
Appeal Decision

Site visit made on 11 December 2020

by L McKay MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 7th January 2021

Appeal Ref: APP/B1740/W/20/3258580

1 Kingfisher Way, Ringwood BH24 3LP

- 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 Rhys Jones against the decision of New Forest District Council.
 - The application Ref 20/10405, dated 13 April 2020, was refused by notice dated 11 June 2020.
 - The development proposed is described on the application form as 'Proposal is to sever the existing plot to no 1 Kingfisher Drive to create separate plot at 140m² to accommodate new compact 2 bedrooomed dwelling (accessible from North Poulner Road). Built/amenity provision ratio at 20%/75%, provision for 2 no. car parking spaces'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the local planning authority (LPA) made its decision it has adopted the Local Plan 2016-2036 Part One: Planning Strategy (LP), which replaces the Local Plan Part 1: Core Strategy and the Local Plan Part 2 other than where policies in those earlier local plans have been saved for continued use. The LPA has confirmed which LP policies are relevant to this appeal, which replace those listed in its reasons for refusal, and the appellant has had the opportunity to comment on the change to the development plan.

Main Issues

3. The main issues are the effect of the proposed development on:
 - i) the character and appearance of the area; and
 - ii) the living conditions of the occupiers of the existing and proposed dwellings in respect of privacy and outlook.

Reasons

Character and appearance

4. The appeal site is part of the Kingfisher Way development, a planned development of residential cul-de-sacs which falls within Character Area 8 of the LPA's Ringwood Local Distinctiveness Supplementary Planning Document (SPD). The site also adjoins North Poulner Road, which the SPD identifies as

one of several older pre-car lanes and streets. The Character Area is identified as having varied but consistently suburban development, pockets of development (such as Kingfisher Way) that were clearly planned and designed as layouts around, or encompassing, open greenspace, and buildings with strongly characteristic forms often repeated to create a sense of neighbourhood. The SPD identifies that gaps are very important in the area to enable dwellings to be seen within their green settings, and that gardens and verges contribute to the overall green character of the area.

5. Dwellings in Kingfisher Way comprise a number of different house types which, despite various alterations over time, remain highly consistent in terms of their simple form, height, largely unbroken roofscape, materials, window proportions and sizes and porch designs. Consequently, Kingfisher Way has a strong and distinctive character markedly different from other dwellings on North Poulner Road and in the surrounding area.
6. The Kingfisher Way development extends for several properties either side of the junction with North Poulner Road and the appeal site is therefore seen in the context of that development. The host property is typical of the larger dwellings in this development and the site is characteristic of the more spacious corner plots found at junctions. The vegetation and deep verge on the site alongside North Poulner Road contribute to the verdant character along the road. Consequently, the site contributes positively to the character and appearance of the area.
7. The proposed dwelling would be a similar width to other small dwellings in Kingfisher Way, and the plot would be comparable in size with others in the development. However, due to its lower height, stepped roof, eaves dormer and window form, the proposed dwelling would not share the consistent features, proportions and key dimensions which give this planned development its distinctive form. As such, despite using similar materials to neighbouring properties, it would contrast markedly with them, and would appear incongruous in the street scene.
8. The proposal would also significantly reduce the space between 56 North Poulner Road and the host property. While the remaining gap would be larger than between Nos 56 to 64, and those are detached and semi-detached properties fronting the road, not corner plots. The gap would be significantly smaller than that between No 2 on the opposite side of the junction, and the property behind it. While the dwellings on these two corner plots are of different design and scale, nevertheless their front, side and rear gardens give them a spacious character typical of corner plots in Kingfisher Way, which contrasts with the more tight-knit development around them.
9. Consequently, the proposal would condense the grain of development and reduce the spacious character of the plot in a prominent position close to the road junction at the entrance into the Kingfisher Way development. As a result of its design and relationship to existing properties, the proposed dwelling would appear cramped and contrived, and distinctly out of keeping with the prevailing pattern of development in the area.
10. The proposed vehicular access would also result in the loss of the grassed verge alongside the road which contributes to the green character of the road despite being informally used for parking. Together with the adjacent parking area of No 56, the access would create a large width of hardsurfacing and a

hard edge to the development, with little space for meaningful landscaping. While there are other such expanses of parking in the area, most properties retain some front garden, which breaks up the parking areas and contributes positively to the area. Therefore, although the shrubs alongside the remaining garden of No 1 are to be retained, the proposal would erode the verdant character of North Poulner Road.

11. Accordingly, the proposal would harm the character and appearance of the area. Therefore, it would conflict with LP Policy ENV3 which requires all development to achieve high quality design and contribute positively to local distinctiveness, and with the guidance in the Local Distinctiveness SPD

Living conditions

12. The proposed alterations to the first-floor layout of No 1 would result in the two windows closest to the garden of the proposed dwelling being obscure glazed. This could be secured by condition as it is on land in the appellants' control. The window of bedroom 3 would still have views down towards the garden however, the centre of which would only be 12.5 m from the window according to the appellants' figures. Such views would be at an angle but from an elevated position, and given the proximity it is very likely that people using the garden would be visible from that window.
13. A degree of overlooking is common in suburban residential areas, however the proposed garden would be very modest in size and as such, future occupiers would have little space that was not directly overlooked. Due to the limited separation distance, angle of view and lack of intervening vegetation, the overlooking from No 1 would be significantly greater than that from properties to the side and rear of the proposed dwelling. Therefore, the proposal would not provide suitable private outside space for future occupiers of the proposed dwelling, to the detriment of their living conditions.
14. Due to its siting, the side elevation of the proposed dwelling would be prominently visible from the rear windows of No 1. Rear to side relationships are not however unusual in Kingfisher Way, and the separation distance would be similar to that between other plots on the development. The host property would also retain the existing relatively open outlook either side of the proposed dwelling. Furthermore, the proposed removal of the wall in front of No 1's conservatory would create an open outlook in that direction. Consequently, although the proposal would change the outlook from the rear windows of No 1, it would not appear unduly dominant.
15. Accordingly, while the proposal would not significantly adversely affect the living conditions of the occupiers of No 1 in respect of outlook, it would not provide adequate living conditions for future occupiers of the proposed dwelling in respect of privacy. Therefore, it would conflict with LP Policy ENV3 which, among other things, requires high quality design that avoids unacceptable effects by reason of overlooking.

Other Matters

16. The proposal would deliver one additional dwelling and make efficient use of land in a sustainable location. However, as the site is a residential garden in a built-up area, it is excluded from the Framework definition of previously developed land and as such does not benefit from the support for use of such

land. There is also no substantive evidence before me of an identified need for housing of this size, or of issues with house price affordability in the area.

17. With the adoption of the LP the LPA now has an up-to-date development plan and can demonstrate a 5-year supply of housing land. The criteria in Framework paragraph 11 c) and d) are not met, therefore the presumption in favour of sustainable development is not engaged. In the context of a Framework compliant supply of housing land, the benefits of one additional 2-bedroom dwelling carry limited weight, and do not outweigh the harm I have identified.
18. The proposal has the potential to impact on the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site, Solent and Southampton Water SPA, Southampton Water Ramsar site, Solent Maritime SAC, River Avon SAC and Ramsar site through increased recreational pressures and phosphate discharge to the river catchment. As I am dismissing the appeal on other grounds however, I have not had to consider this matter further.

Conclusion

19. For the reasons given above, the appeal is dismissed.

L McKay

INSPECTOR