



Appeal Decision

Site Visit made on 21 September 2021

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2021

Appeal Ref: APP/B1740/W/21/3271758

Land adjacent Autumn Lodge, North Road, Dibden Purlieu SO45 4RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Tom Howse (Broadsword Group) against the decision of New Forest District Council.
- The application Ref 20/11328, dated 25 November 2020, was refused by notice dated 22 January 2021.
- The application sought planning permission for two houses; access; parking; landscaping without complying with a condition attached to planning permission Ref 16/11569, dated 8 March 2017.
- The condition in dispute is No 2 which states that: *'The development permitted shall be carried out in accordance with the following approved plans: 160-P-01, 160-P-04, 160-P-08, 160-P-05, 160-P-06, 160-SK-09, 160-P-07 - Amended version received 23/1/17, 160-P-02 - Amended version received 23/1/17, 160-P-03 - Amended version received 23/1/17, 020.0091.100 rev P4, 559-LA-02 rev D, 559-LA-01 rev E, 14035-BT4'*.
- The reason given for the condition is: *'To ensure satisfactory provision of the development'*.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) published on 20 July 2021 sets out the Government's planning policies for England. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties were given the opportunity to comment on this matter, and I have had regard to the updated Framework in determining this appeal.
3. According to the application form, development started on the appeal site in February 2017, and I was able to see as part of my site visit that the shell of the buildings is largely complete. The development as built does not however accord with the 2017 permission, and I shall therefore determine the appeal on the basis of the submitted plans.

Main Issues

4. The main issues are the effect of the changes on the character and appearance of the surrounding area and the living conditions of neighbouring residents, with particular regard to outlook.

Reasons

5. The appeal site is located within an established residential area predominantly characterised by its pleasant verdant and suburban feel, which mainly comprises a mixture of single and two-storey dwellings. Whilst the design and size of the properties in the area is varied, the roof form of the houses generally retains a distinctly subservient appearance, thus preserving the domestic scale which defines the locality.
6. The previously approved scheme granted planning permission for the construction of two-storey dwellings on plots 1 and 2, with additional accommodation within the roofspace. Although the extant scheme has opted for a contemporary design approach, the scale and roof form of the houses as approved is largely consistent with their surroundings.
7. As part of the development subject to this appeal, a large flat roof element has been constructed between the two transverse pitched roofs of the dwelling built on Plot 1, to increase the size of the accommodation provided at second floor level. The appeal development has increased the bulk and massing of the roof to a harmful degree, by giving the property an overtly three-storey scale. This results in a development which, by reason of its excessive bulk and massing, as well as its incongruous design, appears out of character and fails to reflect the prevailing pattern of development in the surrounding area. The addition of slate vertical tile hanging would do little to minimise the harm caused by the flat roof element.
8. Although public views of the development would be to some extent screened by mature landscaping, there is no certainty that the vegetation would remain in place for the lifetime of the development. Furthermore, it is of note that the overall scale, bulk and massing of the dwellinghouse in its complete form would still be visible along North Road, outside Autumn Lodge, particularly as the building on Plot 1 sits forward of this neighbouring property. No concerns have been raised by the Council regarding the changes to the elevational treatment of the dwellings, and there are no reasons for me to reach an alternative view. However, with the infilling of the transverse roof ridge, the appeal scheme results in a development that is not well designed and, in accordance with paragraph 134 of the Framework, should therefore be refused.
9. The relationship between the dwelling on Plot 1 and the properties situated either side remains largely unchanged, as the footprint of the house in its complete form would not increase. The changes do not affect the outlook from within these neighbouring properties, but are clearly visible to their occupiers, particularly from their private rear garden. However, the additional bulk and massing is not such that it can be considered overbearing or oppressive, or to the extent that it causes unacceptable harm for neighbouring residents.
10. For the foregoing reasons, and whilst the development does not adversely affect the living conditions of the occupiers of neighbouring properties, it causes considerable harm to the character and appearance of the surrounding area. In that regard, the appeal scheme therefore conflicts with Policy ENV3 of the New Forest District Local Plan Part One: Planning Strategy (Adopted July 2020), which requires all development to achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality.

Other Matters

11. The appeal site lies within proximity to the New Forest Special Area of Conservation (SAC), the New Forest Special Protection Area (SPA), the New Forest Ramsar, the Solent and Southampton Water SPA, the Solent and Southampton Water Ramsar Site, and the Solent Maritime SAC. These areas are recognised under the Habitats Regulations as being of international importance for supporting significant numbers of overwintering bird species.
12. The Council considers that the appeal scheme would have a likely significant effect on the integrity of these sensitive areas (either individually or in combination with other plans or projects) notably by reason of additional recreational pressures resulting from residential development, unless suitable mitigation is provided. Development proposals are therefore required to make a financial contribution towards mitigation measures, which are normally secured through the completion of a planning obligation.
13. There are also concerns in respect of the high levels of nitrogen and phosphorous entering the Solent catchment, which are believed to be notably caused by increased waste water from additional residential development. This could also have a likely significant effect on the protected sites. Furthermore, a financial contribution is required towards monitoring and managing the potential for traffic-related nitrogen air quality effects which could be affecting these sensitive areas, in order to ensure that impacts on international nature conservation sites are adequately mitigated.
14. As I am dismissing this appeal on other substantive grounds, these are not matters which need to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to undertake an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.

Conclusion

15. There are no material considerations, which indicate that the appeal should be dismissed other than in accordance with the development plan. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR