
Appeal Decision

Site visit made on 4 May 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/A1720/W/22/3307609

Kingfishers, Fishers Hill, Fareham PO15 5QT

- 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 Principal Estates (Southern) Ltd against the decision of Fareham Borough Council.
 - The application Ref P/21/1458/FP, dated 22 August 2021, was refused by notice dated 12 August 2022.
 - The development proposed is described on the application form as, "Demolition of the existing swimming pool structure. Construction of three detached homes with associated garage and carports, access and landscaping".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted at the appeal stage¹, amending the roof design of the dwelling proposed for Plot 2 to a hipped roof. These plans do not substantially alter the nature of the proposal, and I am satisfied that the parties' interests, including those of interested parties, would not be prejudiced by the amended plans being considered in this appeal. Therefore, I have considered these plans as part of this appeal. Consequently, as the proposed dwelling for Plot 2 would not incorporate a 2-storey gable end facing Fishers Hill, reason for refusal c) as stated in the Council's decision notice is not considered further.
3. During the course of the appeal the Council adopted the Fareham Local Plan 2037 (adopted 2023) (Local Plan) which supersedes the Local Plan Part 1: Core Strategy (2011) and the Local Plan Part 2: Development Sites and Policies (2015). The main parties were provided with an opportunity to comment on its relevance to this appeal, and I have taken the comments received into account in my consideration of this appeal proposal.

Main Issues

4. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Titchfield Abbey Conservation Area, and the effect of the proposed development on the settings of the Catisfield Conservation Area and nearby listed buildings; and

¹ Plot 2 Elevations (Drawing No. 6036-WLA-H2-XX-DR-A-2112), Proposed Site Plan (Drawing No. 6036-WLA-SM-XX-DR-A-0003), Proposed Street Scene (Drawing No. 6036-WLA-SM-XX-DR-A-0004).

- the effect of the proposed development on the Meon Strategic Gap (including the Meon Valley landscape).

Reasons

Designated heritage assets

5. The appeal site is a parcel of garden land associated with the residential property known as Kingfishers, located on Fishers Hill in Fareham. Existing residential development is present on 3 sides surrounding the site (including modern residential development along Samuel Mortimer Close). Fishers Hill is a rural country lane located near to wider expanses of countryside. Fishers Hill extends towards the historic Stony Bridge and the ruins of Titchfield Abbey. At the time of my site visit, apart from a swimming pool structure, the site mostly consisted of grassland and a small number of trees.
6. The site is located within the Titchfield Abbey Conservation Area (TACA). As noted in the submitted Heritage Statement², the significance of the TACA is multifaceted, consisting of high levels of architectural interest, historic interest, and archaeological interest. In this regard, its significance as a designated heritage asset is derived predominantly from its numerous buildings and monuments of notable architectural and historic interest, and the tranquil character of the rural landscape which surround these structures within the TACA. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) provides at s72(1) that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
7. Although the site could be described as an infill site due to its location within the grounds of Kingfishers with extensive existing development present to both the south and the east, due to the size and shape of the site and the almost total absence of built form within it the site nevertheless marks a clear break between the denser development to the south and east of the site and the small number of detached properties commonly found in far larger plots to the north of the site along and near to Fishers Hill. In this regard, I note that the conservation area appraisal³ mentions that the rural nature of Fishers Hill is important to the integrity of the landscape and the rural character and appearance of the TACA and that further urbanisation would be harmful.
8. As such, whilst due to tree belts to the west of the site it is largely screened from views from public vantage points beyond those tree belts, when seen from nearby viewpoints along Fishers Hill the mostly undeveloped, gently sloping, and grassy nature of the site provides a tangible contribution to the informal rural character and appearance of Fishers Hill. Moreover, as the site is situated on a road which leads directly to Titchfield Abbey and due to its proximity to Titchfield Abbey and the overall size of the site it provides a meaningful contribution to the largely undeveloped and tranquil rural landscape which surrounds Titchfield Abbey within the TACA.
9. The proposal, involving the erection of 3 dwellings and a fairly long access drive stemming towards Plot 3, would in effect be tantamount to the creation of a new low-density mini housing estate off this part of Fishers Hill. This

² Historic Environment Desk-Based Assessment (Landgate Heritage Limited) (dated 18 August 2021)

³ Titchfield Abbey Conservation Area Appraisal and Management Strategy (adopted 2013)

quantum of development in this location and the increased comings and goings to the site that would occur would considerably urbanise the site. Furthermore, much of the frontage of the site would be dominated by the built form comprising of the dwellings proposed for Plots 1 and 2, even taking account of the fact that they would be set-back somewhat from Fishers Hill and partially screened by new planting.

10. In this way although the proposed development would not likely be visible from any of the listed buildings within the TACA or be readily visible from other parts of the TACA to the west of the site, and the existing residential development around the site would ensure that the proposed new dwellings would not appear wholly out-of-place in their context, the marked urban encroachment upon the size that would result would comprehensively undermine the undeveloped and grassy nature of the site which presently contributes to the informal rural character and appearance of Fishers Hill. The harm caused to the rural nature of Fishers Hill would consequently serve to weaken the largely undeveloped and tranquil rural landscape which forms an important part of the TACA. Harm the significance of the TACA when considered as a whole would thereby result.
11. The site is also within the setting of the Catisfield Conservation Area. The significance of the Catisfield Conservation Area, as a whole, as a designated heritage asset arises principally from the presence of a cluster of historic buildings in close proximity to each other including several along Catisfield Lane near the site, and as described in the Character Assessment⁴, the rural feel and character of the older core of the village that contrasts with the later development surrounding it. The setting, including the appeal site, contributes to the significance of the conservation area by its largely undeveloped and grassy nature complementing the rural feel of the conservation area in the vicinity of the site.
12. Although the lack of a kerb and formal footway would remain along this part of Fishers Hill and there would be limited views of the proposed development from the junction between Fishers Hill and Catisfield Lane, the urbanisation effect referred to above arising from the quantum of development proposed and the amount of built form proposed to be situated near the frontage of the site would result in the erosion of much of the country lane-type character that Fishers Hill embodies in the vicinity of the site, thereby eradicating much of the informal rural character of nearby parts of Fishers Hill. It follows that the proposal would undermine the contribution which the setting makes to the rural character of the Catisfield Conservation Area. Consequently, the significance of the Catisfield Conservation Area would be harmed by the proposed development within its setting.
13. The site is located a short distance from The Old Post Office, a Grade II listed building⁵, and 42 to 50 Catisfield Lane, a terrace of cottages also Grade II listed⁶, and accordingly is within their settings. The Act provides at s66(1) that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

⁴ Catisfield Conservation Area Character Assessment (adopted 2003)

⁵ Statutory Address: Post Office, Fishers Hill

⁶ Statutory Address: 1-5, Catisfield Lane

14. I observed that the significance of The Old Post Office derives in part from its well-preserved historic architectural features, including an old tiled roof, distinctive brickwork and casement windows, and that the significance of 42 to 50 Catisfield Lane similarly includes the well-maintained attractive brickwork with an old tiled roof and casement windows. The settings, including the appeal site, contributes to the significance of these heritage assets by contributing to the rural sense of place along Fishers Hill which allows their appealing architectural and historic qualities to be better revealed.
15. Whilst the materials and detailing put forward for the 3 proposed dwellings would be acceptable and the dwellings proposed for Plots 1 and 2 would be set-back from Fishers Hill and partially screened by new planting, the dwellings proposed for Plots 1 and 2 would appear overly-conventional when viewed in the context of the modern and attractive façade of Mardale and the nearby listed buildings referred to above. The dwelling proposed for Plot 2 would have its side facing Fishers Hill which would have few features of architectural interest apart from windows, which would exacerbate the uninspiring design impact caused by the proposal as a whole when viewed from Fishers Hill.
16. As the dwellings proposed for Plots 1 and 2 would not be visually attractive in this sensitive heritage-rich context, and taking account of the close proximity of the site to the listed buildings referred to above which are a short walk from the site and so would often be perceived to be part of the immediate context of the proposed development by passers-by, the contribution that the settings makes to the significance of the listed buildings would be unduly compromised by the proposed development.
17. Due to the size of the site and its location near to other modern developments the harm caused to the significance of the TACA, and the harm caused to the significance of the Catisfield Conservation Area and the nearby listed buildings arising from the proposed development in their settings, would be less than substantial. Nonetheless, this combined level of harm is of considerable importance and weight, which must be weighed against the public benefits of the proposal.
18. In this regard, the proposal would provide 3 new dwellings which would bolster the local housing stock. The erection of these would provide work for construction professionals, and the future occupiers of the proposed dwellings would be likely to contribute to the economic vitality and the social life of the area.
19. The National Planning Policy Framework (the Framework) makes clear that great weight needs to be given to designated heritage assets' conservation. Given the fairly limited amount of housing proposed I give moderate weight to the benefits of the proposal and find that they do not, either individually or cumulatively, amount to public benefits which outweigh the harm that would be caused to the significance of the designated heritage assets.
20. I therefore find that the proposed development would not preserve or enhance the character or appearance of the Titchfield Abbey Conservation Area, and that the proposed development would harm, and therefore fail to preserve, the settings of the Catisfield Conservation Area and the nearby listed buildings.
21. The proposal would conflict with Strategic Policy HE1 of the Local Plan which provides that, amongst other things, all development should seek to conserve

and enhance the historic environment and heritage assets, and with part a) of Policy HE2 of the Local Plan which provides that, amongst other things, development affecting a Conservation Area should preserve or enhance the special architectural, historic character or appearance of Conservation Areas by taking account and sensitively responding to the relevant Conservation Area Character Appraisal and Management Strategy.

22. The proposal would also conflict with part b) of Policy HE3 of the Local Plan which provides that, amongst other things, where a development would affect a listed building/structure and/or its setting, proposals should preserve or enhance any features of special architectural or historic interest they possess, proposals must demonstrate sufficient understanding of and respond to the historic environment by ensuring that proposals are of a well-considered design.

Meon Strategic Gap (including the Meon Valley landscape)

23. The site is located outside of the defined urban settlement boundary, within an Area of Special Landscape Quality as defined in the Local Plan, which the Local Plan emphasises is considered to represent one of the most valued landscapes in Fareham Borough, and which the Technical Review⁷ describes as having a high scenic quality and topographic and visual unity.
24. Specifically, the site is located within Local Landscape Character Area 6.2: Upper Meon Valley as defined in the Fareham Landscape Assessment (2017) (FLA). The FLA notes that this area is designated as part of a Strategic Gap and has an important function in maintaining the separation and individual identity of the urban areas within and surrounding the valley.
25. The FLA describes the corridor of land comprising the upper part of the Meon Valley as being of high sensitivity as one of the most distinctive and important landscape resources within Fareham Borough, and that it would be highly susceptible to the intrusion of built development, with the potential for development to be accommodated within the area consequently being very low.
26. The proposal, for the construction of 3 detached dwellings with associated garage and carports, access and landscaping, would entail a significant uplift in built form on site compared to that which currently exists. However, the site is presently surrounded by built development on 3 sides and a number of mature trees and hedgerow are present near to the boundaries of the site and on adjacent land, which are proposed to be retained. Tree belts further to the west screen much of the site from public vantage points, including from Mill Lane and Cartwright Drive.
27. As the visual impact of the proposed development would be difficult to perceive from further afield beyond Fishers Hill, and the proposal would essentially involve an incremental change in terms of the amount of built development across the site in the context of the Upper Meon Valley as a whole, I consider that the proposed development would not significantly affect the integrity of the Meon Strategic Gap or adversely impact on the valued landscape of the Meon Valley.

⁷ Technical Review of Areas of Special Landscape Quality and Strategic Gaps: supporting document for Fareham Local Plan Development (22 September 2020)

28. Similarly, given the size of the site when set against the extent of the Meon Strategic Gap, and noting that the proposed development would not extend further into the countryside than the existing properties along Catisfield Lane and Harvester Drive, the development of the site in the manner proposed would not meaningfully alter the physical and visual separation of any settlements or the distinctive nature of any settlement characters.
29. I therefore find that the proposed development would have an acceptable effect on the Meon Strategic Gap (including the Meon Valley landscape). It would comply with Strategic Policy DS2 of the Local Plan which provides that, amongst other things, development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters, and with Strategic Policy DS3 of the Local Plan which provides that, amongst other things, development proposals shall only be permitted in Areas of Special Landscape Quality where the landscape will be protected and enhanced.

Other Matters and Planning Balance

30. The finding on the second main issue above, that the proposed development would have an acceptable effect on the Meon Strategic Gap (including the Meon Valley landscape), is a neutral matter, which does not weigh in favour of the proposal, as is the lack of harm identified with respect to the living conditions of the future occupiers of the proposed dwellings and with respect to biodiversity and protected habitats.
31. The proposal would contribute to the Government's objective of significantly boosting the supply of homes by way of providing 3 new dwellings, thereby adding to the delivery of homes which, given the Housing Delivery Test results highlighted by the appellant, there is presently a clear need for within Fareham Borough. In this regard, Policy HP2 of the Local Plan supports new small-scale housing development outside the Urban Area boundary.
32. As noted on the first main issue, above, the proposal would provide work for construction professionals, and the future occupiers of the proposed dwellings would be likely to contribute to the economic vitality and the social life of the area. The site, which is in an accessible location, would also be brought into active use, and the proposed development would make an efficient use of land, although this benefit is tempered by the design concerns raised on the first main issue above in the light of paragraph 124 e) of the Framework, which provides that, amongst other things, planning decisions should support development that makes efficient use of land, taking into account the importance of securing well-designed and attractive places.
33. The scale of the positive impacts of the various economic, social, and environmental benefits as summarised above would be linked to the quantum of proposed dwellings, which would not be significant. These benefits, when considered cumulatively, therefore provide only modest support for the proposal, amounting to no more than moderate weight in its favour.
34. The proposal would give rise to adverse impacts in that it would not preserve or enhance the character or appearance of the Titchfield Abbey Conservation Area, and the proposed development would harm, and therefore fail to preserve, the settings of the Catisfield Conservation Area and the nearby listed buildings. Given that the Framework provides at paragraph 189 that heritage

assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations, I ascribe very substantial weight to the totality of these combined harms.

35. Overall, as a matter of planning judgement I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan identified.
36. As mentioned above, the appellant has highlighted Housing Delivery Test results in the context of paragraph 11 of the Framework which relates to the presumption in favour of sustainable development. However, following my findings on the first main issue above, and taking account of footnote 7 of paragraph 11 of the Framework, the application of policies in the Framework that concern designated heritage assets provides a clear reason for refusing the development proposed. Hence, paragraph 11 d) i. of the Framework applies and the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

37. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR