
Appeal Decision

Site visit made on 28 September 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2021

Appeal Ref: APP/B1740/W/21/3272716

51 Salisbury Road, Totton SO40 3HY

- 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 Wenman against the decision of New Forest District Council.
 - The application Ref 20/10624, dated 10 June 2020, was refused by notice dated 15 October 2020.
 - The development proposed is new bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the refusal of the planning application and the submission of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. The main parties were given the opportunity to address this matter, and I have taken this into account where relevant to my decision.
3. During the determination of the planning application, drawing no. D-111 rev B was amended in August 2020 to show a new position for the proposed parking for the new dwelling to the side of the host property instead of directly in front of the new dwelling. It was on the basis of the revised plan that the Council refused the application. The appellants have requested that I also consider the originally proposed parking layout shown on the same drawing reference dated June 2020.
4. The planning appeals procedural guidance¹ (Annexe M) advises that, if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. With this in mind, and having regard to potential impacts on the living conditions of neighbouring occupants as a result of noise and disturbance impacts arising from an extended driveway leading to a new parking and turning area in close proximity to neighbouring properties, I have determined the appeal on the basis of the scheme which was refused by the council, which includes drawing no. D-111 rev B dated August 2020.

¹ Procedural Guide. Planning Appeals – England. The Planning Inspectorate August 2019.

Main Issues

5. The main issues are:

- The effect of the proposal on the character and appearance of the area;
- Whether the proposal would achieve a net gain in biodiversity; and
- The effect of the proposal on the integrity of European Protected Sites (EPS).

Reasons

Character and appearance

6. The July 2021 update to the Framework is a material consideration in the determination of this appeal, to be read alongside the *National Design Guide* (October 2019) (the NDG) and the *National Model Design Code* (July 2021) (the NMDC), to which the Framework explicitly refers on the matter of design.
7. The thrust of the changes in the revised Framework includes policies to achieve high quality, beautiful and sustainable buildings and places. Paragraph 134 makes it clear that development that is not well-designed should be refused, especially where it fails to reflect local design policies and government guidance on design contained within the NDG and the NMDC.
8. The NDG sets out the characteristics of well-designed places and demonstrates what good design means in practice. It confirms that well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary (paragraph 41). It is integrated into its wider surroundings, physically, socially and visually (paragraph 43) and that physical features include the existing built development, including, inter alia, layout, form and scale. Paragraph 66 advises that built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to the context.
9. The appeal site is located in an established residential area close to Totton town centre. It comprises a long rectangular-shaped site which is occupied by a detached bungalow which fronts onto the southwest side of Salisbury Road. This part of the road is characterised by street-fronting houses and bungalows, with a regular front building line and long linear back gardens. These form part of a wider grid pattern of development within the locality which is characterised by straight, regular positioning of dwellings with long back-to-back gardens providing a spacious layout of development.
10. The proposed tandem arrangement of the siting of the new dwelling would introduce an 'ad hoc' positioning of the dwelling, which would be at odds with the established strong linear arrangement of dwellings that characterises the area, including along Salisbury Road and Oakmount Avenue. It would be incongruous within the layout of neighbouring dwellings, as it would not relate to their front or rear building lines, and it would not directly front onto a highway.
11. Furthermore, having regard to the combined footprint of the bungalow and its proposed close proximity to both side boundaries, the proposal would amount to an unduly cramped form of development within the back garden of the host property. The cramped and discordant nature of the layout is emphasised by

- the close proximity of the neighbouring property at 4 Oakmount Avenue to the appeal site and to the proposed new bungalow.
12. The result would be a congested form of development which would overly intensify the quantity of built form on the site, to the detriment of the characteristically spacious layout of development within this part of Salisbury Road.
 13. In addition, the proposed parking arrangement would mean that securing safe vehicular egress from the site for the occupants of the new dwelling and their visitors, would entail reversing movements directly in front of the host property and its front facing fenestration. This indicates a contrived layout of development which relates poorly to that of the host property and would be out of keeping with the established pattern of surrounding development comprising dwellings with individual frontage, side and rear parking within their own plots.
 14. I have noted that there are detached bungalows in Oakmount Avenue and Westfield Road of a similar height and scale as the appeal proposal and set within similar plot sizes. However, these properties form part of established linear arrangements of street facing dwellings which are in keeping with the characteristic formal layout of dwellings within the site vicinity. As such, they do not justify approval of the appeal scheme which would not accord with the established layout of development.
 15. Neither do I find the development of link-attached two-storey houses at Oaklands Mead to be directly comparable with the appeal proposal. In contrast to the appeal scheme, that scheme comprises a comprehensively developed layout of houses directly facing a new road, having a regular front building line, frontage parking and rear back gardens. As such, this development fits comfortably within the overall context of consistent lines of road-facing properties that characterise the area.
 16. The appellants have drawn my attention to the existence of outbuildings within rear gardens within the locality, including a structure to the rear of 57 Salisbury Road, which extends to a greater ridge height than that of the proposed bungalow. Such structures, comprising outbuildings which are ancillary to the host dwelling, are not uncommon features within gardens of built-up residential area. By their very nature, they are not directly comparable with the appeal proposal in terms of their use, size and design and layout and relationship with neighbouring properties.
 17. For the above reasons, I therefore conclude that the proposed development would cause significant harm to the character and appearance of the area. As such, the appeal scheme would be contrary to Policy ENV3 of the *New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy* (2020) (the LPP1). This Policy, amongst other things, seeks to ensure that all development achieves a high-quality design that contributes positively to local distinctiveness, and creates buildings, streets and places which are sympathetic to their context in terms of, inter alia, layout and relationship to adjoining buildings and spaces.
 18. For similar reasons, the proposal would also be contrary to Chapter 12 of the Framework which seeks to ensure well-designed places.

Biodiversity

19. The Council's second reason for refusal relates to the failure to provide sufficient information with the planning application to demonstrate the impact of the appeal scheme on the ecology interests of the appeal site and to demonstrate that the proposal would achieve a net gain in biodiversity.
20. Paragraph 180 of the Framework requires opportunities to improve biodiversity in and around developments to be integrated as part of their design, and this requirement is also contained within Policy STR1 of the LPP1 and Policy DM2 of the *New Forest District Council Local Plan Part 2: Sites and Development Management* (2014).
21. In response to this reason for refusal, the appellants' appeal statement includes an ecological assessment, which includes proposals for on-site biodiversity enhancements. In principle, having regard to the submitted ecological report, this matter is capable of being dealt with by condition, subject to receipt of satisfactory information prior to the decision. The Council has not commented upon the appellants' submitted information. As this matter is not determinative to the outcome of this appeal, having regard to my findings on the first main issue, there is no requirement for me to pursue this matter further.

EPS

22. The Council has confirmed that the third reason for refusal has been adequately addressed, following the submission of a Unilateral Undertaking (UU) and financial contribution in accordance with the Council's *Mitigation Strategy for European Sites Supplementary Planning Document 2014* (the Mitigation Strategy), to address the recreational impacts of the proposal on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation (the European sites).
23. The Council has also confirmed that the submitted UU satisfactorily addresses the fourth reason for refusal, by securing a contribution towards air quality monitoring in respect of mitigating the impacts of traffic-related nitrogen air pollution on the New Forest SPA, SAC and Ramsar site in accordance with Policy ENV1 of the LPP1.
24. Within the context of this appeal, the responsibility for assessing the effects of the proposal on the European designated sites fall to me as the competent authority. However, as the first main issue provides a clear reason for dismissing the appeal, there is no need for me to consider this matter further, since any findings on this issue would not change the appeal outcome.

Other Matters

25. I have noted that the proposal represents an amended scheme from that refused under planning application Ref 19/10944. The changes to the scheme have been noted, including alterations to the design of the dwelling and layout of the access and parking, which have addressed some of the Council's previous concerns including those related to impacts on neighbouring living conditions. However, this does not alter my findings with respect to the current proposal.

26. I acknowledge that the site is in an accessible location with respect to public transport and community facilities and services. Also, there would be a small social benefit in providing an additional housing unit and economic benefits as a result of the construction and occupation of a new house. However, these benefits would not overcome the harm that I have identified in respect of the first main issue.

Conclusion

27. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR