



Appeal Decision

Site visit made on 22 January 2021

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 3 March 2021

Appeal Ref: APP/B1740/W/20/3260038

Harbour Lights, 75 Long Lane, Holbury SO45 2ND

- 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 Robin Pearce-Smith against the decision of New Forest District Council.
 - The application Ref 20/10243, dated 2 March 2020, was refused by notice dated 5 May 2020.
 - The development proposed is described as 'New one bedroom two storey dwelling to land at the rear of 75 Long Lane Holbury; demolition of single storey rear extension and lean to side building'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision it has adopted the New Forest District Local Plan 2016-2036 Part 1: Planning Strategy (LP), which now forms part of the development plan. The policies referred to in the Council's reasons for refusal have been replaced by policies in the LP and the appellant has had the opportunity to comment on this change.

Main Issues

3. The main issues are the effect of the proposed development on:
 - i) the character and appearance of the area;
 - ii) the living conditions of future occupiers of the proposed dwelling in respect of noise and disturbance; and
 - iii) the provision of local facilities and services;

Reasons

Character and appearance

4. The section of Waltons Avenue around the appeal site mainly comprises terraces of two storey dwellings with parking or gardens in front, changing to detached bungalows further along the road. Dwellings are generally set a similar distance back from the road and have regular plot widths, giving the road a relatively spacious character. Commercial properties fronting Long Lane project closer to the road and are largely surrounded by hardstanding. As such,

there is a clear distinction between the residential and commercial parts of Waltons Avenue.

5. Due to the siting of the proposed dwelling forward of the neighbouring dwellings, the largely blank side wall would be a prominent and dominant feature in the street scene. The proposed siting would also reveal the limited depth of the dwelling and its plot, which would be noticeably smaller than those of neighbouring properties. The width of the dwelling and its hipped roof would contrast markedly with the narrower width and gabled roof form of The Lodge and the adjacent terrace. While the proposal would align with No 73/75 and be of similar form, it would be significantly smaller in scale. Consequently, although the proposed materials would match nearby properties, the scale, siting and form of the proposal would be distinctly out of keeping with either the residential or commercial pattern of development in the locality.
6. The proposed dwelling would also have limited space around it, providing a very modest garden area and little opportunity for planting on the frontage to soften the hard edges of the site created by the building, parking and boundary fencing. As such, it would appear cramped and contrived to fit into the uncharacteristically small plot. Although tandem parking arrangements are not uncommon in residential areas, the need to provide parking in this form further indicates the cramped nature of the proposed development. Consequently, the proposed dwelling would diminish the spacious character of Waltons Avenue.
7. The part of the site behind No 73/75 provides access and parking, so does not appear to be redundant as the appellant suggests. Part of this area is somewhat untidy, with various items stored outside, which the appellant refers to as "a bit of a dumping ground". However, at the time of my visit cars were parked behind the commercial unit and little of the untidy parts of the site was visible from the public realm. As such, tidying the exterior of the site would result in very limited benefits to the street scene, which would appear to be easily achievable irrespective of the outcome of this appeal. Given my findings above about the design of the proposal, the screening of the parking and storage areas by the proposed dwelling would not result in an overall improvement to the street scene.
8. Accordingly, the proposal would harm the character and appearance of the area. Therefore, it would conflict with LP Policies ENV3 and STR1, which require development to achieve high quality design that enhances the character and identity of the locality and is sympathetic to its environment and context. Furthermore, it would conflict with the requirement of the National Planning Policy Framework (the Framework) that developments add to the overall quality of the area and are sympathetic to local character.

Living conditions

9. The proposed parking area to the rear of the appeal site would be used for residents as well as the commercial units, and as such could be used into the evenings and at weekends. Vehicles manoeuvring close to the site boundary would generate significant noise and disturbance which would be apparent in the proposed garden area.
10. The commercial units at Nos 73/75 and 77/79 currently operate from 9am to 5pm Monday to Saturday and the nature of the existing uses is unlikely to generate any significant noise. However, it has not been demonstrated that

there are any restrictions preventing those units from changing to another use or limiting their operating hours, or times for deliveries and collections. Therefore, the use of the units could potentially change in the future outside of planning control, particularly given the recent changes to the Use Classes Order which include a broad range of uses within the new Use Class E. Other uses would potentially generate significantly more noise and disturbance including as a result of deliveries, collections, extraction and odours. Such activities could occur outside of normal business hours, when residents might reasonably expect their surroundings to be quieter. The rear part of the ground floor of No 73/75 is currently residential, which might provide a buffer from noise generated within the commercial unit, but would not mitigate the impact of external activities.

11. There would therefore be significant potential for noise and disturbance on three sides of the proposed dwelling, including both parts of its L-shaped garden. Noise impacts on the internal accommodation could be mitigated through measures such as window specifications. However, while the size of the proposed garden would not be inappropriate for a 1-bedroom dwelling, due to its shape future occupants of the proposed dwelling would have no respite from noise and disturbance in their outside space, to the detriment of their living conditions.
12. While there are already flats above the commercial units it has not been demonstrated that these are occupied independently of the ground floor units, rather than by staff or owners of those units. Therefore, I cannot be certain that their presence would prevent future noisier uses of the commercial units. The appellant suggests that fencing would be erected along the site boundaries, however in the absence of any specification I cannot be certain that it would be effective in mitigating against noise from adjacent uses.
13. The existing access and parking area runs alongside The Lodge and its garden, however that property has residential gardens on the other side and to the rear and is further from the existing commercial units than the proposed dwelling. It therefore has a different relationship to existing and potential sources of noise than the appeal proposal. Therefore, it does not justify granting permission for a dwelling in the position proposed.
14. Consequently, the proposal would harm the living conditions of future occupiers of the proposed dwelling in respect of noise and disturbance. It would therefore conflict with LP Policies ENV3 and STR1 which seek to avoid unacceptable effects on residential amenity and minimise the risks from pollution. Furthermore, it would fail to meet the requirement in Framework paragraph 180 to avoid noise giving rise to significant adverse impacts on health and the quality of life.

Local facilities and services

15. The Council advises that Long Lane is a designated local shopping frontage, which the LP seeks to protect in order to ensure shopping parades remain active, viable and provide a healthy level of facilities and services accessible to surrounding residential areas.
16. The proximity of the proposed dwelling to commercial uses could lead to complaints about noise and disturbance, which may put off some potential occupiers of those units. There are however numerous units in this shopping

frontage, currently occupied by a range of uses. Therefore, while the proposal might limit the range of potential occupiers of two of these units, there is no compelling evidence before me that this would materially affect the range of uses provided across the shopping frontage as a whole, or the ability of that frontage to meet the day-to-day needs of local residents.

17. Accordingly, the proposal would not significantly adversely affect the provision of local facilities and services and as such would not conflict with LP Policy STR1 iv. which seeks to provide a balance of uses in accessible locations. As the proposal would not directly impact on the occupation or use of the commercial units I find no conflict with Policy ECON6 which permits uses which provide for the day-to-day shopping and service needs of the area and seeks to resist the loss of occupied units that provide for everyday community needs. Furthermore, the proposal would not conflict with Framework policies which seek to support town centres and economic growth more generally.

Other Matters

18. The proposal would boost the supply of housing and provide a dwelling at the lower end of the market in terms of price, in a location with good access to local facilities and services. However, with the adoption of the LP the Council can demonstrate a Framework compliant supply of housing land, and there is no substantive evidence before me of a significant need for 1-bedroom dwellings. As such, the benefits of one dwelling would be limited, and would not outweigh the harm I have identified above.
19. The proposed access from Long Lane would reduce vehicle movements on Waltons Avenue, however there is no compelling evidence before me that use of the existing access results in any problems. As such, it has not been demonstrated that the proposal would result in any highway safety benefits.
20. It has been suggested that the proposal would increase security by stopping loitering, however the site is largely open to view from the road and used for parking by the commercial units and flats, so is already subject to natural surveillance. Furthermore, if improved security were needed it could be achieved by other means such as CCTV, and therefore does not justify allowing the dwelling proposed.
21. The proposal has the potential to impact on the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site and the Southampton Water SPA and Ramsar site, Solent and Isle of White Lagoons SAC and Solent Maritime SAC. However, as I am dismissing the appeal on other grounds, there is no need for me to consider this further.

Conclusion

22. For the reasons given above the appeal is dismissed.

L McKay

INSPECTOR