
Appeal Decisions

Site visit made on 20 October 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2020

Appeal A: APP/A1720/W/20/3257069

310 Botley Road, Burridge, Fareham SO31 1BQ

- 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 Miller against the decision of Fareham Borough Council.
 - The application Ref P/20/0267/FP, dated 20 March 2020, was refused by notice dated 5 May 2020.
 - The development proposed is erection of detached two storey dwelling following demolition of existing annexe.
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Appeal B: APP/A1720/W/20/3257066

310 Botley Road, Burridge, Fareham SO31 1BQ

- 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 Miller against the decision of Fareham Borough Council.
 - The application Ref P/20/0266/FP, dated 20 March 2020, was refused by notice dated 5 May.
 - The development proposed is erection of detached bungalow and use of existing annexe as ancillary building.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. I have taken the description of development in respect of both appeals from the appeal forms and decision notices, since these more accurately describe the proposed developments than the descriptions on the application forms.

Main Issues

4. The main issues in respect of both appeals are:
 - The effect of the proposed development on the character and appearance of the area, having regard to the location of the site within open countryside; and
 - the effect of the proposed development on the integrity of the Solent 'European Protected Sites' (EPS).
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Reasons

5. There are two proposals before me, each the subject of its own separate appeal. Both appeal schemes propose the construction of a detached dwelling on the site, which would front onto the access lane, and utilise the existing vehicular access, with parking to the front of the dwelling and a private rear garden. The Appeal A scheme comprises a full two-storey dwelling and the removal of the existing outbuilding. The Appeal B scheme comprises a single storey dwelling together with the retention of the outbuilding for ancillary use.

Character and appearance

6. The appeal site is located to the rear of a large detached dwelling at 310 Botley Road. The evidence before me is that the site formally comprised part of the rear garden of that property, and contained a hard-surfaced tennis court and a single storey outbuilding used for ancillary purposes to the occupation of the dwelling.
7. The outbuilding benefits from an extant planning permission for conversion into a self-contained dwelling with associated garden and separate access. The consent expires on 10 October 2021, and the appellant considers that the permission has been implemented and that the appeal site comprises a separate planning unit. This is disputed by the Council.
8. For the purposes of the development plan, the appeal site lies within open countryside where new residential development is strictly controlled. Policies CS2, CS6, CS9, and CS14 of the *Fareham Local Development Framework Core Strategy 2011* (the Core Strategy) and Policy DSP6 of the *Fareham Local Plan Part 2: Development Sites and Policies 2015* (the Local Plan) direct new housing development to within the defined settlement boundaries.
9. I observed during my site inspection, that boundary fencing has been erected which separates the appeal site from the rear garden of No 310. Vehicular access to the appeal site is independent from No 310, from Botley Road via an unmade track which runs adjacent to No 310. The building exists and appears to be of sound construction and capable of permanent domestic occupation, and the evidence before me is that there are no external alterations of note to the outbuilding in association with the approved scheme. I observed that the building contains domestic paraphernalia and furnishings associated with residential use, and that part of the hard-surfaced tennis court area is presently used for car parking. The appellant has confirmed that the sole pre-occupation planning condition has been discharged, that the property has a separate postal address and that there is a tenant in occupation.
10. Taking all of the above factors into consideration, together with the time remaining until the expiry of the extant permission, I find that, notwithstanding the Council's request for additional evidence to be provided to confirm implementation of the approved scheme, it has been satisfactorily demonstrated that there is a "real prospect" of the fallback development of the extant scheme being implemented. As such, the extant approval has established the principle of an independent dwelling on the appeal site for the purposes of determining this appeal against the aforementioned development plan policies. I therefore find that, in the case of both appeals, a replacement dwelling would not conflict with the aims and objectives of these development policies, having regard to the principle of development.

11. It therefore follows that I have not found it necessary to assess the appeal scheme against Local Plan Policy DSP40, notwithstanding the Council's confirmed lack of five year housing land supply, since this policy relates to the provision of additional housing sites outside the urban area boundary.
12. Notwithstanding the above, I must also assess the impact of the built development associated with each appeal scheme upon the character and appearance of the countryside.
13. The extant permission involves very few alterations to the outbuilding and the appeal site. The small single storey building sits discretely on the site due to a combination of its low height, long narrow design and position set back from the site frontage and close to the rear front boundary, where it is largely screened by trees and mature boundary landscaping. The roughly north-south orientation of the building follows that of the established linear layout of residential properties fronting Botley Road.
14. The appeal site already has a notable residential appearance. However, I find that this arises from the presence of the outbuilding and tennis court and existing access, and that this is perceived within the context of the former host property at No 310. The size and positioning of the outbuilding is akin to that of an ancillary building positioned within a large rear garden associated with the road frontage ribbon development.
15. Both appeal schemes would introduce new built development on the appeal site which would have a significantly greater visual presence than that of the existing building and the extant permission. The proposed dwelling of both appeal schemes would introduce frontage residential development along the access lane. The proposed layout of development would be at odds with the prevailing frontage residential development where dwellings directly front Botley Road.
16. Both proposals would result in a visually obvious expansion of built residential development along the access lane. This would have an unduly urbanising impact on the un-made, quiet and rural character of this part of the lane, and result in a harmful erosion of the existing spacious character of the area between the Botley Road dwellings and open countryside and woodland to the rear.
17. Whilst there are commercial properties on the opposite side of the lane which have resulted in a notable amount of built development behind the frontage dwellings along Botley Road, they comprise a more ad-hoc arrangement of development in respect of the Cherry Tree Farm Industrial Estate, and do not directly front the lane. As such, they have not resulted in a formal extension of built development directly fronting, and accessed from the lane. In this respect they differ markedly from both appeal schemes.
18. Whilst large dwellings and bungalows exist within the immediate area, they are characteristic of development fronting onto Botley Road and are perceived within a built-up environment which differs significantly from that of the appeal site. Notwithstanding that the proposed dwellings of both appeal schemes would not be visually prominent in views from Botley Road, they would appear unduly large and visually prominent and imposing with the rural and spacious surroundings of this part of the access lane. This is due to a combination of their scale, size, width, footprint and position directly facing the site entrance.

19. This applies to both appeal buildings, even though the Appeal B scheme building would be smaller, since this property would have a deep roof form, and a similar width, footprint and positioning on the site as the house proposed under the Appeal A scheme. Furthermore, both dwellings would appear cramped in relation to the western site boundary.
20. My attention has been drawn to a housing development scheme to the south of the site, and to the rear of the Botley Road built frontage. However, I do not find this to be directly comparable with the appeal schemes, which I must determine on the basis of the merits of the proposals before me and the particular circumstances of the appeal site.
21. For the above reasons, I therefore conclude that the development proposals the subject of both Appeal A and Appeal B would harm the character and appearance of the area. As such, they would conflict with Policies CS14 and CS17 of the Core Strategy, which, amongst other things, require new development to be of a high quality of design, including responding positively to, and being respectful of, the key characteristics of the area, and requiring replacement buildings outside defined settlements to reduce the impact of development and be grouped with other existing buildings.

Solent EPS

22. The Council's third and fourth refusal reasons in respect of both appeal schemes relate the failure of the proposals to mitigate the 'in combination' effects of the developments upon the Solent EPS, having regard to increased recreational disturbance associated with an increase in residential units, and increased levels of nitrates from waste water from new dwellings entering the Solent causing eutrophication.
23. As matters stand, the appellant asserts that recreational disturbance impacts have been addressed through a financial contribution to the Solent Recreation Mitigation Strategy (SRMS) in association with the extant planning approval. The appellant has not provided a nitrate neutrality assessment in accordance with Natural England's approved methodology to address the nitrates issue.
24. The Council's appeal statement confirms that, if I am minded to consider the appeal schemes to comprise replacement dwellings, then the third and fourth reasons for refusal would not apply, as a replacement dwelling would not harm the EPS by reason of increased recreational disturbance or waste water.
25. If I were mindful to allow the appeal, as the competent authority, I would need to undertake an Appropriate Assessment of the implications of the appeal scheme for the EPS. Given the site-specific circumstances in respect of implementation of the extant planning permission, and the significantly larger size of both appeal scheme dwellings compared to that of the extant approval, I do not consider that there is sufficient evidence before me to confirm that appropriate mitigation proposals have been put in place as part of these appeals to directly address all of the likely significant effects upon the EPS. The appeal schemes, in the absence of satisfactory mitigation and the necessary mechanisms for achieving it, would have an adverse effect upon the integrity of the EPS.
26. However, since I find the proposed development to be unacceptable in respect of the impact on the character and appearance of the area, the outcome of any

such Appropriate Assessment would have no bearing on the aforementioned harm I have already identified, and, in turn, on the overall outcome of this appeal. Therefore, I need not take this matter further at this time.

Other Matters

27. The Council has confirmed that it cannot currently demonstrate a five-year housing land supply. Having regard to the Paragraphs 11 d) and 177 of the *National Planning Policy Framework 2019* (the Framework), and my findings in respect of the second main issue, I find that the presumption in favour of sustainable development does not apply in this instance.

Conclusion

28. The developments the subject of Appeal A and Appeal B would conflict with the policies of the adopted development plan for the area. As such, they do not constitute sustainable development in accordance with the definition set by the Framework.
29. For the reasons given above, I conclude that both **Appeal A** and **Appeal B** should be dismissed.

S Leonard

INSPECTOR