



Appeal Decision

Site visit made on 8 March 2022

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/B1740/W/21/3281910

1 Kingfisher Way, Ringwood BH24 3LP

- 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 Rhys Jones against the decision of New Forest District Council.
 - The application Ref 21/10522, dated 13 April 2020, was refused by notice dated 29 June 2021.
 - The development proposed is described on the application form as being to sever the existing plot to No. 1 Kingfisher Drive to create separate plot at 140m² to accommodate new compact 2 bedroomed dwelling (accessible from North Poulner Road). Built provision ratio 25%/75%, provision for 2no. car parking spaces.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application form is dated 13 April 2020. While the appeal form and Council's Decision Notice state 12 April 2021, I have used the date from the application form in my heading, above. This has not affected my consideration of the appeal.
3. Amended plans were provided with the appeal documents that make some changes to the external appearance of the proposed dwelling. The Council has made some comments upon them but I cannot be certain that local residents who did not comment on the application would be aware of the appeal and changes. Injustice could arise if I were to consider plans that had not been consulted upon, so I have determined the appeal on the basis of those detailed design plans that were before the Council.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area; and the living conditions of future occupiers of the dwelling with regard to privacy.

Reasons

Character and appearance

5. The North Ringwood area is a generally varied, open and spacious townscape, but contains pockets of more planned development with tighter layouts. Kingfisher Way is one such pocket of higher density housing. A previous

Inspector¹ found that the site, while facing North Poulner Road, is part of the Kingfisher Way development, and I have no reason to disagree with that assessment. I observed that Nos. 56-62 North Poulner Road also appear as part of the Kingfisher Way area.

6. In dismissing that previous appeal, also for a single dwelling, the Inspector found that three broad issues combined to result in harm to the character and appearance of the area. In essence these related to the detailed design, loss of space about the existing building, and poor parking arrangement.
7. Unlike the earlier proposal, the current scheme proposes a dwelling of comparable height and shape to Nos. 56-62. It would have similarly proportioned windows that would align with its neighbours and so would be compatible in terms of its scale and proportion. The overall width of the proposed building is not dissimilar to No. 56 and the ability to accommodate three windows at first floor level would give the dwelling sufficient scale to not appear as an awkward design solution to a cramped plot.
8. Nos. 56-62 have attached single storey garages, one of which has been converted to living accommodation. These have a secondary, subservient appearance to the main dwelling. The proposal would have an integral garage, that does not reflect those immediate neighbours, but it is a feature that occurs on a relatively narrow house in close proximity at 4 Kingfisher Way. For these reasons I find that the design now proposed does respect the key characteristics of the Kingfisher Way development.
9. Nos. 1 and 2 Kingfisher Way occupy spacious corner plots either side of the junction with North Poulner Road. The previous Inspector found that the site made a positive contribution to the generally spacious character. While I do not disagree, No. 1 faces Kingfisher Way such that it clearly reads as part of that development, set apart from the general characteristics of North Poulner Road. Areas of undeveloped land on the opposite side of the road and general low-key nature of most dwellings along the road's length make a far greater contribution to spaciousness. While a positive feature, the space about No. 1 is not, therefore, an essential component of the area's character and appearance.
10. Most corner plots within Kingfisher Way are visually more spacious than the rows of dwellings along the streets, with rear gardens separating them from their neighbours. The current separation to No. 56 would be reduced but there would still be a distinct gap occupied by the garden of No. 1. The parking arrangement proposed in the current scheme would allow the retention of some of the grass verge frontage.
11. As a compatible dwelling that would not accentuate the narrowness of the plot is now proposed, the combination of factors that led the previous Inspector to dismiss the appeal no longer exist. Although there would be a reduction in the gap behind No.1, this alone does not result in harm to the character and appearance of the area as it is not fundamental to it. There would, therefore, be no conflict with those aims of Policy ENV3 of the New Forest District outside the new Forest National Park Local Plan Part 1 2020 (LP) that seek to ensure that development contributes to local distinctiveness, character and identity.

¹ Appeal Ref. APP/B1740/W/20/3258580

Living conditions

12. The proposed garden area would be overlooked by No. 1. Proposals to modify that existing dwelling to avoid this are shown within the application drawings. However, the existing dwelling has not been included in the application site. An amended plan has been provided at appeal stage, identifying it as within the appellant's ownership, but such ownership could be severed in the future.
13. While I note comments made by the previous Inspector in this regard and I do not doubt the appellant's intention to carry out the works, I am unable to impose a condition that would guarantee the works were implemented and retained in perpetuity. Without such assurance, satisfactory living conditions for future occupiers cannot be secured. I understand that the appellant may be frustrated that the Council did not seek to address this technicality during the application process, but it has not been.
14. Consequently, the proposal would conflict with those aims of LP Policy ENV3 that seek to ensure that development contributes positively to quality of life, including avoiding unacceptable harm to living conditions, such as through overlooking.

Planning balance and conclusion

15. The Council cannot currently demonstrate a 5 year supply of deliverable housing land. If I were to accept that adverse effects on protected habitats sites could be avoided, then paragraph 11(d) of the Framework would suggest that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
16. In this context, the delivery of housing on potentially underutilised land in the urban area is of substantial weight. However, while the Framework seeks to significantly boost housing supply, only one additional dwelling is proposed. Due to the adverse effects on living conditions it would be a poor quality development, that the Framework also seeks to avoid. Therefore, the adverse impacts would significantly and demonstrably outweigh the benefits when taking the Policies of the Framework as a whole.
17. My findings on the second main issue result in a conflict with both LP Policy ENV3 and the development plan read as a whole. Material considerations do not otherwise indicate that permission should be granted.
18. Therefore, the appeal is dismissed.

M Bale

INSPECTOR