



Appeal Decision

Site visit made on 31 January 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2023

Appeal Ref: APP/L1765/W/22/3307377

Land between Grange Road and St Cross Road, Grange Road, Winchester, Hampshire SO23 9RT

- 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 Niamh Connolly against the decision of Winchester City Council.
 - The application Ref 22/01028/FUL, dated 11 May 2022, was refused by notice dated 8 August 2022.
 - The development proposed is the erection of a detached 3-bed dwelling along with associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal the appellant has submitted a drawing demonstrating how the visibility splays associated with the proposed vehicular access would be accommodated, in response to one of the Council's reasons for refusal. Following a review of this drawing, the Council have confirmed that the visibility splays shown accord with Hampshire County Council Highway Authority's requirements and, consequently, satisfies the Council's concerns in respect of highway safety.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises part of a long and straight undeveloped grassy strip of land located between Grange Road and St Cross Road, along the entire length of Grange Road plus its private road spur. The roadside bank which drops steeply from the site boundary, with the mature trees therein, provides a buffer between the appeal site and St Cross Road. The open character of the grassy strip combines with this roadside bank to create a wider buffer between St Cross Road and the existing substantial detached properties on the other side of Grange Road. These properties are largely orientated towards the road and set within generous plots that slope up away from Grange Road, complementing the open character of the area. Although 1 Grange Road (No 1) is positioned at a perpendicular angle to and sited close to the private road

spur, given its stepped heights and landscaped boundary it does not detract from this overall open and verdant character.

5. The proposed development would be sited within the grassy strip, splitting it into two separate sections. Irrespective of the proposed dwelling's orientation towards the private road and location opposite No 1, it would interrupt the open character of this feature. As such, it would not be a logical addition to the pattern of development in the area or the streetscene.
6. Whilst the grassy strip may currently comprise several different plots associated with the existing properties on Grange Road, as few plots have boundary features, they are not experienced as individual parcels of land. Although I did observe some sections with a garden-like character, these had informal features and were largely devoid of hard landscape. As a result, the connection between the plots and their respective properties is limited, instead forming part of a larger area of open space. Even though the small sections of low hedging along the private road and the existing boundary landscape features create some enclosure to the appeal site, these elements do not prevent it forming part of the grassy strip and the overall verdant character of the buffer.
7. The elevated position of the appeal site and the existing landscape features within the roadside bank limits its physical and visual relationship with the busy St Cross Road. However, views between the two locations are still possible. During my site visit I was able to view parts of the appeal site through the gaps in the trees from the pavement alongside St Cross Road, and vice versa. Whilst this view would be further restricted when the deciduous trees are in leaf, given the height of the proposed development, some glimpses of the proposed dwelling would still be possible from the highway.
8. It has been asserted that the proposed development takes cues from the local vernacular which aim to complement the predominantly brick dwellings along Grange Road, thereby according with Policy CP13 of the Winchester District Local Plan Part 1 – Joint Core Strategy (2013) (the Local Plan) in respect of design standards and creating places of distinctive character. Even if I were to conclude this was the case or that the proposed development would not set a precedent for other schemes, this would not alter the disruptive effect of the proposed dwelling on the character and appearance of the area. Furthermore, regardless of a similar plot density to the surrounding properties, the maximisation of space or the potential to establish a unique relationship with No 1, these are not reasons to allow otherwise unacceptable development.
9. The absence of dwellings on the same side of a road does not, by definition, mean any development there would be harmful. However, I have found that the proposed development would disrupt the open and verdant character of the area. Consequently, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area, contrary to policies DM15 and DM16 of the Local Plan. These policies, amongst other provisions, seek to ensure development respects and responds positively to the qualities, features and characteristics that contribute to the distinctiveness of the local area, in terms of its design, scale and layout.

Other Matters

10. Notwithstanding the reference in the appeal application to the proposed development relating to a self-build dwelling, based on the evidence before me, should planning permission be granted, no mechanism would exist to ensure a self-build dwelling would be constructed. Although the appellant has confirmed that they would be happy to enter into an appropriate legal agreement, such an agreement hasn't been provided as part of the appeal. Whilst my attention has also been drawn to several appeal decisions relating to self-build dwellings by both main parties, given the lack of an appropriate mechanism, these appeals do not alter my determination of the appeal.
11. My attention has been drawn to 12 Grange Road (No 12) which, at the time of my site visit, was largely constructed. Whilst this property uses contemporary materials, its substantial detached form, combined with its siting and orientation within its plot, follows the existing pattern of development on this side of Grange Road. Therefore, whilst the appeal scheme would use similar contemporary materials, the form and relationship of the proposed dwelling to its immediate surroundings is materially different from the circumstances of the property at No 12.
12. The site is located within the catchment of the Solent Special Protection Areas (SPAs), European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017. One of the reasons for refusal concerns the lack of an appropriate mitigation regarding the increased nitrates and phosphates from the proposed development distributed into the SPAs via the District's water treatment plants. I acknowledge that the appellant has confirmed they are willing to purchase nitrate credits to offset the proposal, however no evidence confirming this has been provided, nor has the nitrogen budget referenced in the appellants statement of case been verified. Regardless, as I have found that the development is unacceptable for other reasons, it is not necessary for me to further consider the implications of the SPA.
13. Regardless of the lack of an in-principle objection received from the Council within any pre-application advice, such advice is not binding on the Council in determining later applications. Additionally, even if I were to conclude that the proposed development would not cause harm to the living conditions of neighbouring occupiers, this would be a neutral matter.

Planning Balance

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts the determination must be in accordance with the plan unless material considerations indicate otherwise. I have found that the proposed development would conflict with policies DM15 and DM16 of the Local Plan as it would cause harm to the character and appearance of the area.
15. The appellant considers that policies DS1, DM1, CP1 and CP2 of the Local Plan are the most important policies for determining the application as they relate to the provision of new housing within the district. Given these policies do not specifically refer to the provision of self-build properties, it has been suggested that they are not consistent with the National Planning Policy Framework (the

Framework) and therefore the tilted balance applies as set out in paragraph 11d.

16. Policies DS1, DM1 and CP1 relate to the strategic approach to residential development across the district, referring to overall housing provision and a hierarchy of locations. I find that this approach is consistent with the principles set out in the Framework. The lack of a specific reference to self-build properties in these policies does not alter this view.
17. Whilst Policy CP2 relates to the provision of new residential development, it does not specifically refer to self-build homes. However, Policy CP2 states that “new residential development should meet a range of community housing needs and deliver a wide choice of homes” and “provide a range of dwelling types, tenures and sizes”. Although reference is also made to market homes for sale, affordable homes and those attractive to the private rented sector, as this list is not exhaustive, the absence of a reference to self-build does not restrict this type of home. Furthermore, the objective of the Policy CP2 is to provide everyone with the opportunity to live in a high-quality, well-designed home, in sustainable, inclusive and mixed communities that they want to live in and what they can afford. This does not preclude self-build homes and, moreover, is wholly consistent with the Framework.
18. Consequently, I conclude that policies DS1, DM1, CP1 and CP2 of the Local Plan are generally consistent with the Framework and that the relevant development plan policies are not out-of-date for other reasons. Therefore, there is no reason to conclude that paragraph 11d of the Framework is engaged and that the ‘tilted balance’ or the presumption in favour of sustainable development should be applied in this decision.

Conclusion

19. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the harm and associated development plan conflict. Therefore, I conclude that the appeal is dismissed.

Juliet Rogers

INSPECTOR