
Appeal Decision

Site visit made on 20 April 2021

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/B1740/W/20/3260631

Tichbourne Cottage, Moortown, Ringwood, Hampshire BH24 3AT

- 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 David Sanger against the decision of New Forest District Council.
 - The application Ref 20/10189, dated 20 April 2020, was refused by notice dated 2 July 2020.
 - The development proposed is described as 'Proposed bungalow on land at Tichbourne Cottage with associated Parking'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Since the Council issued their formal decision, they set out that they have adopted the emerging policy referenced within the Decision Notice. Furthermore, the newly adopted document, namely the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park (Adopted 7 July 2020) (the LP) replaces some earlier policies. This includes Policy ENV3 which replaces Policy CS2 of the Core Strategy, New Forest District outside of the National Park, Adopted October 2009. The appellant has had opportunity to comment on these changes to the policy context.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including trees.

Reasons

4. Policy ENV3 of the LP states that all development should achieve high quality design that contributes positively to local distinctiveness being appropriate to its environment and context. Amongst other requirements it states that new development will create buildings, streets and spaces that are sympathetic to the environment and context in terms of layout, landscape, scale, height and density and in relationship to adjoining buildings, spaces and landscape features. Furthermore, development will be required to integrate sufficient parking so that realistic needs are met in a manner that is not prejudicial to character.

5. Additionally, the Council's Ringwood Local Distinctiveness Supplementary Planning Document, Adopted July 2013 (the SPD) seeks to identify and protect the local character and distinctiveness of Ringwood. This guidance places great importance of the rural edges of Ringwood where the town meets the surrounding countryside. Section 12 of the National Planning Policy Framework (the Framework) sets out the fundamental importance of good design. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area taking into account supplementary planning documents.
6. Constructed from brick with slate tiles to the roof, Tichbourne Cottage has an attractive and traditional scale and proportion. It contributes positively to the quality of the built form of the development fronting onto the rural road of Hampshire Hatches Lane. It has a slightly irregular siting to its spacious garden, but that connects it to the open countryside to the south. The area has a mixed character with a former agricultural Dutch barn and stacked storage containers to the west, and a range of housing designs and ages in the locality. This is all reflective of its location on the rural fringes of Ringwood. This edge of settlement location is therefore of mixed character with a predominance of relatively low-density development including housing that fronts onto the local roads.
7. The proposal would erode the spatial setting of Tichbourne Cottage through the proposed development of the bungalow and associated access, parking and turning. The retained garden space for the existing dwelling would not be proportionate to the footprint of the dwelling and its context. Subsequently it would appear cramped and detached from the rural open landscape to the south. Furthermore, the proposed access would sever the dwelling from its garaging and parking exacerbating the unsympathetic layout. The proposal, including the hard standing for parking and turning, would significantly increase the density of the built form. It would appear cramped and introduce uncharacteristic backland development into the area. Cumulatively, these changes would be harmful to the character of the area. The simple form of the bungalow would not mitigate this.
8. To the rear, the property has a private garden with domestic scale planting. Whilst attractive, much of this offers minimal contribution to the character and appearance of the area. Most impacts could be adequately mitigated through the appropriate use of conditions. However, towards the back of the garden is a Spruce tree that appears prominently in the local area over the roofs of the adjacent buildings. It is subject to a tree preservation order¹ and positively contributes to the character and appearance of the area.
9. There is a paucity of information in relation to both topographic and arboricultural impacts from the development. The Spruce tree is not marked on the submitted plans, despite the appellant stating an intention to retain the tree. The south-east corner of the proposal would be sited in such proximity to the Spruce that it, and its contribution to the area's character and appearance, would likely be impacted from the works and/or occupation.
10. This concern is emphasised when regard is had to the site levels. From my site visit it is clear that the bungalow would be sited on land that is currently raised

¹ LPA ref: TPO/0008/20

above Tichbourne Cottage. However, the plans indicate a level approach from the existing drive into the hard standing for car parking and turning. The plans show this parking and turning to be at the same level as the proposed bungalow. This would require a significant reduction to the site levels, including some in close proximity to the Spruce. Whilst this would reduce the visual presence of the bungalow, such works would likely exacerbate the poor relationship of the proposal to adjoining spaces and landscape features, including the Spruce tree.

11. Therefore, in conclusion on the main issue and based on the evidence before me, I find that the proposal would be harmful to the character and appearance of the area. As such, the proposal would conflict with Policy ENV3 of the LP, guidance within the SPD and Section 12 of the Framework.

Other matters

12. The appeal site lies within the catchment of a number of European designated sites including that described by the Council as the New Forest and Solent Coast European Sites. The Council's Appropriate Assessment concludes that the likely significant effects on the European designated sites associated with recreational impacts can be appropriately mitigated through a planning obligation. An approach agreed by Natural England. The appellant does not contest this but has not provided any means to secure such a planning obligation. However, because I am dismissing the appeal for other reasons, in these circumstances, it is not necessary for me to reach a conclusion on this matter.
13. Furthermore, the Council undertook another Appropriate Assessment to consider the likely significant effects on European designated sites, including the River Avon Special Area of Conservation, associated with levels of phosphates in the River Avon. It remains an area of dispute between the main parties as to whether there is a mechanism to secure appropriate mitigation for any likely significant effects on the European designated sites. However, again, because I am dismissing the appeal for other reasons, in these circumstances, it is not necessary for me to reach a conclusion on this matter.

Conclusion

14. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR