



Appeal Decision

Site visit made on 17 November 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal Ref: APP/C1760/W/20/3255445

27 Fairlawn Close, Rownhams SO16 8DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Luke Castle against the decision of Test Valley Borough Council.
 - The application Ref 19/01573/FULLS, dated 22 June 2019, was refused by notice dated 15 January 2020.
 - The development proposed is erection of detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (1) the character and appearance of the area and (2) protected species.

Reasons

Character and appearance

3. The appeal site currently forms part of the garden of no 27 Fairlawn Close, a two-storey detached dwelling located within an established open plan residential estate, which is characterised by its pleasant suburban feel. Like other properties within the Close, the appeal site backs onto Rownhams Road North, where the character of the area changes distinctively. Along that road, the largely undeveloped back gardens, together with the extensive tree cover, mature landscaping and open fields on the opposite side, contribute to the spacious and sylvan setting which gives this locality a pleasant semi-rural character.
4. The proposal comprises the construction of an additional property to the rear of the existing dwellinghouse and would require the removal of some of the existing fencing panels to form a new vehicular access onto Rownhams Road North. A driveway would also be created to the front of the new dwelling for the provision of parking and turning, which would open up views onto the proposed development and associated domestic paraphernalia.
5. The proposal would give a harder, more urban appearance to the plot, which would stand out as a piecemeal form of development by interrupting the otherwise generally consistent belt of landscaping that presently lines the road. Consequently, the resulting development would harmfully contrast with its immediate surroundings, as it would substantially erode the spaciousness of

the appeal site and the contribution it currently makes to the verdant character of the street scene.

6. The appellant has indicated that he would be agreeable to a condition requiring additional planting within the site to soften the visual impact of the proposal and screen the existing fence. However, I have not been presented with any substantive details to illustrate the form that such landscaping would take. Furthermore, any soft landscaping would inevitably take a considerable amount of time to mature before it would provide any effective screening, and there is no certainty that it would be then retained for the lifetime of the development.
7. The provision of a cattle grid system allowing for vegetation to grow through has also been drawn to my attention as a possible alternative. In that regard, the appellant has referred to a development within a different settlement area, in Alton. However, I do not have the full details of the circumstances that led to this proposal being accepted, and cannot therefore be certain that they represent a direct parallel to the proposal before me, notably in respect of context and development plan policy.
8. For the foregoing reasons, the proposed development would cause unacceptable harm to the character and appearance of the area. It would therefore be contrary to Policies E1 and E2 of the Test Valley Borough Revised Local Plan DPD¹ (LP). These policies notably seek to ensure that development proposals do not have a detrimental impact on the appearance and landscape character of the area. I however find no conflict with LP Policy COM2, which focuses on the Council's settlement hierarchy.

Protected species

9. The appeal site lies immediately adjacent to Rownhams Field Site of Importance for Nature Conservation (SINC), which is known to support hazel dormice. The Council's submissions confirm that there is also potential suitability for bats, birds, reptiles and invertebrates. Although the rear garden is largely laid to lawn, there are a number of protected trees on the site, which may provide a wildlife habitat that is well connected to the SINC.
10. A Preliminary Ecological Appraisal² (PEA) carried out by Ecosupport was submitted as part of the planning application. The Council is satisfied with the precautionary working method detailed within the PEA to address the potential presence of hazel dormice, and there are no reasons for me to disagree with that approach. However, whilst the PEA has assessed the potential presence of bats, birds and badgers, it has failed to consider the site's suitability and effect of the proposal on reptiles and invertebrates.
11. Circular 06/2005 advises that it is 'essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'.
12. Whilst the Circular states that surveys should only be required where there is a reasonable likelihood of species being present, it also recommends surveys

¹ January 2016.

² Revised June 2019.

being carried out before planning permission is granted. Surveys should therefore only be required by condition in exceptional circumstances. In light of the advice contained within the Circular and by reason of the site's proximity to the SINCE, I consider that this matter could not be satisfactorily addressed through the imposition of a planning condition.

13. In the absence of substantive evidence demonstrating otherwise, the reasonable likelihood of a number of protected species being present on site, having particular regard to reptiles and invertebrates, and the effect that the development could have on them or their habitats, cannot be ascertained. Accordingly, the appeal scheme would not accord with LP Policy E5, paragraph 175 of the National Planning Policy Framework (the Framework), Circular 06/2005 and Natural England's Standing Advice on Protected Species. Amongst other things, these seek to prevent development likely to result in the loss, deterioration to habitats or species or importance to biodiversity or geological conservation interests.

Other Matters

14. Various concerns have been raised by interested parties, notably regarding the effect of the proposal on highway safety, which I have noted. However, the Local Highway Authority did not raise any objection to the appeal scheme, subject to the provision of suitable visibility splays, and there are no reasons for me to take a different view.
15. The appeal site lies within proximity to the New Forest Special and Solent Special Protection Areas (SPA). These areas are recognised under the Conservation of Habitats and Species Regulations 2017 as being of international importance for supporting significant numbers of overwintering bird species.
16. It is agreed by the main parties that the proposed development would have a likely significant effect on the integrity of these sensitive areas (either individually or in combination with other plans or projects) notably by reason of additional recreational pressures, unless suitable mitigation is provided. As detailed within the Solent Recreation Mitigation Strategy, residential development proposals are required to make a financial contribution towards mitigation measures, which are normally secured through the completion of a Section 106 legal agreement or unilateral undertaking.
17. Furthermore, the Council and Natural England have raised concerns in respect of the high levels of nitrogen and phosphorous entering the Solent catchment, which may be caused by increased waste water from additional residential development. This could also have a likely significant effect on the protected sites. As detailed within the Council's submissions, this issue may notably be addressed by ensuring that the proposed development achieves nutrient neutrality.
18. As I am dismissing this appeal on other substantive grounds, these are not matters which need to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.

Conclusion

19. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR