



Appeal Decision

Site visit made on 3 October 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2023

Appeal Ref: APP/W1715/W/22/3313667

Rear of 82 St Johns Road, Hedge End, Southampton SO30 4DF

- 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 Wayne Newman against the decision of Eastleigh Borough Council.
 - The application Ref F/22/93003, dated 5 May 2022, was refused by notice dated 8 July 2022.
 - The development proposed is the erection of a detached 4xbedroom bungalow, provided with associated access, car parking, amenity space and storage facilities.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In response to the Council's ecologist's comments during the application process, the appellant has submitted a landscape plan, reference LANDP001. Although the appeal process should not be used to evolve a proposal, in this case I am satisfied the plan does not materially alter the scheme but provide additional detail of what is proposed. As all parties have had the opportunity to comment on it during the appeal process, I have therefore made my decision with consideration of this plan.
3. I am also aware the appeal site benefits from extant permission for a 3 bedroomed, single storey dwelling, reference F/20/88079.
4. The National Planning Policy Framework (the Framework) was updated on 5 September 2023. However, the sections pertinent to this appeal have not materially altered and so I have referenced the revised version in this decision.

Main Issues

5. The main issues are the effect of the proposed development on biodiversity and protected habitats, and the character and appearance of the area; and whether the proposed development would provide adequate living conditions for future occupants with specific regard to garden space and parking.

Reasons

Biodiversity and protected habitats

6. LP Policy DM11 sets out the Council's approach to nature conservation. This seeks to protect, conserve, and enhance protected habitats, and seeks a net gain of biodiversity on all development sites, amongst other things. It also requires thorough habitat and species surveys to be undertaken.

7. The proposal is accompanied by an Ecological Appraisal Report (EAR) which has been written by 2 appropriately qualified ecologists and appears to have been a thorough and professionally undertaken assessment of the site. However, the EAR was issued in October 2019, and at paragraph 5.2 of the EAR it clearly states that the survey data is valid for a maximum of 12 months. It is also evident through comparison before the pictures in the EAR and my onsite observations, that the condition of the site has changed substantially. These factors in combination mean that I cannot with any certainty rely on the findings of the EAR.
8. The EAR provides the baseline of the ecological condition of the appeal site. This along with a lack of net gain calculations, means I am unable to ascertain whether the proposed landscaping on plan LANDP001 could be considered to provide an overall net gain in biodiversity.
9. It is appreciated that there is an extant permission and works relating to that have started on site. Nevertheless, this does not negate the need to ensure that the scheme before me would also provide adequate biodiversity gain.
10. The appeal site sits within the catchment of a series of protected habitats, namely the Solent and Southampton Water Special Protection Area and Ramsar site, and the Solent Maritime Special Area of Conservation (the Solent Complex); and the New Forest Special Protection Area, Ramsar site and Special Area of Conservation (The New Forest).
11. The Solent Complex and the New Forest provide unique habitats which provide refuge for numerous rare wildlife species, with the Solent Complex's water environment being of particular importance for overwintering birds. The additional dwelling proposed, whilst minimal on its own, 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 protected habitats, it is likely that its contribution to the increase in population could lead to an increase in visitor and recreational pressure within those habitats. The addition of a new dwelling would also introduce additional wastewater which along with other plans, projects and developments in the area could increase the levels of nutrients expelled into the water environment so have an adverse impact on water quality especially that of the Solent Complex.
12. Given the susceptibility and vulnerability of the qualifying features of the protected habitats to such recreational use and nutrient increase, it cannot be concluded that the development would not adversely affect the integrity of the protected sites in combination with other projects.
13. However, it is acknowledged that these are ongoing issues for the Council, and it has several schemes in place to mitigate potential adverse effects. In line with the Council's Solent Recreation Mitigation Strategy (SRMS) and nutrient credit scheme, the appellant has already paid financial contributions to mitigate the recreational and nutrient impact of the extant permission.
14. The Council have confirmed the existing contributions could be transferred across to this scheme, however the proposed increase in dwelling size would require an additional payment to be made to the SRMS and likely the nutrient credit scheme increase. Although a nitrogen budget for this scheme has not been submitted so the amount due has not been calculated. Nevertheless, as

the appellant has already paid part of the required mitigation through the Council's own schemes, I am satisfied the additional contributions could be secured via a negatively worded condition.

15. In relation to the impact on the New Forest the Council is creating a suitable alternative natural green space with ongoing monitoring and providing funding for a New Forest Ranger. These measures would offset the impact of new dwellings on the New Forest and as such the Council requires a set financial contribution per dwelling, not unlike its more established SRMS. Although it would be preferable for mitigation to be secured prior to a decision being issued. In this specific case, the contribution is quantifiable, and as the appellant has paid all similar contributions to date, I am satisfied a negatively worded condition could also be used in this instance.
16. Nevertheless, although appropriate mitigation could be secured against any impact on protected habitats this does not mitigate or overcome the failure of the proposed scheme to evidence a net gain in biodiversity. Therefore, on this matter alone the proposal would fail to comply with Policy DM11 of the Eastleigh Borough Local Plan (LP).

Character and appearance

17. The appeal site is a rectilinear plot positioned to the rear of 82 St Johns Road, at the end of Norman Gardens. No 82 is a large detached 2 storey building whose garden slopes down from the dwelling to the appeal site. It is part of a row of similar properties along St Johns Road. Norman Gardens is a steep cul-de-sac sloping up to the appeal site from Granada Road and is characterised by mainly modest detached bungalows on relatively compact sites, commensurate to many properties within this part of the Granada Road area.
18. The proposal would reduce the ground level of the site to match that of Norman Gardens and create a 4 bedroomed single storey dwelling with parking to the front, and a garden to the side and rear. Due to the lower ground level and set back position of that proposed the proposal would not have a harmful impact on the character and appearance of Norman Gardens.
19. The proposed new dwelling would be positioned closer to the rear boundary with 82 St Johns Road, than that approved. Nonetheless, the different ground levels and significant screening created by the hedged boundaries would ensure the proposal would not be visible from St Johns Road. Nor would it be visually intrusive when viewed from the higher vantage point of the rear elevations and gardens of No 82 and its neighbours.
20. It is acknowledged the proposal would reduce the amount of garden space from that already approved. Nevertheless, the appeal site would be seen in context within the properties along Norman Gardens and the wider Granada Road area, where many properties have a similar built form to open space ratio as that proposed. That the proposed garden would wrap the dwelling on 2 sides and would not be entirely to the rear does not negate the usability of the space. The lowered ground level and enclosed nature of the site would also ensure any future development to the side of the proposed garden is unlikely to make that space unusable.
21. The Council consider that from an aerial view the proposal would have too large a roofscape. However, there are few, if any, public views that would

include seeing the proposal from above. This is due to the proposed boundary treatments, lowered ground level, topography of the area, and the stepped and narrowing nature of the proposed dwelling as it travels backwards through the site. Therefore, the size of the roofscape would not be so significant as to cause immutable harm to the character and appearance of the area.

22. I also do not find the comparatively modest enlargement of that proposed over that which is already approved to be so significant as to have a detrimental impact on the otherwise open nature of the rear gardens of the St John's Road properties. Nor would the increase from 3 to 4 bedrooms intensify the use of the appeal site to such an extent as to be harmful to the residential character of the area.
23. The Council's reliance on the extant permission having been a reduced scheme from 4 to 3 bedrooms, is noted. As is the previous iteration of a 3 bedroomed dwelling which was dismissed at appeal, reference APP/W1715/W/16/3145461. That interested parties would have liked various design features to have been included is also acknowledged. However, I am required to determine the appeal in relation to the scheme which is before me.
24. The appeal site layout, ratio of built form to open space and overall appearance of the proposal would not have a harmful impact on the character and appearance of the area. Nor would it constitute overdevelopment of the site beyond that which is already approved. It would, therefore, comply with LP Policy DM1 insofar as it requires new development to not have an unacceptable impact on the character and appearance of an area, and it would align with the guidance set out in the Council Quality Places Supplementary Planning Document (QPSPD).

Living conditions

25. The Council have confirmed the proposed quantity of garden would double that of the minimum requirement set by the QPSPD. The garden would wraparound the proposed dwelling with the majority located towards the rear corner of the site and along the side, in front of the main living spaces. It would vary in depth from around 4m to 8m, extend beyond the full length of the building and would be orientated towards the south / south-west. This would create a reasonably sized and regularly shaped garden. It would be well screened due to the proposed hedging and difference in ground levels and would provide full length views along the site and a verdant and open aspect above the boundary treatments. The proposal would, therefore, provide an adequate garden space which would not feel overly enclosed. It would be both functional and usable, so would not have a detrimental impact on the living conditions of future occupants.
26. It is acknowledged that the proposed rear section of the private garden would be narrower than that approved in the extant permission. However, the reduction of space would not impact the main bulk of the garden located to the side of the host dwelling and would not be so great as to make the living conditions of future occupants untenable.
27. The Council's Residential Parking Standards Supplementary Planning Document states that the car parking standard for an individual dwelling with 4 or more bedrooms would be 3 on-site parking spaces. The submitted plans indicate 2 parking spaces with space to manoeuvre so that the site could be accessed

and egressed in a forward gear. Nevertheless, the proposed driveway area is well proportioned, and I am satisfied could provide 3 car parking spaces with appropriate manoeuvring space. Thus, the proposal could provide adequate parking for future occupants.

28. Consequently, the proposal would provide adequate private garden space and could provide adequate on-site parking to ensure acceptable living conditions for future occupants. It would, therefore, comply with LP Policy DM1 as far as it seeks to protect the residential amenities of new residents.

Planning Balance and Conclusion

29. It is noted that the Framework seeks to boost the supply of homes and make more efficient use of land in accessible locations. The proposal would create a new dwelling in an accessible location. Along with the associated economic and social benefits, this contribution to the windfall element of the Council's five-year housing land supply attracts only limited weight based on the number of homes involved.
30. However, housing provision should not come at the cost of harm to biodiversity, a position supported by paragraph 180 of the Framework. Consequently, when weighed against the policies in the Framework taken as a whole, I find that the adverse impacts of granting planning permission would outweigh the proposed benefits.
31. Although I have found for the appellant in relation to character and appearance and living conditions. This would be a lack of harm and thus, by definition, incapable of weighing against the harm that I have found. Consequently, the appeal scheme would conflict with the development plan as a whole, there are no material considerations worthy of sufficient weight, including the Framework, which would indicate a decision otherwise. The appeal should, therefore, be dismissed.

RJ Redford

INSPECTOR