



Appeal Decision

Site visit made on 27 September 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2023

Appeal Ref: APP/B1740/W/22/3313402

26 Manor Road, New Milton BH25 5EN

- 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 James Hunt against the decision of New Forest District Council.
 - The application Ref 21/11590, dated 23 November 2021, was refused by notice dated 9 August 2022.
 - The development proposed is new dwelling to the rear of existing house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An executed planning obligation Unilateral Undertaking (UU), dated 18 October 2023, was submitted by the appellant during the appeal, in effect superseding an earlier version dated 17 December 2021. This makes provision for habitat mitigation including air quality monitoring. The Council has commented on the UU, and I shall consider it under Other Matters below.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The site consists of a detached two-storey dwelling and its rear garden. The area generally consists of semi-detached and detached dwellings. There are a few examples of development in depth locally, such as Fernglade and Manor Gardens, and there are flats at Cedar Place and Manor Court. However, on the side of the road of the appeal site, dwellings are generally arranged in a single linear row, with deep, long gardens bounded by a railway line to the rear. This layout gives the area a soft, green and suburban appearance. The site is close to the centre of New Milton, with its wide range of services and facilities.
5. The New Milton Local Distinctiveness Supplementary Planning Document (SPD), adopted June 2010, describes Manor Road as having a distinctive appearance including through its characteristic regular plot divisions and long gardens. Within the South and East New Milton area, The SPD identifies properties within a corridor either side of the railway line as being larger garden spaces or groups of tranquil garden space. In this context, the SPD refers to the particular importance of rear garden 'islands', as a continuation of the leafy backdrop and as a potential wildlife resource. Whilst one or two properties,

such as Cedar Place, are excluded from this designation, most properties in the row are included, as is the appeal site.

6. The proposal seeks to demolish an existing large outbuilding and erect a single storey hipped, pitched bungalow. It would be located to the rear of the plot on existing garden land, positioned directly behind and facing the existing dwelling. Access would be taken to the side of the host dwelling, utilising its existing drive and hardstanding.
7. An ecological survey has found no evidence of any species of particular importance within the site, and I see little reason to disagree. Furthermore, many nearby properties have development within their rear gardens, including areas of hardstanding, summerhouses, and outbuildings, some of which are fairly large. Their use doubtless generates some noise and activity, and the small scale of the SPD's mapping does not show all of these buildings.
8. However, the outbuildings are likely to be in ancillary use, and so noise from them would generally be low-key. The passing of trains also generates some noise, although this is limited because of the low-level and confined location of the railway within a cutting. As such, the area has a degree of tranquillity. The proposal, as a new dwelling, would introduce significantly more comings and goings to the site and so would undermine this tranquillity.
9. Notwithstanding the presence of the existing outbuilding, much of the site of the proposed dwelling is laid to grass. This, and the trees that line the railway, contribute to the spacious and green character of the area. As proposed, the lineside trees would be retained and enhanced with further planting. Nevertheless, the additional hard, built-up form of the proposal and the additional movements generated by it would detract from the soft, green appearance and low-density suburban character of the site and its surroundings.
10. Furthermore, the layout and backland position of the proposed dwelling, being positioned immediately behind the host dwelling, would not reflect the predominantly linear pattern of development along this part of Manor Road. For these reasons, the proposal would intrude into and diminish the green and somewhat tranquil character of the railway corridor, and so would appear incongruous and out of place with the prevailing pattern of development.
11. Consequently, the proposal would harm the character and appearance of the area. As such, it would conflict with Policy ENV3 of the New Forest Local Plan Part 1 (NFLP), adopted July 2020, which requires development to contribute positively to local distinctiveness and to reflect its context. For the same reasons, the proposal would conflict with the SPD and with the aim of the National Planning Policy Framework (the Framework) for development to be sympathetic to local character, including the surrounding built environment. I therefore give this conflict significant weight.

Other Considerations

12. The Council accepts that it cannot currently demonstrate a five-year housing land supply. As such, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply, as set out in paragraph 11 of the Framework.

Where there is an existing shortage of land for housing, the Framework advises that the optimal use of sites is particularly important.

13. I have found conflict with NFLP Policy ENV3, which is consistent with the Framework. I therefore find that the proposal would conflict with the Development Plan as a whole. Against that, it would make a positive contribution to the supply of housing, in a built-up area identified as a focus for growth and well located for services and facilities. However, the proposal is for only a single dwelling. As such, its benefits would be small and so I give them limited weight.
14. Construction of the proposal would make a positive economic contribution locally, as would its future occupiers both socially and economically. The proposal would also be built to high environmental standards and would include ecological enhancements. Even so, given the size of the proposal, these benefits would be modest and so I also give them limited weight.

Other Matters

15. The Council's second reason for refusal refers to the location of the site within the catchment areas of the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area and the Solent and Dorset Coast Special Protection Area (the SPAs). These are protected pursuant to the Conservation of Habitats Regulations 2017 as amended.
16. The UU seeks to mitigate the effects of the proposal on the SPAs by means of financial contributions. Had I found no harm in respect of the other issues, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects of the proposal on the SPAs. However, notwithstanding the UU, as I have found against the appellant on other substantive grounds, this matter need not be considered any further in this case.
17. Both parties have referred to whether the proposal would set a precedent for the development of other plots locally. However, I have dealt with the proposal on its own merits.

Planning Balance and Conclusion

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise. Given the harm that I have identified to the character and appearance of the area, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
19. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case, including the Framework, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR