



Appeal Decision

Site visit made on 10 August 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2023

Appeal Ref: APP/C1760/W/22/3305986

109a Winchester Road, Romsey SO51 8JF

- 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 Wilson Designer Homes against the decision of Test Valley Borough Council.
 - The application Ref 21/03600/FULLS, dated 9 December 2021, was refused by notice dated 22 July 2022.
 - The development proposed is described as the erection of 8 houses. 3 x 4 bed detached and 4 x 3 bed terrace and 1 x 2 bed apartment and access road.
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Decision

1. The appeal is dismissed.

Preliminary Matter and Main Issue

2. Following the refusal of planning permission, the appellant submitted a legal agreement. The Council has considered this document and state it overcomes reason for refusal numbers two and three. I will return to this matter later.
3. The main issue is therefore the effect of the proposed development on the living conditions of neighbouring occupants with particular reference to outlook.

Reasons

4. The proposed dwellings at plots 1, 2 and 3 would be located close to the rear boundaries of the dwellings in Tadfield Road. These proposed dwellings would be two storey with pitched roofs.
5. To reduce the impact of Plot 2, the facing eaves would have a reduced height and the pitch of the roof would be angled away from the dwellings in Tadfield Road with hipped sides. Part of Plot 2 is also proposed to be set further back from 20 Tadfield Road when compared to 18 Tadfield Road.
6. Plot 2 would span across the rear garden of No 18. While it wouldn't fully extend across the rear garden of No 20, the existing outlook at this neighbouring property is narrowed and somewhat constrained by a driveway and outbuilding to the side and rear of the plot. Both neighbouring properties also have primary facing rear windows with shallow gardens and a rear access beyond their gardens.
7. When taken in combination, the height of the proposed development allied with the limited separation from the primary garden areas and facing windows of Nos 18 and 20 would be visually overbearing creating a sense of enclosure and an unacceptable loss of outlook to the occupiers of these neighbouring dwellings.

8. While there is some existing landscaping on the boundary, this would not be sufficient to fully screen the proposal. Even if it was, there is no long-term mechanism before me to protect existing landscaping in perpetuity.
9. The harm I have identified carries substantial weight and while further landscaping would be incorporated on the shared boundary to mitigate this harm, any new landscaping would take time to establish to a degree which would screen the proposed development. There is also no long-term mechanism before me to safeguard landscaping in perpetuity. The identified harm is not outweighed by the proposed landscaping.
10. Plot 3, would be of similar design and appearance to Plot 2. It has a stepped design setting part of it further back when viewed from 22 Tadfield Road. Plot 3 would also extend across the rear of No 22's garden, however given the splayed nature of this neighbouring garden it would not extend fully across the rear garden of No 22.
11. No 22 is orientated away from Nos 18 and 20 and this creates a narrowing relationship with Plot 3 to the left-hand side of No 22. A primary kitchen window at No 22 features on this left-hand side. The limited separation from this window, in combination with the height and width of Plot 3 as proposed, would significantly dominate views from this window. This would be visually overbearing creating a sense of enclosure and an unacceptable loss of outlook to this window.
12. While reference to a 'very high hedge' is made by the appellant, during my site visit I noted there was very limited existing vegetation on the shared boundary between the appeal site and No 22 and for the reasons given above supplementing this would not outweigh the harm I have identified.
13. Given the width of the garden and its splayed nature, in combination with the stepped back design and spacing proposed to the side of Plot 3, the impact of the proposed development would be reduced when viewed from the primary garden areas to an acceptable level at No 22.
14. Plot 1 would also be sited close to its boundary with 10 and 12 Tadfield Road. However, due to its siting, Plot 1 would not span across the full width of the rear gardens of Nos 10 and 12. Additionally Nos 10 and 12 are slightly orientated away from the proposed development which gradually increases the separation between them.
15. Allowing for the separation distance from the primary garden areas and rear windows of Nos 10 and 12, coupled with the height, design, and spacing around Plot 1, this would reduce the visual impact of the proposed development upon these neighbours to an acceptable degree.
16. The appellant has relied upon the Building Research Establishment document, Site Layout Planning for Daylight and Sunlight – a Guide to Good Practice, (2011) ("the BRE document") in their evidence.
17. While I have had regard to this, I am also mindful that light is perceived differently to outlook. For example, residential occupiers should be able to enjoy good quality outlook without adjacent buildings, being overbearing or visually intrusive. A poor outlook relationship is caused when the height and bulk of a development significantly dominate the outlook.

18. Light is different as it animates and enhances spaces. It reduces the energy needed for artificial light and can also help to meet winter heating requirements. It important for the maintenance of people's health and well-being to ensure that spaces receive light to facilitate a range of daily activities.
19. Given this variance between light and outlook I attach moderate weight to the BRE document and while I have taken it into account as far as it is relevant, I have considered this appeal on its own merits as set out above.
20. The appellant has also referred to a supplementary planning document which has not been adopted by Test Valley Borough Council. While I have had regard to this document, it is not clear how directly relevant this is to the appeal proposal. As set out above, I have considered the proposal on its own merits.
21. While I have found no harm arising in respect to Nos 10 and 12 Tadfield Road, the proposed development would have an unacceptable impact on the living conditions of neighbouring occupants at Nos 18, 20 and 22 Tadfield Road with particular reference to outlook.
22. The proposal would therefore unacceptably conflict with the relevant provisions of Policies LHW4 and COM2 of the Test Valley Borough Council Local Plan (2016). These, amongst other things, address the need for high quality design therefore respecting the living conditions of residential occupiers.

Other Matters

23. The proposal would generate some economic benefits, it would be an effective use of land boosting housing delivery on a smaller site with access to shops, services, amenities and local transport networks. Biodiversity enhancements would also be proposed, and the site is identified by the appellant as a brownfield site. Given the quantum of development proposed, I ascribe these benefits moderate weight.
24. Nevertheless, the weight attributable to the harm, in respect of the living conditions of neighbouring occupants, would attract significant weight and would not be outweighed by the benefits to tip the planning balance in the appeal scheme's favour when set against its conflict with the development plan.
25. I have also considered the various other concerns raised by interested parties. However, none of the other matters raised outweigh or alter my conclusion on the main issue.
26. The appeal site is within influencing distance of the Solent and Southampton Water European Designated Site and the Special Protection Area of the New Forest. The appellant has submitted a legal agreement, however, given my conclusions on the main issue, I do not need to carry out an appropriate assessment as required under The Conservation of Habitats and Species Regulations 2017 (as amended). I therefore do not need to consider these matters any further.

Conclusion

27. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR