

Appeal Decision

Site visit made on 9 March 2021

by M Scriven BA (Hons) MSc CMgr MCIHT MCMi

an Inspector appointed by the Secretary of State

Decision date: 30th March 2021

Appeal Ref: APP/B1740/W/20/3264542

Land Adj 9 Elvin Close, Hordle SO41 0GY

- 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 Josh Clinkaberry against the decision of New Forest District Council.
 - The application Ref 20/10944, dated 28 August 2020, was refused by notice dated 25 November 2020.
 - The development proposed is New Build 2 Bed 2 storey end of Terrace.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I have considered the appeal on the plans submitted.
3. The Council's second reason for refusal related to the likely effect of the proposal on several European designated sites. I have dealt with this below.

Main Issues

4. The main issues are the effect of the proposed development on;
 - The character and appearance of the area and;
 - The living conditions of neighbours, with particular regard to outlook from Nos 21 and 23 Stoneleigh Avenue.

Reasons

Character and appearance

5. The appeal site sits at the end of a residential cul-de-sac, adjacent to the donor dwelling and is currently occupied by garages. The plot provides valuable relief in the built form by virtue of the gap it creates between 9 Elvin Close and the terrace of properties to the west in Stoneleigh Avenue, positively contributing the character and appearance of the area.
6. The proposal would fill much of the existing gap between 9 Elvin Close and the rear of Nos 21 and 23 Stoneleigh Avenue, by adding another property to the plot. This would result in the valuable gap being harmfully lost and creating the appearance of a harmfully cramped development in its setting. The prominent position of the proposal, at the head of the cul-de-sac, would exacerbate the identified harm as it would be clearly seen from public areas.

7. Furthermore, in order to provide adequate access for off-street parking, the proposal would appear to require the removal of existing vegetation which currently helps to screen the plot at ground level and breaks up the built form. As such, even the partial loss of the vegetation screening would further add to the appearance of a denser development overall.
8. The appellant has sought to ensure the proposal would assimilate with the donor dwelling in terms of appearance and the materials used in construction, I also understand the proposal has been amended from that proposed previously. However, these matters do not overcome the identified harm above.
9. For the reasons above, the proposed development would harm the character and appearance of the area. Therefore, the proposed development would not accord with Policy ENV3 of New Forest District Local Plan 2016-2036, Part One: Planning Strategy, New Forest District outside the New Forest National Park, adopted July 2020 (LP), which amongst other things seeks to ensure development proposals enhance the character and identity of the locality.

Neighbours living conditions

10. The existing built arrangement provides for an acceptable separation distance between the gable end of the donor dwelling and the rear rooms and gardens of Nos 21 and 23 Stoneleigh Avenue.
11. The intended development would result in a significant reduction in the separation distance between those properties and adjacent development. This would, in my view, lead to a significant reduction in the neighbours' enjoyment of their properties given the close proximity of the proposed expansive gable end wall, resulting in an increased effect of enclosure for the occupants of Nos 21 and 23, harming their living conditions. This effect would not just be felt in the rear gardens of the properties, but also when seen from the rear habitable rooms which would face it.
12. I appreciate the proposal would replace existing garaging. However, that garaging is single storey in height as opposed to the proposal before me and as such does not result in the harm identified above. I understand the appellant intends to plant boundary treatment to mitigate the effect on the neighbours in Stoneleigh Avenue. However, I have no detail of this before me, likewise any meaningful screening would take time to establish.
13. The appellant has provided an image to demonstrate that there would be no shadowing impacts associated with the proposal. However, this does not overcome the harm identified above.
14. For the reasons above the proposal would not accord with Policy ENV3 of the LP, which amongst other things seeks to ensure that development proposals do not have a harmful impact on residential amenity.

Other matters

15. The Council consider that the proposal would, in combination with other plans and projects, adversely impact the integrity of the New Forest and Solent Coast European sites. The Council consider this impact would be mitigated through an appropriate S106 legal agreement to secure a habitat mitigation contribution.

However, no planning obligation has been provided. Bearing in mind my conclusion of the appeal I have not considered this matter further.

16. Similarly, the Council consider the proposal would, in combination with other plans and projects have an adverse effect on the River Solent catchment by virtue of increased nutrient loading. The appellant has agreed to a condition to deal with this increased loading. However, given my conclusion on the main issues above I have not considered this further.
17. Furthermore, the Council consider a financial contribution is necessary to monitor and manage air quality effects of development in the New Forest Special Protection Area, Special Area of Conservation and Ramsar site. I have not been provided with such an obligation. However, as above, in light of my findings on the main issue I have not considered this matter further.
18. I acknowledge that the Highway Authority have not objected to the proposed scheme, also that a vehicle crossover would be allowed in the event of planning permission being granted. However, that is of neutral weight in the appeal. Notwithstanding the appellant considers that the scheme would benefit wider parking provision, it would appear from the information provided that it would cater for that proposed rather than result in any demonstrable wider public benefit.
19. I understand representations of support for the proposal were received at the time of the application, I have dealt with the matters raised above.

Conclusion

20. By virtue of the identified harm, the proposal conflicts with the Development Plan and material considerations do not indicate that a decision should be made other than in accordance with it.
21. Therefore, for the reasons above, the appeal is dismissed.

M Scriven

INSPECTOR