
Appeal Decision

Site visit made on 12 July 2023

by S Leonard BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2023

Appeal Ref: APP/B1740/W/22/3303710

2 Three Acre Drive, Barton-on-sea, Hampshire BH25 7LQ

- 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 Harbourwood Homes Ltd against the decision of New Forest District Council.
 - -The application Ref 22/10412, dated 1 April 2022, was refused by notice dated 1 June 2022.
 - The development proposed is demolish side extension, sever land and erect 1 no. 3-bedroom house with parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the submission of this appeal, the appellant has submitted a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, signed and dated 7 December 2022, in respect of mitigating the impact of the development on European Protected Sites (EPS) and to address the Councils second and third reasons for refusal. I return to this matter below.

Main Issues

3. 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 European Protected Sites (EPS).

Reasons

Character and appearance

4. The appeal site is located on the east side of Three Acre Drive, within the established residential area of Barton-on-Sea and the defined settlement policy boundary.
5. The site lies within the designated Character Area 9: Barton Gardens in accordance with the Council's adopted *New Milton Local Distinctiveness Supplementary Planning Document* (2010) (the NMLDSPD), which provides detailed guidance for the implementation of development plan policies relating to local distinctiveness, as they apply within the settlement boundary of New

Milton. These include Policy NM4 of the *New Milton Neighbourhood Plan 2016-2036* (July 2021) (the Neighbourhood Plan).

6. The NMLDSPD list of key defining elements that can positively inform new development within this character area include: well stocked and maintained front gardens, low frontage enclosure, mown grass road verges, and consistency of street rhythms, building lines and gaps between buildings. Consistency of roof forms is noted as being particularly important across the area.
7. I saw from my visit, that the area is characterised by an open-plan layout of properties, with dwellings fronting the street behind completely open or low fenced or walled frontages. Although some front gardens areas are given over to parking, many remain soft landscaped, resulting in a pleasant open and verdant street scene. This is enhanced by wide roads and deep grassed highway verges, including a verge on the appeal site side of Three Acre Drive.
8. Whilst there is no overriding style of dwelling to define the character of the residential area as a whole, there are distinct enclaves of uniformly consistent architectural form and layout throughout the area.
9. The appeal site lies within one such block of development, comprising a part of Three Acre Drive which is distinguished on both sides of the road, by rows of road-facing, two-storey, traditionally designed detached houses. These properties exhibit a strong degree of uniformity of building height, width, depth, massing, materials, and roof form.
10. The dwellings share a similar simple tiled pitched roof form, with comparable eaves and ridge heights and roof pitch orientation, having side facing gable ends. Other common elements of design detailing such as similarly proportioned and positioned front elevation fenestration and the presence of front porches, further serve to consolidate the design similarities between the houses.
11. Moreover, apart from the northernmost house on each side of the road, these properties are comparably orientated towards the road. Spacing between them generally comprises about a driveway's width, and is only punctuated by single storey height additions or garages.
12. As such, the houses present a strong cohesiveness of design and layout which makes a positive contribution to the public realm of the street, and differentiates them as forming a distinct enclave within the townscape, which is dominated by bungalows further north along Three Acre Drive, and bungalows and chalet bungalows in Wavendon Avenue to the south.
13. The appeal site lies at the southern end of this group of houses, where it is visually prominent in views on the approach into the road from the junction with Wavendon Avenue. The existing detached, street-facing two-storey dwelling with single storey side extension, driveway access to a rear garage and soft landscaped front garden, typifies the character of this part of the road, and the appeal site sits harmoniously within the established street scene.
14. The appeal scheme would replace the existing single storey side extension with a two-storey detached dwelling, comprising a markedly different design to that which prevails within the locality. Notwithstanding the proposed use of similar brick and tile materials, and the maintenance of the front building line, the

proposal would, nonetheless, introduce a notably more complex part-pitched and part-hipped roof form, whose design and perpendicular orientation in relation to the site frontage would be considerably at odds with the prevailing regular two storey pitched roof form and orientation in this part of the road.

15. In addition, the proposed street facing gable end and narrower front elevation than those of the other houses to the north, would further compound the resulting incongruous nature of the proposal in relation to the uniformity of the existing houses in this part of the road when viewed from the public realm. The perceived thinner width of the new dwelling would be compounded by the vertical proportioning of the front elevation fenestration in contrast to the more obvious horizontal window design which is evident on the front of the neighbouring houses.
16. Moreover, I am not persuaded that the orientation of the new building is justified having regard to the orientation of the houses at Nos 14 and 17, which notwithstanding their road-facing gables, are clearly read as forming part of the original development of the group of two storey houses in terms of factors including height, roof form, materials and fenestration.
17. Also, notwithstanding that the appeal site has a wider frontage than those of the houses within the group of properties to which it belongs, the proposed proximity of the new dwelling to the side of No.2 would be at odds with the prevalent more spacious siting of dwellings. Taken together with the relatively narrow width of the new dwelling, this would result in a perceived uncharacteristically cramped form of built development in relation to No.2 when viewed from the street.
18. The proposed new vehicular access through the grassed highway verge would erode the green nature of this part of the road. The resulting narrow plot frontage in comparison to that which characterises the properties to the north, would disrupt the established layout of wide property frontages. These factors, combined with the proposed removal of existing soft landscaped front garden to provide access and parking for the new dwelling, so that, notwithstanding proposed hedge planting alongside the new drive, hard-surfacing would occupy the majority of its front garden area, would harmfully erode the pleasant verdant spacious nature of this part of the road.
19. The proposed positioning of the new dwelling close to the side of No.2 and sharing the same front building line, means that it would be perceived as an addition to the line of existing houses. This, together with a lack of obvious design reference to the adjacent bungalow on the corner with Wavendon Avenue, means that the proposal would not comprise a successful 'transition' in design terms between the two distinct groups of property types within this part of the residential area.
20. Notwithstanding that the Council has raised no objection in respect of the proposed density of development, all the above factors combined, would result in a development that would stand out as unduly incongruous within the townscape within which it would sit, to the detriment of the visual amenities of the street scene.

21. The appellant has drawn my attention to several developments within the locality which result from plot subdivision¹ or alterations to existing properties² to demonstrate that there is an existing variety of architectural design nearby which contributes to the local distinctiveness of the area.
22. I find that the circumstances in regard to these properties are sufficiently different from those of the appeal scheme, both in terms of the design detailing of those schemes, which relate to bungalows and chalet bungalows, and the character of the immediate locality in which they are sited, which includes similarly designed properties to which they relate well. As such, I find that these developments do not justify allowing the appeal scheme, which I have determined on the basis of the appeal site circumstances and development proposal before me.
23. For the above reasons, I therefore conclude that the proposal would have a materially harmful effect on the character and appearance of the area. As such, the appeal scheme would be contrary to Policy ENV3 of the *New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy* (2020) (the LPP1), Neighbourhood Plan Policy NM4 and Chapter 9 of the NMLDSPD. These policies and guidance, amongst other things, seek to ensure that all development achieves a high-quality design that contributes positively to local distinctiveness, and creates buildings, streets and places which are sympathetic to their context in terms of, inter alia, layout, appearance and relationship to adjoining buildings and spaces.
24. For similar reasons, the proposal would also be contrary to Chapter 12 of the *National Planning Policy Framework 2021* (the Framework) which seeks to ensure well-designed places.

European Protected Sites (EPS)

25. The Council's second and third reasons for refusal relate to the failure of the development to mitigate against potential harm to the New Forest EPS, arising from increased recreational usage and traffic-related nitrogen air pollution.
26. Since the refusal of the planning application, this has been addressed by the submission of a completed Section 106 Agreement to secure a financial contribution in accordance with the Council's adopted Mitigation Strategy³ to address the recreational impacts and a contribution towards air quality monitoring in accordance with Policy ENV1 of the LPP1.
27. In addition, the Council's Appropriate Assessment (AA) has concluded that the development would, in combination with other developments, have an adverse effect on the integrity of the Solent Coast EPS due to additional nitrate loading as a result of drainage and waste-water discharge, unless nitrate neutrality or adequate mitigation is achieved. The Council proposes that nutrient impacts be dealt with by means of a Grampian style planning condition, and this has been agreed by the appellant.
28. Within the context of this appeal, the responsibility for assessing the effects of the proposal on the European designated sites fall to me as the competent authority. However, as the first main issue provides a clear reason for

¹ 54 Wavendon Avenue – Appeal Ref A/09/2100209/NWF and 41 Keysworth Avenue – Council Ref 03/79743

² 42 Wavendon Avenue – Council Ref 14/10345 and 4 Three Acre Drive – Council Ref 13/11619

³ *Mitigation for Recreational Impacts on New Forest European Sites Supplementary Planning Document 2021*

dismissing the appeal, there is no need for me to consider this matter further, since any findings on this issue would not change the appeal outcome.

Planning Balance

29. The Council has confirmed that it is unable to demonstrate a five-year supply of deliverable housing sites. Whilst the undersupply is not specified within the appeal documents, the Council has confirmed, in respect of another current appeal for which I am the appeal Inspector, that it has a 3.07 year supply. As such, Paragraph 11 of the Framework applies, which states that relevant policies for the supply of housing should not be considered up to date where a five-year housing land supply cannot be demonstrated.
30. 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.
31. 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 within a designated settlement boundary, where access to facilities and public transport connections is likely to be greatest.
32. One additional dwelling would make a small contribution towards the Council's housing supply, and it could be built out relatively quickly, having regard to Paragraph 69 of the Framework. There would be economic benefits as a result of the construction of the 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 housing development.
33. The Council has raised no objection to the appeal scheme in respect of matters including the principle of development, highway safety and parking, the living conditions of neighbours and future occupiers of the development and on-site biodiversity. In terms of the planning balance, the lack of identified harm is a neutral factor that does not diminish the significant harm that would arise from the proposal in respect of the impact on the character and appearance of the area.
34. Whilst the deficit in the Council's supply of housing is fairly acute, a high standard of design is also 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.
35. 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 in respect of the first main issue.

36. Accordingly, notwithstanding whether footnote 6 to Paragraph 11 of the Framework applies with respect to habitats sites, I have found that, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits, and 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

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

S Leonard

INSPECTOR