



Appeal Decision

Site Visit made on 7 June 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021

Appeal Ref: APP/B1740/W/21/3270089

31 Bartram Road, Totton, Southampton, SO40 9JJ

- 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 Paul Cullip against the decision of New Forest District Council.
 - The application Ref 20/10627, dated 9 June 2020, was refused by notice dated 9 September 2020.
 - The development proposed is a new dwelling to land rear of 31 & 33 Bartram Road with access onto Rose Road.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area, the effect on the living conditions of the adjoining dwellings on Fishers Road with particular regard to privacy, and the effect on biodiversity, including European Sites.

Reasons

Character and appearance

3. The wider area is characterised by a mix of detached and semi-detached dwellings set in long narrow parcels and a formal perimeter block, grid layout. There is housing along most of the street frontages, but around the appeal site, the Rose Road frontage is undeveloped. The School Road frontage at the opposite end of the block containing the site is also undeveloped. As such, the open, verdant garden area between Bartram Road and Fishers Road beyond the appeal site is readily visible from the public realm at both ends of this perimeter block. This contributes to an open and spacious character and appearance of this area.
4. In a previous appeal decision¹, for a bungalow at the appeal site, the Inspector noted the above important characteristics. That appeal was dismissed as the layout proposed and extent of development on the frontage would have appeared cramped in contrast to the more open and spacious nature of the surroundings.
5. In the current scheme, a two-storey dwelling is proposed. It would have tandem driveway parking to one side which is common in the area. There would be a garden to the other side, next to the road frontage. The garden would be larger than the dwelling footprint and adequate in size for future

¹ Ref: APP/B1740/W/16/3154249

occupiers. The dwelling would occupy less than half of the frontage and, as such, this proposal would not appear cramped in the street scene.

6. The curtilage would differ in shape to the surrounding dwellings, but it is the open, verdant nature of the gardens that has the strongest influence on the character of the area. There would be an intrusion into these garden areas which generally contain only small-scale ancillary structures. However, the dwelling would occupy only a small length of the open Rose Road frontage between Fishers Road and Bartram Road, so ample opportunity to appreciate the verdant, open garden land beyond would remain. The surrounding area would still have a generally open, spacious appearance and the dwelling would have a similar relationship to the street as most dwellings within the wider area.
7. I, therefore, find that the proposal would not appear visually out of place and would not harm the overall character and appearance of the area, and there would, be no conflict with Policy ENV3 of the New Forest District Outside the New Forest National Park Local Plan Part 1 2020 (LP1) that seeks to achieve high quality design that contributes positively to local distinctiveness and enhances the character and identity of the locality.

Living conditions

8. While the rear elevations of neighbouring dwellings on Fishers Road would be some distance away, the gardens would be closer. However, the proposed driveway would sit between the dwelling and site boundary and there is another driveway beyond this and the neighbouring gardens. Upper floor windows in the rear of the Fishers Road properties would already have some views over their neighbours' gardens which are not, therefore, altogether private. Given this, the length of the garden, and separation of the gardens from the window, I find that a harmful loss of privacy would not result from the proposal.
9. I, therefore, find that the living conditions of neighbouring residents would not be harmed and there would be no conflict with those aims of LP1 Policy ENV3 that seek to prevent unacceptable adverse impacts on residential amenity.

Biodiversity

10. There is no detailed scheme of biodiversity enhancement before me, but I see no reason that conditions could not be imposed to achieve those aims. However, increased residents at the site, in combination with other development in the area, could lead to additional recreational impacts on the New Forest² and Solent Coast³ European sites designated for their nature conservation importance. This, I have assessed within the framework of 'appropriate assessment' under the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations) and my findings are set out below.
11. The Council has explained that potential adverse effects from increased recreational pressure can be mitigated via the provision of new areas of open space and access management measures. Such mitigation is secured from developer contributions in respect of individual planning applications.

² New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites

³ Southampton Water SPA and Ramsar site, the Solent and Isle of Wight Lagoons SAC and Solent Maritime SAC

12. The appellant has suggested that mitigation has been secured elsewhere through planning conditions. However, that approach is problematic as it delays consideration of the detailed measures and gives me no certainty as to precisely what mitigation would be proposed. As 'competent authority' under the Habitats Regulations, I cannot agree to the project unless I am certain that adverse impacts can be avoided.
13. There is no mechanism to secure the mitigation, such as a planning obligation, before me now. Therefore, I am unable to conclude, following appropriate assessment, that adverse impacts on the integrity of the European sites would not arise, in combination with other development.
14. As such, any permission would be contrary to those aims of LP1 Policy STR1 and Policy DM2 of the New Forest District outside the National Park Local Plan Part 2 2014 (LP2) which seek to protect designated sites. Although conditions could be used to secure a net gain in biodiversity at the site, the proposal would conflict with these policies read as a whole. Furthermore, paragraph 175 of the National Planning Policy Framework (the Framework) indicates that where harm to biodiversity cannot be adequately mitigated, then permission should be refused.

Other Matters

15. The Council's final reason for refusal is based on a lack of information as to how charging points for electric and hybrid vehicles and high speed broadband would be provided. However, I see no reason why these matters could not be addressed by planning conditions.

Conclusion

16. I have found that there would be no harm to the character and appearance of the area or living conditions. However, my findings in respect of the European sites and associated policy conflict results in a conflict with the development plan, read as a whole. Policies of the Framework, referred to above, that protect assets of particular importance also provide a clear reason for refusing the development and there are no other material considerations, including benefits associated with the supply of additional housing, that indicate otherwise that permission should be granted.
17. I, therefore, conclude that the appeal should be dismissed.

M Bale

INSPECTOR