
Appeal Decision

Site visit made on 27 October 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2020

Appeal Ref: APP/M1710/W/20/3255690

Dene Cottages, Winchester Road, Ropley, Alresford SO24 0BJ

- 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 Christian McCabe (CPFM Construction) against the decision of East Hampshire District Council.
 - The application Ref 20405/006, dated 23 March 2020, was refused by notice dated 2 June 2020.
 - The development proposed is two storey 3 bedroomed detached cottage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of the occupiers of 1 Dene Cottages, with particular reference to outlook and light.

Reasons

Character and appearance

3. The appeal site lies within a ribbon development of two-storey dwellings on the south side of Winchester Road. The small group of dwellings includes two pairs of semi-detached cottages to the west of the appeal site and several, more modern, detached houses to the east. The dwellings are set within a spacious, landscaped, semi-rural setting, including open fields to the rear. Gaps between the buildings are a notable positive feature of the built environment, allowing views from the road through to the green rural backdrop of the frontage development.
4. The site previously comprised part of the garden of 1 Dene Cottages, and has been severed from that property following approval for redevelopment with a dwelling, which was granted in 2017. The extant permission scheme comprises a two storey detached house positioned close to the eastern side boundary. It allows for the retention of a generous gap between the dwelling and the side boundary with No. 1, which is of a width almost equivalent to that of the proposed house. As such, the scheme retains the spacious nature of the built frontage.

5. The appeal scheme would comprise a significantly wider dwelling than of the extant scheme. It would reduce the gap between the side wall of the new house and the side boundary by approximately half that of the approved scheme. The extent that the new dwelling would extend across the width of the plot at two-storey height would result in an unduly tight form of development, which would be out of keeping with the more spacious siting of buildings which characterises this part of the road. The cramped nature of the proposal would be compounded by the recent first floor side extension to No.1.
6. Notwithstanding the set-back position of the new dwelling within the site, its positioning in relation to the side boundaries and the neighbouring properties would appear uncomfortably tight when viewed from the street. There would be a visual perception of a continuous row of houses, and the absence of a significant gap between the new dwelling and No.1 would be out of keeping with the prevailing street scene where each dwelling has a notable area of open space to one of its sides. As such, the appeal scheme would harmfully erode the established pattern of built development along this part of the road, which is characterised by generous spacing between buildings. This harm to the distinctive character of the area would not be outweighed by the appropriate design of the proposed dwelling per se.
7. For the above reasons, I therefore conclude that the proposal would be significantly harmful to the character and appearance of the area. As such, the development would be contrary to Policy CP29 of the *East Hampshire District Local Plan: Joint Core Strategy 2014* (the Core Strategy), Policy RNP11 of the *Ropley Neighbourhood Plan 2019* (the NP), and the *Ropley Village Design Statement 2006*. These policies, amongst other things, aim to ensure that new development seeks exemplary standards of design, and that the layout and design of development contributes to local distinctiveness and sense of place, and is appropriate and sympathetic to its setting in terms of its scale, height, massing and relationship to adjoining buildings and spaces around buildings.
8. For similar reasons, the proposal would also be contrary to Policies of the *National Planning Policy Framework 2019* (the Framework) which seek to secure high quality design as set out in Chapter 12.

Living conditions

9. Notwithstanding that the current occupiers of 1 Dene Cottages have raised no objection to the appeal scheme, I must consider the impact of the proposal on the living conditions of any future occupants of that property. The proposed set back position of the new dwelling behind the line of the main rear wall of No.1 would give rise to a significant impact on the outlook from the rear garden and conservatory of that property. Due to the combined height and depth of the new building, and its proximity to the side boundary, I find that this impact would be unduly oppressive and overbearing.
10. Due to its position roughly to the east of the rear garden and conservatory of No.1, together with its proposed height and massing, the new building is likely to result in a reduction of morning sunlight to part of the amenity space of that property. Notwithstanding the southerly aspect of the garden, I find that this impact would be detrimental to the enjoyment of No.1.
11. For the above reasons, I therefore conclude that the proposal would materially harm the living conditions of the occupiers of 1 Dene Cottages, with particular

reference to outlook and light. As such, the development would not accord with Core Strategy Policy CP27 and NP Policy RNP11. These policies, amongst other things, seek to ensure that new development does not cause significant harm to the amenities of nearby properties, including their outlook and access to sunlight. The Council has referred to Policy CP29 of the Core Strategy in their second reason for refusal. However, this policy is not directly relevant to this main issue

12. This is generally consistent with the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health, and well-being for existing and future users (paragraph 127).

Other Matters

13. The Council's Delegated Report states that it has not been demonstrated that the proposal would not cause harm to the Solent Special Protection Area (SPA), and that a Habitats Regulations Assessment has not been submitted. The Council has not included this matter within the reasons for refusal on the basis that there is an extant planning permission for the construction of a new dwelling on the appeal site.
14. 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 SPA. As matters stand, there are no detailed mitigation proposals in place as part of this appeal to directly address the likely significant effects upon the SPA, and the full details and implications of any such proposals remain unknown. The appeal scheme, in the absence of any satisfactory mitigation and the necessary mechanism for achieving it, would have an adverse effect upon the integrity of the SPA.
15. However, since I find the proposed development to be unacceptable in respect of the main issues, 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, there is no need for me to consider the implications for the European designated sites any further as part of my decision.
16. Notwithstanding that the Framework encourages Local Planning Authorities to approach decisions in a positive and creative way, this is not unqualified, and would not address, or outweigh, the aforementioned harm that I have identified in respect of the main issues.
17. The Framework encourages the effective use of land in meeting the need for new homes. When judged against some of the core planning principles of the Framework, the appeal proposal would perform well in that it would be in an urban area where access to facilities is likely to be greatest. Also, there would be a small social benefit in providing an additional dwelling, and economic and social benefits as a result of the construction and occupation of the new houses. However, these benefits would not overcome the harm to the character and appearance of the area and the living conditions of the neighbouring occupiers that I have identified.

Conclusion

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

S Leonard

INSPECTOR