The Planning Inspectorate

Appeal Decision

Site Visit made on 17 November 2020

by Mr Martin Allen B.Sc (Hons), M.Sc, M.R.T.P.I

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/B1740/W/20/3256034
Land at 2 Fennel Gardens, Lymington, SO41 9FS

- 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 M Nineham against the decision of New Forest District Council.
- The application Ref 19/11505, dated 4 December 2019, was refused by notice dated 3 March 2020.
- The development proposed is described as "Sever plot; erection of 1no. dwelling with associated parking".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the refusal of planning permission, the Council has adopted the New Forest District Council Local Plan – Part One: Planning Strategy (the Local Plan), policy ENV3 of which supersedes policy CS2 of the Core Strategy. The appellant has had the opportunity to comment on this and as such I am satisfied there would be no prejudice in considering the new policy when determining this appeal.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. The appeal site comprises an area of land to the side of an existing end-of-terrace property, 2 Fennel Gardens (No 2). It comprises a parking area as well as part of the side garden of No 2 and lies at the corner of the junction of two roads, Fennel Gardens and Campion Way. Campion Way is one of the principal access routes through the development that surrounds the site and given the positioning of the appeal site in proximity to and alongside this road, it is a highly noticeable location within the surrounding townscape.

5. Buildings within Fennel Gardens are set back from Campion Way through the inclusion of open spaces, comprising the appeal site and the side garden of the property on the other side of Fennel Gardens. On the other side of Campion Way, landscaping is included behind the footway, behind which is a boundary treatment and the rear gardens of further properties, which include further landscaping. As a consequence of this arrangement, the area around the junction of the roads has a distinctly spacious feeling, which positively contributes to the character and appearance of what is generally a densely arranged residential development.

6. The appeal scheme would see the construction of an additional dwelling to the side of No 2 and stepped forward of the existing terrace. While I accept that steps within terraces are common features in the surrounding development, at this location, given the proximity to the junction and the openness to which I have referred, the appeal scheme would appear as an overly dominant feature. It would be positioned oppressively near to the footway, thus appearing cramped within the site and would substantially diminish the openness of the immediate vicinity. As a result, it would be a discordant building that fails to appropriately respond to its context.

7. While I acknowledge that in the wider area, there are examples of buildings that are positioned in close proximity to footways, these appeared to be of differing contexts than that of the appeal scheme. I have identified specific harm resulting from the spatial arrangement of buildings and open spaces within the vicinity of this site and thus the cited examples do not convince me of the acceptability of the proposed development at this location. Furthermore, whilst I note the details that have been provided in respect of a previous scheme and appeal on this site, for the reasons given I find that the current proposal continues to result in unacceptable harm.

8. Accordingly, I find that the proposal would be harmful to the character and appearance of the area in conflict with policy ENV3 of the Local Plan, insofar as it seeks to ensure that development achieves high quality design that contributes positively to local distinctiveness. The scheme would also conflict with the design aims of the National Planning Policy Framework (the Framework).

Other Matters

9. The decision notice also refers to a potential impact on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation. There is also reference to the matter of nitrate neutrality. As I have found above that the proposal would not be acceptable and I am dismissing the appeal, the development will not take place and so I have no need to consider these matters further.

10. At the time the planning application was determined, the Council was unable to demonstrate a five-years supply of deliverable housing sites. This position has now changed, and the Council has a five-year supply. I have determined the appeal on the basis of the current position, on which the appellant has had the opportunity to comment, and consequently, paragraph 11(d) of the Framework is not engaged.

11. I acknowledge that the scheme would result in an additional unit of accommodation and would be located within a built-up area, with economic benefits throughout the construction and in the future, albeit these would be limited. Any such benefits are not sufficient to outweigh the harm and consequent conflict with policy I identify.

Conclusion

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

Mr Martin Allen

INSPECTOR