



Appeal Decision

Site visit made on 21 July 2023

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2023

Appeal Ref: APP/Y9507/W/22/3306678

Oakfield, Love Lane, Petersfield, Hampshire GU31 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Barry Wright against South Downs National Park Authority.
 - The application Ref SDNP/22/01863/FUL, is dated 12 April 2022.
 - The development proposed is described as 'Demolition of existing dwelling and erection of 5no. Dwellings and creation of new access'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the Council did not issue a decision on the planning application, it has provided a statement setting out the reasons why it would have refused planning permission. This has informed the main issues of the appeal.

Main Issues

3. The main issues are the effect of the proposal on: a) the character and appearance of the area, including with reference to the loss of trees at the site; b) highway safety; c) biodiversity; d) the living conditions of existing neighbouring and future occupiers of the development; and finally, whether the proposal would make adequate provision for affordable housing.

Reasons

Character and Appearance

4. The appeal site relates to an existing residential dwelling, located within a sizeable, triangular plot to the southern side of Love Lane. The existing dwelling is set rather centrally within the plot, back from the main highway, providing a rather spacious character. The property contains several substantial trees, as well as mature hedgerows along its boundaries.
5. The section of Love Lane that the appeal site sits within, has a rather mixed character due to it containing a range of uses including residential, educational and community uses. The individual nature of buildings therefore also varies somewhat in scale and appearance. Despite this, the area has a sense of spaciousness as result of buildings mainly being set back from the main highway. Additionally, despite its suburban location, this section of Love Lane has a rather green and rural nature, in large part due to the presence of mature boundary vegetation and trees, including those present on the appeal site.

6. The proposal involves the demolition of the existing property on site and its replacement with five detached dwellings. Plots 1 and 2 would directly front onto Love Lane, whilst a vehicular access would be sited between these dwellings to provide access to the further three plots beyond.
7. The proposed dwellings would be two-storeys in height and incorporate some design elements that can be found on properties nearby including pitched roofs with gable ends and the use of dormers. However, there is a severe lack of coherence in the detailed design and layout of the proposed dwellings. Notably, the proposed dwellings would be orientated in several different directions and share rather tight relationships to each other and the boundaries of the site. To provide additional upper floorspace, the proposed dwellings would also have much steeper roof pitches than typically found on surrounding properties. The combination of these factors would result in the appeal scheme appearing as a highly cramped form of development that does not respect the existing rather spacious layout of built form within the immediate vicinity.
8. The fenestration arrangements of the proposed dwellings are also lacking in architectural quality or consistency. Notably, several key elevations contain little or no windows at first floor level in order to avoid issues of overlooking with the neighbouring plots. The resultant appearance of the dwellings is visually poor and again provides a lack of coherence between the proposed properties. The arrangement of windows, and general lack of them, also emphasises the rather forced and cramped nature of the proposals.
9. As well as the removal of a substantial extent of hedgerow, the proposal would also involve the loss of several trees that are subject to an area Tree Protection Order (TPO). I appreciate that the TPO is a relatively recent designation following a previous application for redevelopment of the site. I also note that the trees proposed to be removed are not particularly high-quality specimens and are primarily ornamental. Nevertheless, the existing vegetation still positively contributes to the appearance of the site, adding a verdant rural character to this part of Love Lane. Consequently, the large-scale removal of hedgerows and trees would detract from the existing character of the area.
10. Precise details of landscaping have not been provided by the appellant, but I share the Council's concerns that given the level and cramped nature of the proposed built form, there would be little opportunity to provide meaningful landscaping. I therefore consider it likely that the proposal would result in a rather harsh form of development that would be dominated by the proposed highway arrangement and unsympathetic built form. This would be at odds with the rather leafy characteristics of the existing site and this section of Love Lane.
11. The appellant argues that not all housing development can be delivered to high-quality design standards and suggests that there is a need to sacrifice quality to allow for greater quantity of development. I am mindful that the design quality of proposals often has to be balanced against development constraints, as well as the urgent need for the delivery of new homes. It nevertheless remains that both local policy and the National Planning Policy Framework (the Framework) promote high-quality design that is visually attractive as a result of good architecture, layout and appropriate and effective landscaping. In this instance, the proposed dwellings would have an appreciably poor and contrived appearance and would be prominent within the

streetscene, thereby exacerbating the level of harm. Furthermore, no robust justification has been provided as to why suitable standards of design cannot or should not be met in this instance.

12. I am aware that outline planning permission (ref SDNP/20/02590/OUT) has previously been refused for the development of a three-storey block of flats at the appeal site. Whilst the appeal scheme may be seen as an improvement upon the previously proposed development, it remains that it is of an unsuitable design that does not respect the character of its surroundings.
13. Overall, in relation to this first main issue, the appeal scheme would result in harm to the character and appearance of the area. It would therefore conflict with Policies SD1, SD2, SD4, SD5, SD8, SD9 and SD50 of the South Downs Local Plan 2014 – 2033 (adopted 2019) (the 'SDLP') and Policies BEO1, BEP1 and NEP5 of the Petersfield Neighbourhood Development Plan (made 2016) (the 'Neighbourhood Plan'). Together the policies seek, amongst other matters, for development to respect local character through sensitive and high-quality design that integrates with its surrounding landscape context and contributes to a sense of place.
14. Likewise, the proposal would not conform to the aims of the South Downs National Park Adopted Design Guide Supplementary Planning Document (adopted 2022) (the SPD), or the Framework, in respect of promoting development of a high-quality design.

Highway Safety

15. Policy SD19, amongst other matters, requires development proposals to demonstrate the continued safe and efficient operation of local road networks.
16. The proposal involves the creation of a new vehicular access, in the form of a T-junction onto Love Lane, approximately 20m east of the site's current access. The previous access arrangement would be permanently closed.
17. It was evident from my site visit (a midweek morning) that there is already significant parking demand along the southern extent of Love Lane in the near vicinity of the site. This is likely to stem in part from nearby uses including various community and educational facilities. The effect of this on-street parking was that it was difficult for two cars to pass one another along a considerable extent of Love Lane. Whilst my observations on site were only a snapshot in time, they nevertheless tallied with several third-party representations that indicate the route is frequently used with many parked cars often along the street.
18. I recognise that the level of trip generation that the proposal would result in could be adequately accommodated by the local highway network, as indicated through the appellant's transport statement (TS) and the comments of the highway authority. However, I share the highway authority's concerns regarding the width of the proposed access junction and whether suitable visibility splays could be achievable.
19. Notably, the appellant's swept path analysis drawing (ref: Plan 7673/203 Rev B) illustrates that the passing of two estate cars at the proposed junction to the site is extremely tight, even when not accounting for vehicles that may be parked along Love Lane. As such, there is likely to be conflicts for larger vehicles (e.g. delivery vehicles, service vehicles etc.). This is seemingly due to

the rather narrow width of the access road proposed, which is symptomatic of the cramped nature of the proposals.

20. Additionally, it has not been satisfactorily demonstrated that adequate visibility splays could be achieved at the site. The highway authority has indicated the need to provide unrestricted visibility splays of 43m either side of the centre point of the proposed access. As indicated, there were several vehicles parked along the highway during my visit and these would hinder visibility from the proposed access junction. It is also unclear from the information before me whether vegetation on adjoining land (that would potentially restrict views from the proposed junction) is within the adopted highway or under other third-party ownership.
21. The use of Traffic Regulation Orders (TRO) to restrict vehicle parking along parts of Love Lane may enable the relevant visibility splays to be achieved. I also recognise that guidance in Manual for Streets 2 (MfS) indicates that reduced visibility splays may in some circumstances be appropriate in urban areas. However, in the absence of detailed drawings, to accurately demonstrate the achievable visibility splays, including the extent of TRO that would be introduced, site levels, existing vegetation and landownership arrangements, I am unable to appropriately assess the likely level of visibility that could be achieved. I am also uncertain about accident records in this location. Consequently, it has not been demonstrated that the proposed access arrangements would allow for the safe entry and egress of vehicles from the site.
22. Turning to vehicle parking, SDLP Policy SD22 relates specifically to parking provision. It identifies that development proposals are to be served by an appropriate level of private vehicle parking to serve the needs of the development in accordance with adopted parking standards. The relevant adopted standards are set out in the 'Guidance on Parking for Residential and Non-residential Development Supplementary Planning Document' (adopted 2021) (Parking SPD)
23. A total of 11 parking spaces are proposed on site, with each of the proposed dwellings to be served by two off-site parking spaces and a single visitor space also to be provided. This would be through a combination of driveway and garage spaces or allocated on-site spaces. However, based upon, the guidelines within the Parking SPD the proposed development would have a deficiency of six vehicle parking spaces.
24. The site is in an accessible location with good access to a range of facilities and services. Additionally, future residents may commonly utilise garages for parking of vehicles contrary to the research discussed within the Parking SPD. Nevertheless, I find that the shortfall in spaces remains significant. Regardless of their access to local facilities, it is reasonable to expect that the sizeable three and four-bedroom dwellings are likely to attract residents that have multiple vehicle ownership. The properties are also likely to attract additional visitors/deliveries, at times resulting in overspill of parking onto the street, where parking pressures already appear to exist.
25. Based on the number of properties proposed and the layout of development, including the narrowness of the access road, I find it highly likely that the proposed development would increase demand for on-street parking within close proximity to the site. The greater pressure that the proposal would place

onto the local highway network is likely to lead to the displacement of vehicles onto surrounding roads, and increase the risk of illegal, inconsiderate or obstructive parking, which in turn would have an adverse effect on the free flow of traffic and highway safety. This could be especially problematic given the deficiencies that have been identified with the site's junction design and potential lack of visibility splays.

26. Whilst the appellant has indicated that the proposed garages could be removed to provide additional parking spaces on driveways, such a scheme is not before me. In any case, this would not overcome my concerns with the site's proposed access junction/visibility splays.
27. Overall, with regards to this main issue, the appellant has not demonstrated that the proposal would continue to allow for the safe and efficient operation of the local road network, including through the provision of appropriate levels of vehicle parking. It therefore conflicts with Policies SDLP SD19 and SD22, as well as Neighbourhood Plan Policy HP8 which also requires new housing developments to be served by suitable parking arrangements.

Biodiversity

28. SDLP Policy SD9 seeks to conserve and enhance biodiversity through a means of measures including retaining, protecting and enhancing features of biodiversity value, protecting priority species, and identifying and incorporating net gains in biodiversity. The policy outlines this should be demonstrated through up-to-date ecological information to accompany application proposals.
29. I am aware that an Extended Phase 1 Ecology Habitat Survey ('Phase 1 Survey') has previously been undertaken at the site, in relation to a separate application. I understand that previous survey found that the existing dwelling offered potential for bat roosting opportunities and therefore further bat survey work was advised. To my knowledge no subsequent bat surveys were complete. Additionally, given that the relevant Phase 1 Survey was completed over 3 years ago its findings are no longer considered to provide an accurate overview of the site's ecological conditions.
30. I appreciate that the site is not subject to any statutory designations for nature, whilst it is likely to have somewhat limited ecological value due to its existing residential use and current garden maintenance practices. I also note the appellant's intention to provide native wildflower and hedge planting, as well as the incorporation of bird and bat boxes as part of the development proposals. However, from the information before me I am unable to ascertain whether this would be suitable mitigation for the development proposed at the site or result in a net improvement in biodiversity.
31. As advised by the Framework and Circular 06/2005 it is essential that up-to-date ecology information, including all necessary survey, assessment and mitigation information is available to the decision maker prior to determination, particularly where development may affect protected species. This is to ensure that the ecological impacts of a proposal can be suitably mitigated.
32. Based on the available information, there is a reasonable likelihood that protected species may be present on site. In the absence of up-to-date and detailed survey work demonstrating otherwise, including details of any necessary mitigation, I cannot conclude that the appeal scheme would

safeguard protected species and thus biodiversity. The appeal scheme is therefore contrary to SDLP Policies SD2 and SD9 and Neighbourhood Plan Policy NEP7, as well as the aims of the Framework, that together promote the protection and enhancement of biodiversity.

Living Conditions

33. Policy SD5 of the SDLP, amongst other matters, requires development proposals to provide high-quality outdoor amenity space, appropriate to the needs of its occupiers, and also seeks for proposals to avoid harmful impacts upon any surrounding uses.
34. Policy SD5 is further reinforced by the Council's Design Guide SPD. The SPD provides more detailed design guidelines for development proposals in the area. This includes that there should be a minimum separation distance of 22m between the rear windows of a proposed development and the rear windows within an existing dwelling. This is in order to provide suitable levels of privacy and amenity.
35. A first-floor bedroom window serving proposed Plot 3 would be located approximately 15m from existing first floor windows serving the rear elevation of adjacent residential properties at Nos. 40 – 50 Upper Heyshott. The proposed development would also involve the removal of an area of high-hedging along the boundary with the neighbouring properties. Together the proximity and orientation of the proposed bedroom window to those neighbouring windows, would result in unacceptable overlooking and loss of privacy to the adjacent residents.
36. Turning to the living conditions of future occupiers, the proposed dwellings would be served by gardens of a generally adequate size. However, the private gardens serving Plots 2 and 4 would contain substantial retained trees (subject of TPOs). As such, much of the gardens serving these plots would be under the tree canopies, whilst the gardens are also likely to be in shade for a considerable extent of the day. Given the size of the trees and the level of garden coverage that they would have, I consider that the private amenity space serving Plots 2 and 4 would be very gloomy, somewhat impractical, and rather uninviting. This would be to the detriment of the living conditions of future occupiers.
37. Additionally, the rear garden space of Plot 1 would be directly overlooked by windows in the first and second floors of Plots 3 and 4. The respective windows would be located at approximately 10m from the boundary of plot 1. Given the elevated position and very close proximity of the proposed windows, together they would ensure that the rear garden of Plot 1 was almost entirely overlooked. This would result in an unacceptable level of overlooking and rather overbearing impact upon the garden area of proposed Plot 1. Additionally, as many of the relevant windows would be the only ones serving habitable rooms, it would not be appropriate to condition that they be obscurely glazed or non-opening in order to improve privacy for Plot 1.
38. Accordingly, I consider the appeal scheme would result in detrimental impacts upon the living conditions of neighbouring occupiers in terms of overlooking and loss of privacy, whilst also providing inadequate living conditions for potential future residents. The development therefore does not accord with SDLP Policy SD5 or the guidance contained within the Design Guide SPD.

Affordable Housing

39. SDLP Policy SD28 sets out the local policy position relating to the provision of affordable housing. The policy establishes that on sites with a gross capacity to provide between 4 – 5 dwellings, it is expected that one affordable dwelling will be provided on-site. In exceptional circumstances, financial contributions towards the delivery of affordable housing may also be accepted in lieu of delivery on-site.
40. There is no indication that the proposed development would include the provision of any affordable housing units on-site nor via a financial contribution. Additionally, no robust evidence has been provided by the appellant to justify the lack of affordable housing contribution.
41. Even if there is an intention for the scheme to contribute toward the delivery of affordable housing, the appeal proposal does not include an appropriate mechanism to secure this.
42. Consequently, the proposal is in conflict with Policy SD28 of the SDLP.

Other Matters

43. The proposed development would result in socio-economic benefits associated with the delivery of new housing in a generally sustainable location. However, given the overall scale of the proposal, such benefits are likely to be modest and are not considered to overcome the above identified harm.
44. Compliance with various other policy requirements, for example, in respect of flood risk or the Council's spatial strategy, is to be expected of new development proposals and therefore does not weigh in favour of the appeal scheme.

Conclusion

45. For the reasons set out above, the proposal conflicts with the development plan, when taken as a whole, and material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with it. Accordingly, the appeal is dismissed and planning permission is refused.

Lewis Condé

INSPECTOR