



Appeal Decision

Site visit made on 12 January 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2021

Appeal Ref: APP/L1765/W/20/3259956

49 Broad Street, Alresford, Hants SO24 9AS

- 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 Peter Radford against the decision of Winchester City Council.
 - The application Ref 19/01525/FUL, dated 8 July 2019, was refused by notice dated 24 June 2020.
 - The development proposed is erection of new house to rear of 49 Broad Street, Alresford.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I sought clarification from the main parties in respect of the refused plans. Following responses from both parties, I have dealt with the appeal on the basis of the drawings listed in the re-worded condition no.2 of the Council's suggested conditions, with the exception that the "Proposed Dwelling Elevations" drawing Ref D0436 105 is amended to include "Rev A", since this accords with the details on the drawing submitted by the Council, and the appellants' description of the drawing.
3. The Council's statement of case, in expanding upon the second reason for refusal, confirms that the Council is concerned that the proposed on-site car parking and manoeuvring arrangements would fail to provide safe and effective access to, and movement within, the site to the detriment of the living conditions of the occupiers of the site, and that, as such, the proposal would fail to accord with Policy DM18 of the *Winchester District Local Plan Part 2 Development Management and Site Allocations* (2017) (LPP2).
4. I have dealt with the appeal on this basis, notwithstanding that Policy DM18 is not referred to in the second reason for refusal set out in the decision notice, as the appellants have had the opportunity to comment on the Council's statement of case, and are therefore not prejudiced in this respect.

Main Issues

5. The Council refused planning permission for two reasons, which I will deal with under the first two main issues below. The Committee Report recommended granting conditional permission, including a condition requiring the submission and approval of mitigation measures to ensure that additional nutrient loading

arising from the appeal scheme will not have an adverse impact on the integrity of the Solent Special Protection Areas (SPAs).

6. Within the context of this appeal, the responsibility for assessing the effects of the proposal on the SPAs falls to me as the competent authority. Having regard to my conclusions in respect of the first 2 main issues below, I have raised this matter to a main issue in respect of this appeal, and I have sought the views of the main parties on this issue.
7. Accordingly, the main issues are:
 - The effect of the appeal scheme on the character and appearance of the area, with particular reference to the impact on the heritage assets of the New Alresford Conservation Area (NACA) and the listed building at 49 Broad Street;
 - Whether the appeal scheme provides for adequate on-site car parking and vehicle manoeuvring provision, with particular regard to the impact of the development on the living conditions of the occupiers of the site;
 - and
 - Whether the appeal scheme provides adequate mitigation for the SPAs.

Reasons

Character and appearance and heritage assets

8. The appeal site comprises a long narrow plot located on the west side of Broad Street, one of the principal roads running through the middle of New Alresford. It lies within the designated settlement policy boundary and within the NACA. The front of the site is occupied by a two-storey Grade II listed dwelling, and the houses to both sides are also listed, as are the majority of the frontage buildings along this stretch of the road.
9. Attached to the single storey rear projection of the house, there is a two-storey building occupied as two flats with a single-storey garage attached to the rear. Beyond that, there is a detached summer house. These comprise more recently constructed 20th century structures, which are not considered by the Council to be curtilage-listed. To the rear of the buildings, the site is given over to a pleasant soft-landscaped garden. Trees and mature planting are a feature of the side and rear boundaries.
10. Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* as amended (the Act) requires that with respect to development affecting buildings or other land in a conservation area, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
11. Section 66(1) of the Act requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
12. Paragraph 193 of the *National Planning Policy Framework 2019* (the Framework) sets out that when considering the impact of a proposed

