



Appeal Decision

Site visit made on 18 January 2022

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2022

Appeal Ref: APP/C1760/W/21/3276762

The Bungalow, Stevens Drove, Houghton, Stockbridge SO20 6LP

- 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 Mrs J Harvey against the decision of Test Valley Borough Council.
 - The application Ref: 21/00278/FULLS, dated 27 January 2021, was refused by notice dated 23 April 2021.
 - The development proposed is the demolition of an existing bungalow, garage and shed. Sub-division of the existing site into two plots to create two four bedroom houses each with three off-road parking spaces. Forming of new access drive to serve one of the houses.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs J Harvey against Test Valley Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues in the appeal are:
 - (a) The effect of the proposed development on the character and appearance of the existing locality;
 - (b) Whether suitable provision has been made to mitigate any impact of the development on the New Forest Special Protection Area (SPA) and the Solent and Southampton Water European Designated Site.

Reasons

Character and Appearance

4. The proposed dwellings would be markedly different to the development which currently sits on the appeal site. In particular the dwellings would cover a greater proportion of the site, would be significantly bulkier, and would be a good deal higher. They would therefore have a greater visual impact when seen from the roadside or other public viewpoints. Properties to either side and in the area generally tend to be set in reasonable sized gardens, which imparts a spacious feel to this part of the village.
5. In contrast the proposed houses would appear crammed in to the available space on the site, would have little room between them and the site

boundaries, and would introduce an uncharacteristically tall pair of houses in this location. I recognise that there are other 2 storey dwellings nearby, but those opposite are set well back, and those on either side of the plot either sit lower or have rooms built into the roof. As a result those dwellings do not impact on the street scene to the extent that the proposed houses would. Taken in the round it is my judgement that the bulk, height and side to side plot coverage of the proposed development would be visually incongruous in this location and out of character with the surroundings. I therefore find that there would be significant harm to the character and appearance of the locality.

6. Because of this harm the proposed development would be in conflict with the Test Valley Borough Revised Local Plan of 2016. This conflict is particularly apparent when considered against Policy E1, which seeks to ensure that development integrates, respects and complements the character of the area in which it would be located. Consequentially there is also conflict with Policy COM2, which is supportive of development in villages provided that it is appropriate to other Local Plan policies.

Mitigation for Protected Sites

7. The Council's concern in this respect is twofold. First, that no mitigation in the form of a contribution to alternative recreational provision has been made in respect of the New Forest SPA. Secondly, that it has not been shown that the proposed development would be nutrient neutral in respect of the Solent and Southampton Water. I deal with these in turn.
8. I acknowledge that there has been some confusion relating to the distance of the site from the New Forest, and therefore the need to enter into an agreement to provide financial support for recreational mitigation. I further acknowledge that the Appellant has indicated a willingness to offer the required contribution. However, in the absence of an executed legal undertaking I am unable to afford this weight in my decision. As such I cannot be sure that mitigation would be forthcoming, and in its absence there would be likely significant in combination effects on the New Forest as a result of increased recreational pressure. This leads to conflict with Policy E5 of the Local Plan, which seeks to ensure that harm to habitats is avoided, and conflict with the Conservation of Habitats and Species Regulations.
9. In relation to nutrient neutrality I have contrasting nitrate calculations, but no expert assessment from a regulatory body on those calculations. The proposal includes new package treatment plants for each dwelling, which would replace the existing system at the bungalow. However, information on the current system is assumed, and I cannot therefore be sure that the treatment plants proposed would offer the benefits suggested. Put simply the evidence before me is insufficient to demonstrate that the proposed development would be nutrient neutral. There must therefore be a risk that implementation of this development would increase the discharge of nutrients into the protected areas. Albeit that this may be at a low level, it is necessary to take a precautionary approach in order to safeguard these protected areas. I therefore find that the proposed dwellings would be likely to have an unacceptable risk of harm to the integrity of European Protected Areas, and consequent conflict with Local Plan Policy E5 and the Conservation of Habitats and Species Regulations.

Other Matters

10. The Council has concerns in relation to the protection of bats, which have been identified as roosting at the bungalow. Although the mitigation currently identified applied to a previous proposal, it seems to me that it would be possible to bring forward alternative mitigation based on the proposal before me. That mitigation could be required by imposing an appropriate condition on any permission granted. This is not therefore a matter which weighs against the proposal.
11. The appeal site is close to the edge of the Houghton and Bossington Conservation Area. That area is defined by the traditional architecture and form of the area within the Test valley. Although I have determined that the particular proposal would be out of keeping with its immediate surroundings I do not consider that the proposal would have any material impact on the Conservation Area or its setting. Hence, this is not a determinative matter in the appeal.
12. I have taken careful note of the positioning of the proposed dwellings in relation to nearby properties. The outlook from those properties would change to a degree, and I acknowledge that this would cause some discomfort. However, I do not consider that the proposed dwellings would be so dominant as to cause unacceptable overbearing impacts or loss of privacy sufficient to amount to harm to neighbouring living conditions.
13. It is right that housing development is to be welcomed even where a 5 year supply of deliverable housing sites is available, as in this case. I also understand the desire to replace an outdated property with more modern and efficient development. But the harm caused by this proposal outweighs these modest advantages.

Overall Conclusion

14. The proposed development would be harmful to the character and appearance of the locality and would be likely to lead to harm to the integrity of protected sites. For those reasons there is conflict with the development plan and Habitats Regulations. There are no material considerations here which would indicate a decision other than in accordance with the development plan.
15. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

Inspector