
Appeal Decision

Site visit made on 2 August 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2022

Appeal Ref: APP/A1720/W/22/3292455
47 Garstons Close, Fareham PO14 4EP

- 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 and Mrs Sehrawat against the decision of Fareham Borough Council.
 - The application Ref P/21/1369/FP, dated 10 August 2021, was refused by notice dated 4 October 2021.
 - The development proposed is two storey house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above is taken from the appeal form and the decision notice, since it more accurately and succinctly describes the proposal than the description on the application form. In particular, the appeal scheme relates to a two-bedroomed dwelling, not a three bedroomed dwelling as stated on the application form.
3. During the course of the appeal, subsequent to the Council's appeal statement, the appellants made an additional payment towards mitigation of the recreational impacts of the development on the Solent Waters European Sites (EPS), in accordance with an annual increase in the required level of contribution. They also completed an additional Nitrate Mitigation Allocation Agreement, to secure additional nitrate off-setting in respect of mitigating the impacts of increased levels of nitrates arising from wastewater from new dwellings upon the EPS, in accordance with the revised Solent Nutrient Budget Calculator issued since the refusal of the planning application. On this basis, the Council has confirmed that the second and third reasons for refusal have been satisfactorily addressed. I later return to these matters.
4. Since the refusal of the planning application, the Council's statement of case confirms that a new issue has arisen in respect of the impact of the proposal on the integrity of the New Forest European Protected Sites (EPS). This is also a matter to which I later return.

Main Issues

5. 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 integrity of the EPS.

Reasons

Character and appearance

6. The appeal site lies within an established residential area within the settlement of Titchfield. It is in an area of housing to the north of Coach Hill, which is accessed via Garstons Road, and comprises a spine road with a series of tributary cul-de-sacs branching off from it.
7. This area is characterised by open plan or low-bounded frontages, with front gardens often given over to parking. Whilst there are a variety of detached, semi-detached and terraced dwellings, the open plan layout, two-storey property heights, and preponderance of brick walls and tiled pitched roofs, combine to give an overall consistency of built development across the area. Moreover, open frontages, grassed verges, public footpaths and pavements, and gaps between single, pairs or terraces of buildings, all contribute to a spacious townscape.
8. The rectangular-shaped site lies to the south side of a terrace of two-storey, pitched roof houses which are located beyond the head of one of the cul-de-sacs. It formerly comprised part of the garden of the end-of-terrace house at No.47. In terms of the prevailing layout of housing, the appeal site makes a positive contribution to the maintenance of space around the blocks of built development which make up this housing area.
9. The significance of this space is particularly apparent in the townscape of Coach Hill, where the site occupies a visually prominent, elevated position in relation to the road and close to the back of the highway. The adjacent terrace of houses, whilst extending further southwards than the perpendicularly positioned terrace to the west, and the detached houses to the east, sits comfortably within the established layout of housing within Garstons Close and within the Coach Hill street scene, as a result of the space to its south side.
10. The proposal would result in a harmful erosion of this space, bringing two-storey, pitched roof built development significantly closer to the Coach Hill road frontage, in a manner that would appear cramped and unduly visually dominant in views from that road, due to the combined width, depth and height of the new building, together with its elevated position above the existing banked highway verge and proximity to the back of a non-pavement edged part of the road, and where the road narrows slightly.
11. The height and visual prominence of the building would be particularly noticeable in views by drivers and pedestrians using the footpaths on the opposite side of the road, when approaching the site from the east along Coach Hill, as the street rises in a westerly direction on the approach to the bend opposite Posbrook Lane. The visually imposing impact of the building upon the street scene would be compounded by the large expanse of unbroken tile hanging and brick work on the gable-ended road-facing flank wall of the new dwelling.
12. I am not persuaded that the harm I have identified could be adequately mitigated by soft landscaping around the appeal site, including the planting of conifer trees along the southern site boundary, since the implementation of sufficiently high boundary or on-site planting and the future retention of such

landscaping could not be guaranteed in the future. Moreover, it is not appropriate to rely upon sufficiently high landscaping to screen new built development of an inappropriate design for its surroundings.

13. Whilst there are a mix of dwelling designs and positioning in relation to the Coach Hill Road frontage between the junction with Garstons Road and the appeal site, including No.11 Coach Hill, these properties differ from the context of the appeal site, in that they comprise markedly different forms of individual properties which directly front onto Coach Hill, in contrast to the terrace adjacent to the appeal site which has no direct frontage onto this street. As such, I find that they do not justify allowing the appeal scheme.
14. For the above reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area. It would therefore be contrary to Policy CS17 of the *Fareham Local Development Framework Core Strategy* (2011) (the Core Strategy). This policy, amongst other things, seeks to ensure that new development is of a high-quality design, and responds positively to, and is respectful of, the key characteristics of the area, including landscape and spaciousness.
15. For similar reasons, the proposal would also be contrary to Policies of the *National Planning Policy Framework 2021* which aim to secure well-designed places as set out in Chapter 12.

EPS

16. The Council's second and third reasons for refusal relate to the failure of the proposal to mitigate against potential harm to the integrity of the Solent and Southampton Water SPA and Ramsar Site, Solent and Dorset Coast SPA, Portsmouth Harbour SPA and Ramsar Site and the Solent Maritime SAC (the EPS). These EPS are identified as being of international importance for the breeding, feeding, wintering or migration of rare and vulnerable species of European Union birds, and potential harm arises from increased levels of nutrients from wastewater entering into the Solent water environment and increased recreational usage associated with new residential developments.
17. In response to the second and third reasons for refusal, and the Council's appeal statement, the appellants have now completed Deeds of Allocation of Nitrate Offsetting Scheme, in accordance with the Solent Nutrient Budget Calculator issues by Natural England, and have made financial contributions towards the Solent Recreation Mitigation Partnership (SRMP) in accordance with the Council's adopted scheme of mitigation to provide appropriate mitigation against potential harm caused by recreational disturbance arising from the development to the EPS. As such, the Council is satisfied that these matters have been dealt with.
18. In addition to the EPS impacts identified in the second and third reasons for refusal, the Council has confirmed that, since the refusal of the planning application, a further issue has been identified in respect of recreational impacts resulting from new housing developments within the Zone of Influence of the New Forest Special Protection Area, Special Area of Conservation and Ramsar sites, which would require the appellants to mitigate against this impact by making a financial contribution to improvements to open spaces within Fareham Borough and a contribution to the New Forest National Park Authority. I am not aware, on the basis of the evidence before me, that the

required payment towards the New Forest SPA/SAC, under the Council's Interim Mitigation Solution (2021) has been made.

19. Within the context of the appeal, the responsibility for assessing the effects of the proposal on the EPS falls to me as the competent authority. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine the above matters further, including seeking further information from both main parties and, potentially consulting with Natural England, and to undertake an Appropriate Assessment (AA) of the implications of the appeal scheme for the EPS.
20. I would need to be satisfied that any mitigation schemes for addressing the recreation and foul water impacts of the development on the EPS are certain at the time of AA, so that no reasonable scientific doubt remains as to the effects of the development on the internationally designated European sites.
21. However, as the first main issue provides clear reasons for dismissing the appeal, the outcome of any such AA would have no bearing on the overall outcome of this appeal. Therefore, I do not need to consider these matters any further as part of my decision.

Other matters

22. I have noted that the proposal represents an amended scheme from that refused under planning application Ref P/20/1036/FP, including an increase in the width of the appeal site and the new dwelling and the addition of boundary conifer planting. However, this does not alter my findings with respect to the current proposal.

Planning balance

23. Notwithstanding the position at the time of the determination of the planning application, the Council has confirmed, with reference to its most recent Five Year Housing Land Supply Position Update Report dated 6th July 2022, that as at 1 July 2022, it is able to demonstrate a 5.01 year supply of land for housing.
24. However, the results of the 2021 Housing Delivery Test, which were published on 14 January 2022, show that the Council delivered 62% of its housing requirement over the preceding 3 years.
25. Accordingly, as a result of the latter, Paragraph 11 of the Framework applies, which states that relevant policies for the supply of housing should not be considered up to date where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years. 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.
26. 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 in a designated settlement boundary, where access to facilities and services and public transport connections is likely to be greatest.

27. An additional dwelling would make a modest contribution towards addressing the housing delivery deficit, would supply a dwelling of a size which would meet an identified local need, and it could be built out relatively quickly, having regard to Paragraph 69 of the Framework. There would also be economic benefits as a result of the construction of the new dwelling and economic and social benefits as a result of its future occupation. These considerations weigh in favour of the development, and I afford them moderate weight, having regard to the modest size of the proposed single dwelling development.
28. The Council has raised no objection to the appeal scheme in respect of matters including the principle of residential development, impact on the living conditions of neighbours and future occupiers of the new dwelling, parking, and impact on trees. In terms of the planning balance, the lack of identified harm is a neutral factor that does not diminish the harm that would arise from the proposal in respect of the impact on the character and appearance of the area.
29. I acknowledge the incorporation of sustainable design elements. However, this is a requirement of current national and local planning policies in any case, and do not outweigh my conclusions on the main issue.
30. A high standard of design is 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. 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 to the character and appearance of the area.
31. Therefore, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, 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

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

S Leonard

INSPECTOR