development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

13. The *New Alresford Design Statement* (2008) (NADS) confirms that the town's economic and social history is important to its current character. As such, the appeal site contributes to the significance of this part of the NACA, as it comprises a former burgage plot, which is representative of the medieval layout of built development associated with the development of New Alresford as a market town. The long narrow plots normally had a dwelling with a shop at the front and various outbuildings to the rear. This layout of development is a strong characteristic of the west side of Broad Street, where long narrow plots exist behind frontage residential and commercial properties.
14. The existing positioning of built development extending rearwards on the appeal site is consistent with this historic layout of development. The evidence before me, having regard to historic maps and former building remnants which remain on site, is that there was a further building to the west of the existing buildings, sited roughly in the position where the new dwelling is proposed, until at least the early 1940s.
15. The proposal comprises the removal of the summer house and the construction of a single storey, flat-roofed, brick and render finished, one-bedroom dwelling. This would be separated from the existing garage by a parking area to serve the new property, which would be accessed from Broad Street via the existing access drive, which runs alongside the existing buildings. A new stone paving terrace to the other side of the dwelling would separate it from the garden at the rear of the site.
16. The new building would not extend the rear projection of built development of buildings significantly beyond that which historically existed on the plot, and would retain the existing maturely landscaped garden which provides an open spacious environment at the rear-most part of the site. Its simple, low, flat-roofed design, combined with its compact footprint, would ensure that the new building is perceived as a subsidiary outbuilding within the plot. The proposed brick and render materials would be in keeping with those of the surrounding properties.
17. The proposed height and positioning of the building means that it would not be visible in public views from Broad Street and would be largely obscured in views from neighbouring gardens by existing boundary walling and mature landscaping and trees.
18. Whilst burgage plots may historically have comprised only a single dwelling, with smaller ancillary buildings to the rear, the existing situation is that there are already two further self-contained residential units to the rear of the street-facing property, notwithstanding that they are within the same ownership. Therefore, having regard to my findings in respect of the form and siting of the proposed building, I do not find that its use as an additional small dwelling would be unduly harmful to the character of the plot.
19. The NADS confirms that trees are a key feature of this part of the conservation area, and there are mature trees both on the application site and neighbouring land within the vicinity of the proposed dwelling. The Council has not identified any harmful impacts on protected trees arising from the proposal, subject to tree protection conditions, and on the basis of my site inspection and the

information before me, including an Arboricultural Impact Assessment and Method Statement dated 15 October 2019 submitted by the appellants, neither do I.

20. Having regard to the above factors, I find that the proposed design and siting of the new building would be in keeping with the historic pattern of development characteristic of this part of the NACA. The proposal would result in an appropriate amount of development within the appeal site, and would not be harmful to the character and appearance of the NACA.
21. The listed property at No.49 dates back to the 18th century and has a 19th century frontage. It is representative of the former burgage plot frontage buildings which characterise this side of Broad Street. Most of the notable building features contained within the listing description are located at the front of the building, where the original building character has been substantially maintained, so that the building makes a positive contribution to the street scene. This would not be harmed by the appeal proposal, which would not have a physical impact on the fabric of the building, and would be accessed via the historic carriage entrance on the front of the property which is already used as vehicular access in association with existing dwellings on the appeal site.
22. The presence of intervening non-listed structures between the proposed building and the listed frontage building, together with the lower height of the proposal in relation to the flats building, means that the new building would be screened from the listed building at the front of the site.
23. The proposal would not result in the plot being physically subdivided. The existing established use of the appeal site as whole, comprising a frontage dwelling with self-contained residential units behind, all sharing the same existing vehicular access, would continue. The existing shared garden to the rear of the new building would continue to be available for use by the occupiers of No.49 and the existing flats to the rear.
24. Having regard to the above, and my above conclusions in respect of the design and layout of the proposal, I do not find that the appeal scheme would harm the setting or the significance of the listed building at No.49.
25. The council has not raised objection to the impact of the proposal on the settings or significance of the adjacent Grade II listed properties at 47 Broad Street and 1 Mill Hill and the Grade II* listed building comprising 3, 5, and 7 Mill Hill. Having regard to my statutory duty under Section 66 of the Act, neither do I, given the distance between these buildings and the new dwelling and the intervening rear structures and boundary screening.
26. For the above reasons, I conclude that the appeal scheme would preserve the character and appearance of the NACA and the setting of the listed building at 49 Broad Street. It would not, therefore, harm their significance as heritage assets. As such, the appeal scheme would accord with LLP2 Policies DM27 and DM29, in so much as these policies seek to ensure that new development conserves or enhances the character, appearance or special architectural or historic interest of conservation areas, and does not cause an unacceptable level of harm to the setting of heritage assets or lead to the unsympathetic subdivision of their grounds.

27. For similar reasons, the proposal would accord with Policies of the Framework which seek to conserve the historic environment as set out in Chapter 16.

Car Parking and Manoeuvring

28. The appeal scheme would utilise the existing access from Broad Street which runs under the frontage dwelling and between the side boundary and the existing buildings and provides access to an existing garage adjacent to the proposed new parking area. This garage is awkward to access, and has the potential to generate noise and disturbance to the occupiers of the other residential units on the site, but I have not been made aware of any existing problems in this respect.
29. I do not consider that the likely amount of on-site vehicular activity associated with the proposed small dwelling would be such that it would materially harm the living conditions of the occupiers of the other dwellings on the site, having regard to noise and disturbance.
30. In making this judgement, I have had regard to the fact that if the proposed parking area were to be used to park two cars, this would be a very tight arrangement due to the position of the adjacent ramped pathway. As such, if two cars were to be parked, it would be likely that they would either have to undertake a long and awkward reverse drive along the narrow access, or, in the case of small vehicles undertake numerous manoeuvres in order to turn around. This means it is likely that occupiers of the new dwelling would choose to park on the highway, and I saw, during my site inspection, that a significant amount of on-street parking is available on both sides of Broad Street.
31. Having regard to the above, and also that the Council's car parking standards only require one on-site parking space for the proposed small one-bedroomed dwelling, I find that there is a high probability that the proposed parking area would only be used for the parking of one car. In this instance, whilst turning within the parking area would involve multiple manoeuvres, it would be possible for a small car.
32. Furthermore, the existing garage building sited between the flats and the proposed parking area would provide some screening to mitigate noise impacts associated with vehicle movements around the proposed parking area.
33. For the above reasons, I conclude that it has not been satisfactorily demonstrated that the appeal scheme would conflict with the objectives of LPP2 Policy DM18, in so far as the policy seeks to ensure that development makes appropriate provision for parking and access, including allowing access to, and movement within, the site in a safe and effective manner, having regard to the amenities of occupiers of the site.

SPAs

34. Natural England has advised that a net increase in housing development within Winchester District is likely to result in impacts to the integrity of the SPAs due to the prospect of increased levels of nitrogen and phosphorus entering the water from waste water from residential development, resulting in eutrophication, whereby the resulting thick mats of algae can cause important habitat and bird feeding grounds to be unavailable for use, thereby affecting the status and distribution of key bird species against the stated conservation objectives of the SPAs.

35. As such, without mitigation, the appeal scheme presents a likely significant effect upon the integrity of these sites, particularly when the impacts are considered in combination with other residential developments in the Solent area. Therefore, it is necessary for me, as the competent authority, to undertake an Appropriate Assessment under the *Conservation of Habitats and Species Regulations 2017* (the Habitats Regulations 2017), of the implications for the sites in view of the conservation objectives of the SPAs. I have undertaken this on a proportionate basis with regard to the evidence submitted by the Council, including an Appropriate Assessment under the Habitats Regulations 2017, and the consultation responses from Natural England in respect of the planning application.
36. The appellants' submitted nitrate calculation, as examined by Natural England, indicates a positive nitrate contribution arising from the development, and there is no disagreement between the main parties that mitigation would be required to ensure the development is nutrient neutral.
37. The appellants have confirmed agreement to the Council's proposed Grampian condition, which would require that the mitigation is calculated and details provided at condition discharge stage, and that the approved measures would be secured, by means of a Section 106 Agreement, prior to the occupation of the approved dwelling. This accords with the Council's *Nitrate Mitigation Position Statement* (2020).
38. I have been provided with draft section 106 heads of terms which include options for on-site and off-site nitrogen mitigation measures. However, as the competent authority, I need to be satisfied that any mitigation scheme for neutralising nitrogen is certain at the time of Appropriate Assessment, so that no reasonable scientific doubt remains as to the effects of the development on the international sites. In the absence of certainty in respect of the mitigation details at the Appropriate Assessment stage, there remains a risk that the appellants may not be able to implement appropriate mitigation measures and that the Grampian condition may not be capable of being discharged.
39. As such, notwithstanding Natural England's agreement to the Council's approach, and the fact that the Council has adopted this approach in respect of other residential developments, I find that, as matters stand, there are no detailed mitigation proposals in place as part of this appeal to directly address the likely significant effects upon the European designated sites, and the full details and implications of any such proposals remain unknown.
40. Accordingly, I conclude that the appeal scheme, in the absence of any satisfactory mitigation and the necessary mechanism for achieving it, would not accord with Policy CP16 of the *Winchester District Local Plan Part 1 – Joint Core Strategy* (2013), which, amongst other things, supports development which has regard to protecting sites of International, European and national importance from inappropriate development, and supporting habitats that are important to maintain the integrity of European sites.

Conclusion

41. Whilst I have found the appeal scheme to be acceptable having regard to the first two main issues, I cannot allow the appeal in the absence of a favourable Appropriate Assessment.

42. For this reason, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR