



Appeal Decision

Site visit made on 19 July 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2022

Appeal Ref: APP/C1760/W/21/3286409

Land adjacent to Broadleys, Station Road, Grateley, Andover SP11 8LG

- 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 D Finnie against the decision of Test Valley Borough Council.
 - The application Ref 20/02174/FULLN, dated 10 September 2020, was refused by notice dated 20 September 2021.
 - The development proposed is for the erection of a detached 4-bedroom dwelling and the creation of a new access onto Station Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the application form refers to 'Broad Leys' and was used in the Council's decision notice. The appellant's plans and other documents use 'Broadleys'. These are the same property and I have used Broadleys.
3. The description of the proposed development in the banner above is taken from the application form. Prior to the Council's decision amended plans were submitted, including for a 3-bedroom dwelling. The description was altered to reflect this. I have considered the appeal on this basis.
4. The amended block plan¹ includes a means of access within the red line boundary of the appeal site. It is inconsistent with the 'in and out' access shown in the proposed site plan², which would use land outside of the site at Broadleys. Notwithstanding this discrepancy, the Council determined the application on the basis of the amended block plan and I have done the same.
5. At my site visit I saw a gated vehicular access and verge crossing which, in these regards, appear to reflect what is shown in the amended block plan. I have determined the appeal on this basis.

Main Issues

6. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including the streetscene; and
 - whether the proposed means of access to the site would be provided and, if it would, whether it would provide a satisfactory means of access.

¹ No drawing number, received by the Council on 1 September 2021

² Drawing number 20/0230/200.E

Reasons

Character and appearance

7. The site is within the defined settlement boundary of Grateley. Though fenced off and vacant it is part of the plot of Broadleys. This modern chalet bungalow is in a discrete frontage of houses, chalet bungalows and bungalows (the other dwellings) arranged in a broadly consistent building line along the north side of Station Road. This long straight road is lined mainly by rows of trees or hedgerow and has no footways, except towards the junction with Cholderton Road. This residential development and road has a distinctly semi-rural, verdant edge of settlement impression bordering the countryside.
8. Aside from small differences in some external materials and fenestration, the proposed detached chalet bungalow would replicate the design, siting, layout, footprint, scale, form, massing and overall external appearance of Broadleys. It would, therefore, be appropriate in relation to Broadleys and fit into the pattern and sequence of the other dwellings.
9. Despite a narrower plot than Broadleys it would not be the narrowest along this frontage and comparable in depth to many others. The proposed dwelling would be closer to Broadleys than most of the other dwellings are to each other but it would not appear overly cramped. The gap on this side would be compatible given the diversity of gaps between the other dwellings and even though some are staggered in relation to each other. There would be limited views through this gap. However, while the proposed dwelling would be close to the garden boundary of the house on the other side at Kevington, that plot is much wider. Combined with the greater set back of this dwelling from the road, an appreciable sense of spaciousness would be maintained on this side of the proposed dwelling, including views towards the countryside and trees to the rear.
10. Landscaping the grass verge would likely interfere with use of the access. The car parking spaces and turning area would occupy a large part of the new front garden. Nonetheless, a narrow landscaping strip is already established along part of the west boundary of the site, at the front, and could be retained without obstructing the access or turning area. Albeit relatively limited in extent, land between the car parking spaces and the front of the proposed dwelling, or up to the front boundary of the site, could be landscaped, including along the boundary with Broadleys with space for suitable tree or shrub species. In these respects the proposal would not be manifestly out of keeping with similar arrangements in some front gardens at the other dwellings.
11. There is no detailed design drawing or specification for the proposed build-out. On the evidence before me, I understand this structure would include some raised pedestrian footway with kerbed edges and a crossing point. It would extend outwards by more than 2m into and across the carriageway, with more than 20m between either splayed end. This degree of engineering would be requisite for its intended function and use.
12. However, the significant protuberance of this built form and consequential narrowing of Station Road would be at odds with the overtly linear alignment and uniform width of the carriageway. It would also be in stark contrast to the low key nature of existing accesses to the other dwellings which are mostly simple crossings of the highway verge through gaps in walls, fences or hedges.

There are limited road markings and while there is some street furniture it is sited alongside the road, mostly next to or seen in the context of hedgerow or trees and as a result largely recessive in views. Whereas by virtue of their placement in the carriageway or their extent, the additional road markings on the approach in one direction and road signs in both directions would also add appreciably to visual clutter, even if some street lighting or new bollards were not necessary. The build-out would, therefore, be unduly prominent and conspicuous in public views along this largely uninterrupted semi-rural road corridor.

13. Taking all of the above into account, although the proposed dwelling and car parking would consolidate the existing built-up residential frontage, it would be to a limited extent and in these respects the proposal would be satisfactorily assimilated in this context. However, I also find that the build-out would be an incongruous urban or suburban feature and jar in the street scene. It would, as a result, have a significant localised adverse visual impact and accordingly cause moderate harm to the character and appearance of the area.
14. Consequently, the proposal would not fully comply with Policies E1 and E2 of the Test Valley Borough Revised Local Plan 2016 (LP). These policies include that development should integrate with, and respect and complement, the character of the area in terms of landscape, layout, appearance, scale and materials and not detract from the dominance of, or interrupt important views of, key features.
15. In its reason for refusal 01 the Council cited LP Policy COM2. This policy confirms the principle of residential development within defined settlement boundaries and is not in dispute in this appeal. I consider that the most relevant policies in this main issue are those that I have referred to above.

Means of access

16. According to Manual for Streets and the Highway Authority³ (HA) Technical Guidance Note 3, the visibility sightline at a new access to serve a new dwelling in this location should be 2.4m by 82m. The appellant does not dispute this. The main parties agree that with the proposed build-out in situ, these sightlines would be achieved in both directions. I have no reason to reach a different view in these respects.
17. To establish the build-out would require works to permanently alter the public highway and, therefore, need the agreement of the HA. The appellant has not informed me that such consent has been secured. On the evidence before me, the build-out is plainly not acceptable to the HA in this location. In essence, it considers that Station Road does not require the build-out or the associated road safety measures promoted by the appellant, thus there is no underlying justification for it, would simply provide a coincidental means to compensate for inadequate sightlines at the site and would have some negative effects on road safety. The HA do not agree to fund any part of the build-out and would not maintain it as part of the public highway at public expense.
18. I appreciate that the appellant does not agree with the HA in these regards. However, and nonetheless, there is therefore no reasonable prospect in this appeal that the HA would allow the construction of the build-out. In these

³ Hampshire County Council

circumstances, the build-out could not be implemented and the required visibility sightlines would not be secured. Even if there would be some other road safety benefits associated with the provision of the build-out (which is not accepted by the HA or the Council) these are dependent on the build-out.

19. The build-out is an integral part of the proposed means of access and the proposed development. It would need to be secured by a suitable planning condition as part of a planning approval. It is, therefore, germane to an in principle decision to grant planning permission. However, conditions should not be imposed where, as in this case, there is no prospect of the build-out being delivered, including within the time-limit of any permission. Moreover, under the Council's suggested condition No 7 the dwelling could be built but not occupied unless or until the build-out had been provided. The appellant or a future owner would not be able to secure this without the agreement of the HA and nor, therefore, would the Council reasonably be able to enforce such a condition in these circumstances. No other mechanism has been suggested to me by the appellant.
20. Notwithstanding the above, the appellant contends that without the build-out the visibility splays that could be achieved would be acceptable. The Council considers that these would be 2.4m x 25m to the east and 2.4m x 8m to the west, which are not disputed by the appellant. However, the proposed development before me is for an access with a build-out.
21. While omitting the build-out would not offend the description of the proposed development, this aspect of the proposal is not a minor detail. It would not, therefore, be appropriate to modify the proposal in this regard as to do so would make it substantially different from that which is proposed. The appeal process should not be used to advance a materially different scheme to that which was before the Council, was consulted on and it made its decision against as this would cause significant prejudice to the Council and other interested parties. Accordingly, planning permission could not be granted subject to a condition that would serve to modify the proposed development by tying the permission to revised plans omitting the build-out. A fresh planning application would be required.
22. Taking all of the above into account, I find that the proposed means of access to the site would not be provided. Consequently, the proposal would conflict with LP Policy T1. This policy includes that development will be permitted provided that access is functional and accessible for all users. Accordingly, there is no need for me to consider whether the proposed means of access would be satisfactory as this would not affect my finding on this main issue.

Other Matters

Nutrient neutrality

23. The site is within a zone of influence of the water environment of the Solent⁴. This European site⁵ has been designated to protect its habitat and bird species. A significant effect on it would be likely to occur from the residential development in this appeal alone, or in combination with other development, where increased nitrates from foul wastewater entering the Solent would

⁴ Which includes the Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar, Portsmouth Harbour SPA and Ramsar and the Solent and Dorset Coast SPA

⁵ The Conservation of Habitats and Species Regulations 2017

exacerbate eutrophication. The Council has a strategic nitrate offsetting mitigation scheme whereby developer financial contributions would fund taking suitable agricultural land out of production to reduce nitrates entering the Solent. The appellant has confirmed that he would be willing to utilise this scheme. However, there is no planning obligation before me to secure the requisite contribution. I return to this matter in my 'Planning Balance' below.

Other interested party comments

24. I have given due regard to the wide range of other comments made by interested parties. However, these are not determinative issues so would not affect the outcome of the appeal.

Engagement

25. The appeal application was amended prior to the Council's decision to try and overcome the Council's objections and it reflects previous unsuccessful planning applications for similar development at the site. I also appreciate that the appellant considers that advice from Council officers or the HA has been inconsistent. Nevertheless, the Council made the decision that it did, for the reasons that it did, and I have determined the appeal on its planning merits.

Planning Balance

26. The Council considers that it can demonstrate a five year housing land supply and that it is meeting the Government's Housing Delivery Test. The appellant does not dispute this and I therefore have no reason to find otherwise.
27. Nonetheless, in terms of benefits, the provision of one 3-bedroom dwelling would make a small contribution to housing supply in the Borough. It would also add to the stock of family sized homes. This would be aligned with objectives of the Framework to significantly boost the supply of homes and meet the needs of people with specific living requirements. The social, economic and environmental benefits associated with constructing and occupying the dwelling are factors which, commensurate with the modest scale of the proposal, carry moderate weight in the scheme's favour.
28. The dwelling would be acceptable in design and siting and subject to conditions, would make satisfactory provision for car parking and turning, landscaping and ecology enhancement. The proposal would provide satisfactory internal and external living conditions for future occupiers and would not adversely affect the living conditions of the occupiers of existing dwellings. The absence of harm or compliance with the Council's development plan and the Framework in these regards are therefore neutral factors in my decision.
29. However, while the Framework recognises that small windfall sites and efficient or effective use of land can make an important contribution to meeting housing requirements, it also seeks to achieve well-designed places with development that functions well, adds to the overall quality of the area, is visually attractive as a result of good layout and maintains a strong sense of place using the arrangement of streets to create distinctive places to live. It also seeks to ensure suitable access for all users, minimise the scope for conflicts, avoid unnecessary street clutter and respond to local character and design standards.
30. The proposal would conflict with the Council's relevant development plan policies in these respects. These are consistent with these aims of the

Framework, including to balance meeting housing needs with the objectives of sustainable development. Accordingly, I give substantial weight to these considerations which weigh against the proposal.

31. Consequently, notwithstanding that the benefits would be aligned with the Framework the adverse impacts of the proposed development would nonetheless outweigh these benefits.

32. Since I intend to dismiss the appeal for these reasons, there is no need for me to consider nutrient neutrality any further as to do so would not affect the outcome of the appeal.

Conclusion

33. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.

34. For the reasons given above I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR