



Appeal Decision

Site visit made on 7 August 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/B1740/W/22/3310359

9A Belstone Road, Totton, Hampshire SO40 8DY

- 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 and Mrs Radford against the decision of New Forest District Council.
 - The application Ref 22/10746, dated 15 June 2022, was refused by notice dated 3 October 2022.
 - The development proposed is the demolition of the existing building and construction of four houses with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity, the plans considered within this appeal are PL01_Rev B and PL03_Rev A. These have been confirmed by the Council as the plans its decision was made on.

Main Issues

3. The main issues are the effect of the proposed development on protected habitats sites and the character and appearance of the Belstone Road.

Reasons

Protected habitats sites (PHS)

4. The appeal site sits within the zone of influence of several PHS, the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site, The Solent and Southampton Water SPA and Ramsar site, The Solent Maritime SAC, and the Solent and Dorset Coast SPA. All of which provide rare and specialist habitats for a wide range of species.
5. Policy ENV1 of the New Forest District Local Plan Part 1: Planning Strategy (LPPS) and Policy DM2 of the New Forest District Local Plan Part 2: Sites and Development Management (LPSDM) state, amongst other things, that new development will only be permitted if any adverse effects to the integrity of PHS can be mitigated against.
6. The PHS are susceptible to disturbance by human activity. The additional dwellings proposed, would contribute to an increased population in combination with other plans, projects, and developments in the area. Given the proximity of the development to the PHS, it is therefore likely that its contribution to the increase in population could lead to an increase in visitor and recreational

- pressure within them. The water environment of the Solent PHS also requires action to be taken in relation to nutrient neutrality. This is due to excessive nutrients causing eutrophication, which, in part, come from domestic wastewater. The increase in air pollution from additional traffic related to the development would also impact the air quality of the New Forest PHS.
7. Given the susceptibility and vulnerability of the qualifying features of the PHS, and in combination with other projects, the proposal would likely have a significant effect on the PHS.
 8. As such Clause 63(1) of the Conservation of Habitats and Species Regulations 2017 states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'. In this case, as the competent authority, I acknowledge the appropriate assessment undertaken by the Council. This concludes that the use of the Council's established mitigation strategies would allow financial contributions to be paid to offset any potential recreational pressure and air quality harm. It also concludes that the use of a negatively worded 'Grampian' condition could be used to secure an appropriate scheme of mitigation to ensure the proposal is nutrient neutral.
 9. The appellant has stated they are willing to pay the financial contributions towards mitigation against recreational pressure and air quality harm. However, there is no mechanism before me to secure such contributions. Nor is there any evidence as to how nutrient neutrality for the proposal could be achieved. Therefore, even were there a suitable mechanism to secure these financial contributions, there is not enough detail before me to provide the certainty required to rely on a condition to secure a nutrient neutral development.
 10. Consequently, without appropriate methods to secure the necessary mitigation, the proposal would likely have a significant harmful effect on the PHS. It is acknowledged that the proposal could provide sufficient biodiversity net gain, however this does not mitigate the potential harm to the PHS. Accordingly, the proposal would be contrary to LPPS Policy ENV1 and LPSDM policy DM2 on this matter.

Character and appearance

11. Belstone Road is an L shaped residential cul-de-sac within a suburban residential area. The properties on the road are typical of the wider area and have 2 storeys, are traditional in design and either semi-detached or detached. The majority have off-road parking, but on visiting the site it was evident that on-road parking was also utilised. It is, however, noted that this is unrestricted except around the junction with Ringwood Road.
12. The appeal site is a large corner plot located at the end of Belstone Road. The existing dwelling is at the front of the site. To the rear of the site is the railway with the cricket ground to one side, both of which are well screened from the site by maturely planted boundaries.
13. The proposed dwellings would be traditional in design, finished in materials which would complement those used in the surrounding area, and meet the appropriate internal and external space standards. Their set back position and the demolition of the existing dwelling would present a more open aspect to

the end of the cul-de-sac, which currently appears enclosed due to the proximity of the properties to the road edge. This would also mean the proposal would not be overly visible when travelling up Belstone Road so would not have a dominating or overwhelming impact on the existing streetscene.

14. The density of the proposed development would be slightly higher than existing. However, it is evident that within the wider area there is a broad mix of housing forms and densities reflecting the suburban nature of the locality. Thus, in consideration of the wider context, and the relatively small size of the proposal, the proposed density would not be out of character. Therefore, although not the most innovative of schemes, it would not be harmful to the overall character and appearance of Belstone Road.
15. It is acknowledged that the proposal would increase the number of vehicles that would use Belstone Road and does not provide specific visitor parking. However, there is no technical evidence before me to contradict the Local Highway Authorities conclusion that the proposed parking would be adequate and that the proposal would not harm highway safety.
16. Nevertheless, it is appreciated the proposal has potential to increase the demand for on-road parking along Belstone Road. But as this is unrestricted and could be fully utilised at any time currently, any over spill parking from the proposal would have no more affect on the character and appearance of the road than the existing situation. Notwithstanding this, on-road parking can be controlled by other regulatory mechanisms which could be implemented without being affected by the outcome of this decision.
17. Accordingly, the proposal would not harm the character and appearance of Belstone Road. It would, therefore, comply with LPPS Policy ENV3 which, amongst other things, requires new development to be sympathetic to its context.

Planning Balance

18. The Council cannot demonstrate a 5-year housing land supply, as such it is necessary for me to apply paragraph 11 of the National Planning Policy Framework (the Framework).
19. The proposal would provide a net gain of 3 dwellings in an accessible location, reasonably quickly, due to its small scale. The Framework also seeks to boost significantly the supply of housing and recognises the importance of small sites in meeting the housing requirements of an area. Therefore, this contribution to the Council's 5-year housing land supply, along with the associated economic and social benefits, and biodiversity enhancements discussed in the first main issue, would attract moderate weighting based on the number of houses involved.
20. No harm has been identified in relation to highway safety, parking, living conditions of neighbouring residents, trees, and, as set out in the second main issue, character and appearance. Nevertheless, a lack of harm is a neutral factor so cannot weigh for or against the proposal.
21. However, housing provision should not come at the cost of significant harm to PHS, a position supported by the Framework. Thus, when weighed against the policies in the Framework taken as a whole, the adverse impacts of granting

planning permission would significantly and demonstrably outweigh the benefits in my view.

Other Matters

22. It is noted that the officer report differed to the outcome of the application decision, however the Council is not bound to accept the recommendations of its officer. This does not affect the planning merits of the case.

Conclusion

23. Consequently, for the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR