



Appeal Decision

Site visit made on 15 December 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2021

Appeal Ref: APP/M1710/W/20/3258780

Bakkehuset, 68 Lymington Bottom Road, Medstead, Alton GU34 5EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr S Omonua (Land to Homes Ltd) against East Hampshire District Council.
 - The application, Ref 35561/011, is dated 24 April 2020.
 - The development proposed is demolition of bungalow and replacement with 2½ storey block of flats providing 6 x 2-bedroom flats and 2 x 3-bedroom flats with parking and associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was in outline, with appearance, landscaping, layout and scale to be considered. I have dealt with the appeal on this basis.

Main Issues

3. The Council's statement of case includes an officer report which provides a detailed assessment of the proposal and sets out the refusal reasons, had the Council determined the application.
4. Accordingly, based on the Council's statement of case and the evidence before me, I consider the main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether there is sufficient information to assess the potential impact of the proposal on protected species and/or their habitats; and
 - Whether the proposal provides for adequate on-site car and cycle parking provision, having regard to the transport needs of the property, and the effect of any lack of provision on highway safety.

Reasons

Character and appearance

5. The appeal site lies on the east side of Lymington Bottom Road, within an edge-of-settlement residential area, and within a stretch of the road that is characterised by mixed design single storey, chalet and two storey detached

- dwelling. Properties generally front the road in a linear arrangement, and are well set back from their frontages, within large and maturely landscaped sites. As such, the road has a pleasant and attractive, established semi-rural nature, where trees, hedges and soft landscaping are prevalent within plots and within the street scene.
6. The appeal site is typical of this prevailing character. It is occupied by a modest bungalow, which is positioned a considerable distance behind the site frontage. Vehicular access is from Lymington Bottom Road, and there is some gravelled parking in front of the dwelling, as well as a detached double garage sited adjacent to the front boundary. There is a long, soft landscaped, back garden. This mostly lies outside the designated Settlement Policy Boundary (SPB), and abuts fields within open countryside which lie to the rear of the residential properties on this side of the road.
 7. Mature, soft landscaping is a feature of the site, including along the side boundaries, and a group of protected trees in the southwest corner of the site close to the frontage. As such, the appeal site makes a positive contribution to the verdant, low-density, ribbon residential development which characterises this part of the road.
 8. The appeal property is positioned between two detached, one and a half storey dwellings, occupying a similar set-back front building line in relation to the road, and having a visually unobtrusive impact in views from the road. The appeal proposal would replace the unassuming bungalow with a large, 2½ storey apartment block. The combined scale, height, width and massing of the new building would be significantly greater than that of the two adjacent properties, comprising a full storey higher, and including a significantly bulkier roof form, with notably higher eaves and ridge heights.
 9. As such, the new building would appear over-dominant and incongruous in relation to its two immediate neighbours within whose close proximity it would sit and immediate context within which it would be viewed. On a wider scale, the building would also stand out as an anomaly amongst the small to medium sized domestic scale dwellings characteristic of this part of the road.
 10. The discordant impact of the proposal, within the context of the immediate residential locality, would be compounded by the fact that, notwithstanding its traditional design style and part hipped roof form, the new building would clearly have the appearance of a block of flats. This is due in part to its scale, height and roof form, together with the design and positioning of the proposed high number of windows.
 11. Whilst gravelled parking and a double garage currently exist on the appeal site, these are of a scale compatible with the single dwelling use of the site, and the visual impact of this built development is mitigated by trees, shrubs and soft landscaping, including the recently planted frontage hedging, required as part of the allowed appeal for the existing garage¹.
 12. The green and verdant nature of the site would be eroded by the proposed large parking area to the front of the apartments, and the replacement of the existing garage with a large bin store/car port structure adjacent to the front boundary. The appellant has submitted a detailed landscape proposals plan,

¹ APP/M1710/D/17/3178449e

- which includes the retention of protected trees in the front garden and additional soft landscaping around the car parking and in front of the apartment building. However, I am not persuaded that the proposed small areas of new planting would sufficiently off-set the impact of the proposed removal of soft landscaping accommodate the parking and access. Furthermore, the position of the bin store close to the site frontage, and the requirement for access visibility splays, would reduce the potential for meaningful frontage planting to effectively screen this structure and the parking area in views from the street.
13. As such, I find that the combined impact of the removal of existing planting, the large and formal nature of the proposed parking, and the position of the new access, allowing for direct views from the road to the parking and the flats building, would be a perceived increased urbanisation of the site, with a form of development that would be more appropriately located within a suburban area. This would not reinforce the previously described local distinctiveness of the area.
 14. The appellant has referred to the site's permitted development rights with respect to the installation of permeable hard surfacing across the whole of the site frontage as a potential fall-back position. However, I have seen nothing to suggest that this option would be genuinely pursued if the appeal failed, or that such a scheme would be similar to, or worse than, what is currently proposed. As such, it is a matter of negligible weight.
 15. For the above reasons, I therefore conclude that the proposed development would have a detrimental impact on the character and appearance of the area. As such, it would be contrary to Policies CP20 and CP29 of the *East Hampshire District Local Plan: Joint Core Strategy* (2014) (the Core Strategy) and Policy 1 of the *Medstead and Four Marks Neighbourhood Plan 2015 – 2028* (2016) (the NP). These policies, amongst other things, seek to ensure that new development seeks exemplary standards of design, has a layout and design that contributes to local distinctiveness and sense of place, is appropriate and sympathetic to its setting in terms of its scale, height, massing and density and its relationship to adjoining buildings, and incorporates appropriate new planting to enhance the landscape setting of the new development.
 16. The Council has referred to Policy 11 of the NP in its first refusal reason contained within its appeal statement. However, this policy is not directly relevant to this main issue.
 17. For similar reasons, the proposal would also be contrary to Chapter 12 of the *National Planning Policy Framework 2019* (the Framework) which seeks to ensure high quality design.

Protected Species

18. The Council's second reason for refusal, as listed in its appeal statement, relates to the failure to provide sufficient evidence to assess the impact of the proposal on protected species and/or their habitats. I find this reason for refusal to be appropriate, having regard to the fact that the appellant's submitted Preliminary Ecological Appraisal (PEA) dates back to February 2016. I consider that there is a reasonable possibility that the site could now potentially accommodate protected species, having regard to its location on the

edge of the countryside and the amount of vegetation within the site vicinity which could provide wildlife habitats.

19. In particular, having regard to the status of bats as European Protected Species under the Habitats Regulations 2017, I note that any changes to the condition of the existing dwelling during the time period which has elapsed since the submitted PEA was carried out, may enable the building to provide bat access and offer potential for roosting accommodation. This is on account of the pitched roof design of the building and its location within the vicinity of trees and vegetation which could provide potential foraging habitat. Given the proposal to demolish the building, any bats present would be affected by the development.
20. *Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System* (Circular 06/05) states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by proposed development, should be established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Therefore, in the absence of an up-to-date ecological appraisal, which would inform any necessary protected species mitigation and/or compensation requirements, I do not concur with the appellant that this matter is capable of being dealt with by means of a planning condition.
21. For the above reasons, I therefore conclude that there is insufficient information to assess the potential impact of the appeal scheme on protected species and/or their habitats. As such, the proposal does not accord with the objectives of Core Strategy Policy CP21, Circular 06/05, and Chapter 15 of the Framework, which seek to ensure that new development maintains, enhances and protects biodiversity, including protected species.

Car and cycle parking

22. The Council's third refusal reason relates to the failure of the scheme to meet the minimum on-site car and cycle parking requirements, as set out in the Council's *Vehicle Parking Standards Supplementary Planning Document 2018* (the VPS SPD). The Council has confirmed that 2 additional visitor parking spaces and 10 extra cycle parking spaces would be required to meet its adopted standards. The officer report submitted with the Council's appeal statement confirms that the Council's objection to the scheme in this respect relates to a likely increase in on-street parking in the locality, to the detriment of highway safety.
23. Given its large size, I consider that there is sufficient space within the site to satisfactorily provide the required amount of on-site cycle parking, and that, as such, notwithstanding the application drawings, this matter would be capable of being dealt with by means of condition.
24. The parking shortfall relates to the requirement for 2 visitor spaces, with the requirement for the flat occupiers being met. I have not been presented with any substantial evidence from the Council to support its highway safety concerns in respect of the identified visitor parking shortfall. I am not aware of existing localised parking problems, parking congestion or impeded access to the highway network within the vicinity of the appeal site. This part of Lymington Bottom Road is straight, has unrestricted street parking, albeit the

road is fairly narrow, and is subject to a 30mph speed limit. Furthermore, I did not witness any on-street parking issues at the time of my site visit, albeit I acknowledge that this was only a snapshot during the day and there may well be more on-street parking at other times, including the evening.

25. I am mindful of paragraph 109 of the National Planning Policy Framework (the Framework) which advises that *"Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
26. For the above reasons, and given the lack of compelling evidence of highway danger arising from the development, I conclude that, whilst the proposal does not strictly accord with the car and cycle parking requirements of Core Strategy Policy CP31 and the adopted VPS SPD, it has not been satisfactorily demonstrated that it would fail to provide for adequate on-site car and cycle parking provision, having regard to the transport needs of the property, and the effect of any lack of provision on highway safety. As such, I find that there is no demonstrable evidence that the proposal would not accord with the highway safety objective of Core Strategy Policy CP31.
27. For similar reasons, it would achieve the aforesaid aims of the Framework.

Other Matters

28. Notwithstanding that the Framework encourages the effective use of land in meeting the need for homes, including giving substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, this is not unqualified, and would not address or outweigh the harm that I have identified to the character and appearance of the area.
29. There would be a small social benefit in providing 7 additional residential units, and economic benefits as a result of the construction and occupation of the new dwellings. However, these benefits are not of sufficient magnitude to outweigh my conclusion on the first main issue.
30. The benefits of the proposed renewable energy components of the scheme design are acknowledged. However, they are not of sufficient magnitude to outweigh my concerns in respect of the main issue.

Conclusion

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

S Leonard

INSPECTOR