis of the impact on sunlight. Based on the photographic evidence of the neighbour, overshadowing is likely and this would be greatest later in the day and at certain times of the year. The absence of any substantive technical evidence to quantify the impacts against relevant Building Research Establishment guidance weighs against the proposal.

19. Accordingly, I conclude that the proposal would have an unacceptable adverse impact on the outlook of the occupiers of Yew Tree Cottage and moreover it has not been demonstrated that impacts on sunlight would be within acceptable limits. The proposal therefore conflicts with LPR Policy 59.BE insofar as it seeks to avoid undue interference, disturbance or conflict with adjoining or nearby uses.

Other Matters

20. The appellant's evidence references the sizeable extensions that have been approved at Greyladyes and Hacketts. It is unclear why the Council chose to disregard the guidance within the supporting text of LPR Policy 179.LB that extensions should not exceed 15% of the original floorspace. Nevertheless, I note that those properties sit further from the road and within much larger plots which are largely screened by brick boundary walls or dense vegetation. The appeal scheme would be more prominent and is not directly comparable. I have determined the appeal on its own merits.

21. The proposal is to substitute a thermally inefficient dwelling with a new property built to modern standards. This would benefit the environment and future occupants in terms of better living conditions and lower running costs. However, the Council does not object to the principle of a replacement dwelling on the plot and consequently there is no reason why the benefits could not be achieved within a scheme of more sympathetic design.

Conclusion

22. The proposal would harm the character and appearance of the conservation area and the setting of the adjacent listed building. Notwithstanding the benefits arising from a more thermally efficient form of construction, there are no public benefits which would outweigh the harm to heritage assets. The adverse impacts on the living conditions of the occupants of Yew Tree Cottage add weight to the case against the proposal.

23. The proposal conflicts with the development plan taken as a whole. There are no material considerations of such strength or significance as to outweigh the conflict with the development plan. For the reasons given above, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR