
Appeal Decision

Site visit made on 5 July 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2022

Appeal Ref: APP/B1740/W/22/3290034

Land Adjacent Sattva, Park Lane, Marchwood SO40 4WL

- 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 Ms Natasha Dickens against the decision of New Forest District Council.
 - The application Ref 21/11366, dated 29 September 2021, was refused by notice dated 25 November 2021.
 - The development proposed is described as “new-built single storey detached bungalow and garage on land adjacent Sattva”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the ecological integrity of the New Forest and Solent Coast European designated nature conservation sites (EPS).

Reasons

Character and appearance

3. The appeal site is a roughly triangular-shaped area of land at the corner of Park Lane and Staplewood Lane, on the edge of an established residential area within the designated settlement of Marchwood. It forms part of the garden of a detached, chalet-style dwelling known as Sattva, and is predominantly laid to lawn. Park Lane is grass-verged, with no pavements, and has a spacious, verdant and semi-rural nature.
4. There are a mix of dwelling sizes, heights, designs and building lines, including more tightly knit built residential development to the northwest, and residential plots which are smaller than the appeal site, within the residential enclave within which the appeal site sits. These include dwellings within Park Close and Bolhinton Avenue, which are tributaries off Park Lane, defined by a more regular building line and rhythm of built development.
5. Notwithstanding this, the dwellings on the appeal site side of Park Lane and Staplewood Lane tend to be set back from the street behind either open, soft landscaped or low-walled/fenced frontages, and exhibit a more spacious and

notably edge-of-settlement character, directly facing onto undeveloped countryside on the opposite site of Park Lane and Staplewood Lane. The appeal proposal is to be considered within the context of the position of the appeal site on the edge of the residential development.

6. The site lies in a visually prominent corner position, in terms of both the roads onto which it directly fronts, as well as from the junction of Staplewood Lane and the A326 Marchwood By-Pass. Notwithstanding the existing close-boarded fencing and hedging along the site frontages, the appeal site and the host property are both clearly apparent in views from the public realm within these streets by occupants of passing vehicles and pedestrians and cyclists.
7. Moreover, they form a backdrop to a large open grassed highway verge located at the road junction, directly in front of the appeal site, which includes a footpath and a public bench. As such, the undeveloped, open nature of the host property garden in conjunction with the grass verge, means that the appeal site makes a positive contribution to the spacious, verdant and semi-rural, edge-of-settlement character of the site vicinity, and plays a role in the transition between the built urban environment and open countryside.
8. The proposed dwelling would result in a notable reduction in the openness of this part of the townscape. The building, particularly its roof, would be visually apparent in wider views from outside the site due to the proximity of the new building to the site frontage, the topography of the site, which sits at a slightly higher ground level than the street, and the comparatively lower height of the existing boundary fence in relation to that of the new building.
9. The proximity of the building to the northwest and southeast site boundaries, combined with the tapering nature of the site towards the frontage would result in the new building having a cramped positioning in relation to the host property and the site boundary with the adjacent public footpath and grass verge. The proximity of the new built structure to the boundary would be particularly apparent to users of the pavement and bench adjacent to the site. The perceived congested nature of the development when viewed from the street, would be compounded by the close proximity of the dwelling to the edge of the pavement.
10. The visually intrusive and incongruous nature of the proposal within this open environment would be compounded by the juxtaposition of the new dwelling in relation to the host property, whereby its rear elevation would present to the side of the parent property.
11. Moreover, whilst the new dwelling would have a modest scale, height and footprint, which would enable the provision of some space around the property, its small scale in relation to that of the host property, and its shallower hipped roof form in contrast to the existing pitched roof chalet bungalow, serve to emphasise the discordant nature of the proposal in this location.
12. The proposed frontage landscaping to screen the new dwelling is noted. However, whilst mature boundary planting would not be inappropriate within this edge of settlement location, its implementation and future retention could not be guaranteed in the future, and it is not appropriate to rely upon sufficiently high boundary landscaping to screen new built development of an inappropriate design for its surroundings.

13. The appellant has drawn my attention to two infill residential developments allowed on appeal¹ within the vicinity of the appeal site. These relate to detached dwellings accessed off Park Close, where they form part of a more regular established rhythm and layout of built development, in a more centrally located and urban part of the residential development as a whole, and where the issues in respect of each appeal differed to those which are the subject of the current appeal. As such, I do not find these developments to be directly comparable with the appeal scheme in respect of their location, design, juxtaposition in relation to neighbouring properties and impact on the townscape.
14. I have also been referred to a development of three detached houses on the site of the old Orchard Inn, which dates back to the late 1990s, and other new infill residential development in general that has occurred after the original residential development of land within the area bounded by Staplewood Lane, Park Lane and Pooks Green. However, on the basis of the information before me, I have no cogent evidence that these developments are directly comparable to the appeal site and scheme. In any case, I must determine this appeal on the basis of the particular circumstances of the appeal site, and on the merits of the scheme before me.
15. 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). 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.
16. For similar reasons, the proposal would also be contrary to Chapter 12 of the *National Planning Policy Framework 2021*, which seeks to ensure well-designed places.

EPS

17. The Council's second reason for refusal relates to the failure of the development to mitigate against potential harm to the New Forest and Solent Coast EPS, arising from increased recreational usage and harm to the New Forest EPS as a result of traffic-related nitrogen air pollution.
18. In addition, the Council's Appropriate Assessment (AA) has concluded that the development would, in combination with other developments, have an adverse effect on the integrity of the Solent Coast EPS due to additional nitrate loading as a result of drainage and waste-water discharge, unless nitrate neutrality or adequate mitigation is achieved in accordance with the Council's mitigation strategy. The Council proposes that nutrient impacts be dealt with by means of a Grampian style planning condition.
19. In the context of this appeal, the responsibility for assessing the effects of the proposal on the EPS falls to me as the competent authority. Were I minded to allow the appeal, I would need to carry out an AA before considering whether the development requires the proposed mitigation measures set out by the

¹ Refs APP/B1740/A/04/1151964 and APP/B1740/A/07/20594144

Council, since the proposal would be likely to have a significant effect on the EPS. However, as the first main issue provides clear reasons for dismissing the appeal, I have not had cause to pursue undertaking an AA. As a consequence, I do not need to consider this matter further, since any findings on this issue would not change the appeal outcome.

Other Matters

20. I have noted that the proposal represents an amended scheme from that refused under planning application Ref 21/10601. The changes to the scheme have been noted, including an enlarged plot size, revised bungalow siting and a reduction in bungalow floor area and roof ridge height. However, this does not alter my findings with respect to the current proposal.
21. Whilst I have given careful consideration to the appellant's future reasons for seeking the proposed dwelling, I am mindful of the advice contained in Planning Practice Guidance² that, in general, planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the appellant's personal circumstances cease to be material. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the Local Plan and the Framework.
22. I acknowledge that no third party objections have been received. However, this does not affect my conclusions in respect of the first main issue.

Planning Balance

23. The Council has confirmed that it is unable to demonstrate a five-year supply of deliverable housing sites. It considers that it has a 3.07 year supply. As such, paragraph 11 of the Framework applies, which states that relevant policies for the supply of housing should not be considered up to date where a five-year housing land supply cannot be demonstrated. Paragraph 11 states that where relevant policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, provides a clear reason for refusing the development proposed, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted.
24. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social and environmental objectives. When judged against some of the core planning principles of the Framework, the appeal proposal would perform well, in that it would be within a designated settlement boundary, where access to facilities and public transport connections is likely to be greatest.
25. One additional dwelling would make a small contribution towards the Council's housing supply, and it could be built out relatively quickly, having regard to Paragraph 69 of the Framework. There would be economic benefits as a result of the construction of the dwelling, and economic and social benefits as a result of its future occupation. By providing a modest, single storey unit, which would suit first time buyers, elderly downsizers, or mobility-impaired occupants, the

¹ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'

proposal would also contribute to the Framework objective of creating mixed and balanced communities.

26. The Council has raised no objection to the appeal scheme in respect of matters including the principle of development, highway safety and parking, the living conditions of neighbours and future occupiers of the development and on-site biodiversity. In terms of the planning balance, the lack of identified harm is a neutral factor that does not diminish the significant harm that would arise from the proposal in respect of the impact on the character and appearance of the area.
27. Whilst the deficit in the Council's supply of housing is fairly acute, a high standard of design is also a key aspect of sustainable development. The harm I have identified to the character and appearance of the area would be significant. As a result, the social objective of sustainable development, of fostering well-designed and beautiful places, would not be achieved.
28. Whilst the Framework encourages the effective use of land in meeting the need for homes and requires the Council to approach decisions in a positive and creative way, these matters are not unqualified and would not address or outweigh the aforementioned harm that I have identified in respect of the first main issue.
29. Therefore, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits, and the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

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

S Leonard

INSPECTOR