
Appeal Decision

Site visit made on 23 March 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2021

Appeal Ref: APP/C1760/W/20/3252874

Andreena, Ox Drove, Andover SP11 6ND

- 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 Ms Jankowski and Hayes against the decision of Test Valley Borough Council.
 - The application Ref 19/02108/FULLN, dated 22 August 2019, was refused by notice dated 22nd November 2019.
 - The development proposed is development of six detached dwellings and associated landscaping with access off Ox Drove.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal upon the character and appearance of the area.

Reasons

3. The appeal site comprises an area of open land, which gradually rises upwards, away from Ox Drove. Within the appeal site there are a number of single storey derelict outbuildings, along with evidence of the base of a more substantial structure, although this has now been almost entirely overgrown. As a result, little evidence of the structure is visible from outside the site. Despite these features, the majority of the appeal site is open and undeveloped.
4. The surrounding area is characterised mainly by detached dwellings set within large plots, generally set back from the road and often surrounded by mature landscaping. In the vicinity of the appeal site, Ox Drove has sufficient width to allow two cars to pass, however, it has no footways or street lighting, which gives it the appearance and feel of a rural road. This, when combined with the nature and appearance of surrounding development, despite the presence of residential development further along Ox Drove and the nearby business park, gives the area a distinct semi-rural character.
5. Given the current open and undeveloped nature of the appeal site, the proposed development would be visible and noticeable in views from Ox Drove, and would represent a form of development that would have an urbanising effect upon the existing character of the appeal site. As such, and notwithstanding the results of the appellant's landscape assessment, in my

- view, the proposed development would appear as a discordant feature, at odds with the semi-rural nature of the site and its surroundings.
6. In contrast to the nature and layout of surrounding developments, the appeal properties, whilst being detached and set back from the road, would sit within considerably smaller plots. Dwellings would be positioned relatively close to each other, with the layout of the development appearing sub-urban in character, density and form. As a consequence, the proposal would represent a pattern of development, which would be out of keeping with the semi-rural character of the surrounding area and would fail to integrate with nearby development.
 7. The proposal would result in an increase in hard landscaping on the site to accommodate the required access, parking and turning areas. In this respect however, I note that the most visible element of this would be the section from Ox Drove, with a substantial part of this access already having the benefit of planning permission.
 8. I note that additional landscaping would be proposed along the boundary of the appeal site with Ox Drove. Whilst the provision of this additional landscaping would help to soften the impact of the development and help to integrate it into its surroundings, this would not be to such a degree as to overcome the harm found to the character of the area.
 9. My attention has been drawn by the appellant to a number of planning permissions which have been granted for developments in close proximity to the appeal site, including new residential development and the expansion of the existing business park, which, in the view of the appellant would change the character of the area around the appeal site. Whilst such developments have the potential to change the nature of the area, in terms of the residential development, this is some distance from the appeal site and is separated by an area of open land and nearby large dwellings. Furthermore, I have no certainty that reserved matters for either developments will be brought forward. I have therefore afforded these submissions little weight.
 10. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and, in this respect, would be contrary to Policy E1 and E2 of the Test Valley Revised Local Plan and Paragraph 127 of the National Planning Policy Framework (the Framework). These policies, amongst other things seek to ensure that development is of high quality in terms of design and local distinctiveness, and does not have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located.

Other Matters

11. The appeal site lies within the zone of influence of the SPA. Within such areas, Natural England (NE) advice is that new development, including residential proposals, would be likely to result in additional wastewater discharging to the SPA which affects the balance of its nutrients and thus has the potential to harm its integrity. This issue therefore requires detailed consideration as set out in the advice note and as part of an Appropriate Assessment.
12. I note the submissions by the appellant with regards to proposed mitigation measures, however, Regulation 63(1) of the Conservation of Habitats and

Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. In this case it is unnecessary for me to undertake an Appropriate Assessment as I am dismissing the appeal.

13. My attention has been drawn by the appellant to previous promotions of the site through the development plan process and to pre-application discussions with the Council, which, in their view, indicates support for more substantial development on the site. Be this as it may, I am however required to determine the appeal on its merits.
14. The appellant has referred to another residential development further along Ox Drove, known as Ox Drove Rise. Reference has also been made by the appellant to a recent appeal decision in relation to Longacres, which lies to the south-west of the appeal site. I have not been provided with any details of either of these cases. In any event, I am not familiar with all the details of these developments and I am required to determine the appeal on its merits.

Planning balance

15. The appeal site lies within the settlement boundary, and as such lies within a location that is considered suitable for development. In many respects the proposal would contribute positively to sustainable development objectives as set out in the Framework, particularly in respect to the benefits associated with housing. Nonetheless, these benefits would attract moderate weight given the reasonably limited scale of the development proposed.
16. I note the Council raise no issues in relation to access, flooding, impact on neighbouring occupiers, or design, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.
17. In this instance, I do not find that the benefits of the scheme to be sufficient to outweigh the harm to the character and appearance of the area, to justify making a decision other than in accordance with the development plan.

Conclusion

18. For the above reasons, the appeal is dismissed.

Adrian Hunter

INSPECTOR