



Appeal Decision

Site visit made on 23 March 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9TH May 2022

Appeal Ref: APP/A1720/D/21/3289023

37 Brook Lane, Warsash, Southampton, SO31 9FF

- 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 Nick Baker against the decision of Fareham Borough Council.
 - The application Ref P/21/1298/FP, dated 28 July 2021, was refused by notice dated 28 September 2021.
 - The development proposed is erection of first floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of first floor side extension at 37 Brook Lane, Warsash, Southampton, SO31 9FF, in accordance with the terms of the application, Ref P/21/1298/FP dated 28 July 2021, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings No - 1100; 1101/Rev.A; 1400; 1401/Rev.A; 1300; 1301/Rev.B; 1200; 1201; 1210/Rev.A; 1202; 1211/Rev.A; 1301.1/Rev.A; and 1300.1/Rev.A.

Procedural Matters

2. I have adopted the description of development as it appears on the decision notice as this more accurately describes the appeal proposal.
3. The Council's Delegated Report (CDR) includes a footnote stating that had they been minded to approve the development they would have required plans showing the side elevations of the proposed extension. The footnote continues by advising the Applicant that they prepare and submit these plans with any future appeal. The appeal was accompanied drawings No. 1300.1/Rev.A and 1301.1/Rev.A showing the existing and proposed side elevations and I have, therefore, had regard to these plans in determining this appeal.
4. The CDR also states that during the determination of the application amended plans were submitted to reduce the size of the new extension. To provide clarity, I have based my decision on the proposed amended plans which

accompanied the Appellant's appeal submission, which are the same as the plans referenced in the Council's decision notice (and not the original application plans listed in the Documents section of the Council's Questionnaire).

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host property and the landscape setting of the area.

Reasons

6. The appeal site is located on the western side of Brook Lane with the host property itself set back a significant distance from the lane and accessed via a long and narrow tree lined driveway that passes between the side boundaries of No's 35 and 41 Brook Lane. The host property comprises a substantial detached predominantly two storey property with a mansard roof. Other elements of the host building are largely single storey with a mixture of flat and hipped roofs. The host property is located at the eastern end of the main part of the appeal site beyond which, to the west, are extensive grounds that fall away in the direction of the River Hamble.
7. Policy CS14 of the Fareham Core Strategy (August 2011) (FCS) states that development outside settlement boundaries, which includes the appeal site, will be strictly controlled to protect the countryside and coastline from development that would adversely affect its landscape character, appearance and function. It continues by stating that in coastal locations new development should not have an adverse impact on the special character of the coast when viewed from land or water. The latter must be read in conjunction with policy CS17, which, amongst other requirements, requires all new development to secure a high quality of design, to respond positively to and respect key characteristics of the area including landscape, form, scale, spaciousness, materials and to provide continuity of built form.
8. Whilst not referred to in the Council's reason for refusal, the CDR draws attention to the Fareham Landscape Assessment (August 2017) (FLA). I understand that this is not an adopted document but forms part of the evidence base for the draft Fareham Local Plan 2037. The FLA identifies various Landscape Character Areas, one of which is the Lower Hamble Valley, where the appeal site is located. The FLA identifies the essential characteristics of the Lower Hamble Valley as including, amongst others: *"Relatively sparsely settled but with large, detached residences set within mature woodland along the valley tops and at the water's edge, with large gardens or grounds and a private, secluded character."*
9. The FLA continues by subdividing the Lower Hamble Valley Character Area into smaller sub areas as part of a more detailed sensitivity assessment. The appeal site is shown as being within "Area 2.2b", which apart from an enclosed wooded valley is identified as typically comprising sizeable, detached houses within large plots, many with views across the River Hamble. Whilst it recognises that this area is somewhat suburbanised by its residential use, it confirms that the landscape is in good condition and contains some valuable features such as the wooded valley and has a strong visual relationship with the inter-tidal and marshland habitats on the foreshore to the river. In relation to the development potential of the area, it acknowledges that existing

residential development is generally well integrated within the mature woodland and tree cover *"and does not intrude significantly on the character of the area"* and that further similar development could potentially be accommodated without altering its character. Even so, it continues by emphasizing that more extensive development on the more open parts of the area or development that would result in the loss of woodland or tree cover is likely to have unacceptable landscape impact.

10. Within the above context, the appeal proposal involves the construction of a first floor side extension above an existing single storey extension sited towards the northern end of the host property. The new extension has been designed to match the existing palette of materials and essentially to replicate a two storey addition at the southern end of the host property.
11. The proposal would result in a more balanced and symmetrical appearance to both the front and rear elevations of the host property. The new extension would also integrate well with the existing building and visually would be sympathetic to and in keeping with the scale, design and proportions of the existing property. The new extension would be sited well away from neighbouring properties. It would not increase the footprint of the existing property or encroach onto any open land. There would be no loss of any existing trees or landscaping, and there would be no impact on the wooded valley, which is located some distance to the north of the appeal site.
12. On my site visit, I viewed the appeal proposal from the public footpath to the west of the appeal site, on the foreshore to the River Hamble. Whilst I accept that the proposed extension, as with the host property, would be visible from a certain section of this footpath, I am satisfied that the appeal proposal would not adversely affect the landscape character or setting of this part of the Lower Hamble Valley. The views afforded of the proposal from this footpath are long range and are of the host property framed by the woodland and trees that surround it. That setting would remain unaffected by the proposed extension. The result would be a property that is not overly imposing, but simply a large dwelling within a spacious plot that forms an integral part of the local landscape character as identified in the FLA.
13. The Council refer to recent tree felling on the western boundary of the appeal site which they contend has increased the impact the development would have on views from the River Hamble. However, no further information has been provided. Even so, I can only determine the proposal that is before me, which simply seeks planning permission for a first floor side extension and assess its acceptability against the current layout of the site and the observations I made on my site visit. The Council also refer to the cumulative impact of extensions to the host, but again no substantive evidence to support that statement has been provided or any detailed reasoning as to why that would lead to the current proposal being considered excessive or harmful in the context of previous extensions approved by the Council.
14. Whilst I accept that there would be a material change in the appearance of the host property, particularly at the rear, the Council's contention that the proposal would result in a prominent and conspicuous feature within the landscape, is not, for the reasons given above, a view that I share. Similarly, I do not agree with the Council's contention that the proposal is unsympathetic to the proportions and design of the existing property and that it unbalances

the appearance of the rear elevation. As I found above, the opposite is the case, in that the proposal would secure a more symmetrical design and remove a part of the predominantly flat roofed single storey element that currently appears at odds with and unbalances the rear elevation of the host property. Overall, the proposed extension would sit comfortably on the host property.

15. Accordingly, I find that the appeal proposal would not conflict with policies CS14 and CS17 of the FCS and would not result in any harm to the essential characteristics of the Lower Hamble Valley Landscape Character Area as defined in the FLA.

Other Matters

16. Concerns have been raised regarding loss of privacy, the impact of noise, dust and disturbance from construction and impact on water quality/nitrates. There is no detailed evidence before me to suggest that any of these concerns would result in material harm and I note they are not issues that the Council have raised in relation to this appeal. In respect of water quality/nitrates, the CDR confirms that the advice from Natural England (Advice on Achieving Nutrient Neutrality for New Development in the Solent Region V5) is that increased nitrates from new dwellings was likely to have a significant impact on protected sites, but as the proposal did not involve a net gain in dwelling numbers the CDR concluded that there was no evidence to demonstrate that the proposal would have any significant effect on protected sites. In the absence of any evidence before me to the contrary, I concur with the Council's findings in this respect.

Conditions

17. The Council has suggested various conditions which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions requiring compliance with the submitted plans and for materials to match existing are necessary and reasonable to secure a high-quality development and to reflect the details included within the application. I have however added a list of approved plans for clarity.
18. I note that the CDR refers to the potential for a condition to secure a construction environmental management plan. However, there is no such condition before me and other than requesting the standard conditions under question 11 in part 2 to its Questionnaire, the Council indicates that no further conditions are necessary. In view of this and in the absence of any policy justification or reasoning for such a condition, and mindful that the proposal is to erect an extension above an existing ground floor addition, I have not considered it reasonable or necessary to impose such a condition.

Conclusion

19. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR