



Appeal Decision

Site visit made on 28 March 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st April 2023

Appeal Ref: APP/B1740/W/22/3311750

Land adjacent to 11 St Johns Street, Hythe SO45 6BZ

- 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 C Harrison against the decision of New Forest District Council.
 - The application Ref 22/10017, dated 6 January 2022, was refused by notice dated 8 June 2022.
 - The development proposed is Formation of a parking space; creation of access onto service road; gate in boundary wall of garden.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the proposal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the Hythe Conservation Area (CA); and,
 - highway safety with particular regard to visibility.

Reasons

Character and Appearance

4. The site is a landscaped parcel of land that forms part of a longer strip of planting running alongside The Promenade. The site falls within the CA providing a soft verdant setting to the area.
5. The Hythe Conservation Area Appraisal (HCAA) advises of the significance of the CA. Although the site is not mentioned in the HCAA, the document states that the principal characteristic of the CA is its intimate village feel that has been retained despite the size of the settlement increasing. The HCAA notes that this village feel is noted as focussed on the historic core of the settlement centred around High Street. The long shape and flat topography of the CA reflect the spread of the old settlement and its focus along the edge of Southampton Water. The HCAA also notes that long narrow plot forms running inland from the water edge reflect the importance of the boat building industry

in the development of Hythe. These factors all contribute to the significance of the CA.

6. Whilst I acknowledge that existing trees would be retained, new planting provided and that the appeal site is relatively small, with the wider landscaping overgrown in places and not regularly maintained, it nonetheless forms part of an important landscaping area within the CA on approach to the adjacent car park and Southampton Water contributing to the village feel of the area. I appreciate that the site is opposite a car park and that trees within the car park may previously have been removed. However, this highlights the importance of the appeal site in maintaining its contribution to the verdant nature of the area and approach to the historic core of the settlement and waterside.
7. The appeal site is located adjacent to Southampton Water and to a public car park serving the historic core of the settlement, associated shops and promenade. The site can therefore be viewed on approach to the car park along The Promenade and its prominent position on the bend in the road makes it highly visible when travelling in both directions along The Promenade.
8. The long nature of the landscaping strip that the site forms part of, along with the adjoining parcels of land, reflect the historic boat building plots characteristic of the area and provides a soft green setting that contributes to the village feel of the CA.
9. The proposal would remove part of the landscaping and would result in a gap in the landscaping close to the Boat House located broadly to the east breaking up the landscaped strip and undermining its wider visual benefits. The proposal would introduce hard surfacing to the area and necessitate the cutting back of planting to create visibility splays that together would result in a stark built form. Moreover, it would extend the built form created by the Boat House further along this landscaped strip eroding its wider value.
10. When taking account of all of the above, I find that the harmful impact of the parking space as proposed on the character and appearance of the area, would fail to preserve or enhance the character or appearance of the CA. Given that the harmful effect would be localised, the proposal would cause less than substantial harm to the significance of the designated asset. In such circumstances, the National Planning Policy Framework (the Framework) requires that less than substantial harm be weighed against any public benefits.
11. With regard to the above, the site would remove parking pressure from elsewhere but mainly provide a private benefit to the applicant. Taking this matter into account, the public benefits are not sufficient to outweigh the less than substantial harm to the significance of the CA that I have identified, and the great weight afforded to the asset's conservation.
12. It follows that I conclude that the proposal would harm the character and appearance of the CA. As such the proposed development is contrary to Policy DW-E12 of the New Forest District Local Plan First Alteration, Policy EN3 of the New Forest District Local Plan 2016-2036 Part 1: Planning Strategy (LP), Policy DM1 of the New Forest District Council Local Development Framework Local Plan Part 2: Sites and Development Management, Policy D1 of the Hythe and Dibden Neighbourhood Plan and the Framework. Amongst other things, these seek to ensure that development protect landscape features that contribute to

the character or setting of a defined built-up area, achieve high quality design that contributes positively to local distinctiveness, conserve and seek to enhance the historic environment and heritage assets and achieve well-designed places.

Highway Safety

13. The land required to provide the necessary visibility splays serving the parking space would lie outside of the appeal site. However, I note that the appellant does not own the appeal site and has advised that as part of any purchase of the land forming the parking space, they would also purchase the land necessary for the provision of the visibility splays.
14. The Planning Practice Guidance Note¹ advises that a condition worded in a negative form (a Grampian condition) can be used unless there are no prospects at all of the action in question being performed in the required time limit imposed by the condition.
15. I have not been made aware of good reasons why there is no prospect at all of the appellant purchasing the land required for the provision of the visibility splays in the required time. As a result, in this instance, a Grampian condition could be used to ensure that the parking space would not be used until the necessary visibility splays have been provided. This would provide adequate assurance that the necessary visibility splays would be provided in the interest of highway safety.
16. I conclude that on the evidence before me, visibility splays could be achieved and consequently, the proposal would not harm highway safety. As such, the proposal complies with Policy ENV3 of the LP that seeks to ensure, amongst other things, that development is not prejudicial to highway safety.

Other Matters

17. Natural England have submitted comments in response to the appeal advising that the proposal could have potential significant effects on the Solent and Southampton Water Special Protection Area and the nationally designated Hythe to Calshot Marches Site of Special Scientific Interest. If the circumstances leading to a grant of permission had been present, I would have given further consideration to the impact upon these in accordance with the Habitats Regulations 2017. However, as I am dismissing the appeal on the first main issue above, I have not found it necessary to consider such matters any further.
18. I note that the proposal is a re-submission, would not result in any detrimental harm to flood risk or to the living conditions of nearby residents, and that there may previously have been a footpath through the landscaping strip. I also acknowledge that the Parish Council support the proposal and that the Conservation Officer made verbal comments only in relation to the appeal. However, these matters do not outweigh my findings above.

Conclusion

19. Although I have found no harm in terms of the highway safety, the proposal would fail to preserve or enhance the character and appearance of the CA. In

¹ Paragraph: 009 Reference ID: 12a-009-20140306

my view, that is the prevailing consideration, and the proposal should be regarded as being in conflict with the development plan, when read as a whole.

20. Material considerations, including the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR