



Appeal Decision

Site visit made on 19 October 2023

by Jonathan Manning BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/C1760/W/23/3315776

Bhachenth House, Chilworth Road, Chilworth, Southampton, SO16 7JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Dr N Basra against the decision of Test Valley Borough Council.
 - The application Ref 22/02263/OUTS, dated 1 September 2022, was refused by notice dated 14 December 2022.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been made in outline, with full details in relation to access and layout. Appearance, landscaping and scale are to be considered at a later date, as reserved matters. Although the scheme is not seeking permission for scale, it is accompanied by indicative elevations and floor plans and I note the application form states that the proposed dwelling would have four bedrooms. The indicative plans indicate that the dwelling would have two storeys with a ridge height of around 10 metres. A new vehicular access point onto Heatherlands Road is proposed to serve the new dwelling.
3. The Council's third reason for refusal relates to potential adverse impacts to future occupiers due to noise from the M27 motorway and possible harm to protected trees due to noise mitigation measures. The appeal is supported by a noise impact assessment and the Council has confirmed that this has overcome their concern. I see no reason to disagree, and I have not considered this matter any further in my decision.

Main Issues

4. The main issues of this appeal are the effect of the proposal on the character and appearance of the area and the effect of the proposed dwelling on the living conditions of the occupants of Bhachenth House.

Reasons

Character and appearance

5. The appeal site currently forms part of the rear residential curtilage of Bhachenth House. The host dwelling is accessed from Chilworth Road, but the proposed dwelling would face onto and be accessed from Heatherlands Road. The appeal site is located within a Residential Area of Special Character (RASC), as designated by the Test Valley Borough Revised Local Plan, 2016 (the LP).

6. The appeal site is set within character area 2B as identified in the RASC Supplementary Planning Document (SPD). However, when viewed from the street scene, the proposal would be viewed alongside the existing development along Heatherlands Road, which falls within character area 2A. I observed on my site visit that Heatherlands Road is characterised by large dwellings of differing architectural styles set largely behind gated entrances. The dwellings are set in spacious plots with large curtilages.
7. Policy E4 of the LP sets out that development within residential areas of special character in Chilworth will be permitted provided that: a) the resulting sizes of both the proposed and the remainder of the original plot, when subdivided, are not significantly smaller than those in the immediate vicinity; and b) the development's size, scale, layout, type, siting and detailed design are compatible with the character of that RASC.
8. I note that Policy E4 refers to immediate vicinity and not character area. The Council has provided estimated plot sizes for eight dwellings that are closest to the appeal site along Heatherlands Road. I agree that these are the ones that the proposal will be most associated with when viewed from the street scene. I consider this to represent the immediate vicinity for the purposes of Policy E4. The plot sizes of these range from 3,640 square metres (sqm) to 4,041 sqm. The proposed dwelling would have a plot size of approximately 1,450 sqm, which is less than half of the smallest plot within the immediate vicinity. I consider this to be significantly smaller.
9. I acknowledge that there are some smaller plots in terms of both total area and plot width, located on the other side of Chilworth Road from the host dwelling. However, I do not consider these to be in the immediate vicinity, given they are separated by the relatively busy road and are not viewed in the street scene alongside the appeal site.
10. The Appellant has provided measurements of plot widths on the roadside of the properties along Heatherlands Road and notes that there are others of smaller or equivalent width. Whilst this is acknowledged, those properties with smaller or similar roadside plot widths such as Maplewood, Mandalay and Keppels all have plots that widen significantly further into them and are overall much greater in size than the appeal site.
11. Whilst I observed that some of the dwellings along Heatherlands Road fill their plot width and views of their rear curtilage are limited, there are many instances where an appreciation of the considerable plot depths can be gained. In contrast due to the layout of the proposed scheme, views along the driveway to the back of the plot where the garage would be located would be readily available. The much shallower plot depth of the appeal site would therefore be readily appreciated in the street scene, in contrast to the existing pattern of development in the vicinity.
12. The Appellant has referred to another appeal decision¹ where it is noted that Policy E4 does not seek to determine the average plot size for a given area, but rather it is concerned with ensuring that the resultant plot sizes are not significantly smaller than those in the immediate area. Whilst this is noted, the Inspector in that case found that the resultant plots would not be significantly smaller than those in the immediate vicinity. Which is not the case here and

¹ APP/C1760/W/16/3152135

therefore, the appeal decision does not share the same context and I afford it little weight in the determination of this appeal.

13. I accept that the proposal would share many of the characteristics within sub character area 2B as set out in the RASC SPD. However, these are quite wide ranging and, in any event, does not overcome my above concerns.
14. For all of the above reasons, the proposal would not be in keeping or compatible with the character and appearance of the area and conflicts with Policies E1, E4 and subsequently Policy COM2 of the LP.

Living conditions

15. The proposal would result in the shortening of the rear curtilage of the host dwelling and the construction of a new dwelling that could be up to 10 metres in height close to the new boundary. The proposed dwelling would be located some 20 metres from the ground floor habitable windows of Bhachenth House that are of concern to the Council. Due to this distance and the fact that the new dwelling would only take up approximately 20% (as calculated by the Appellant) of the view over the expansively wide garden that would remain, I consider that the proposal would not result in an unacceptable overbearing effect when viewed from the ground floor windows of Bhachenth House or its more intimate rear curtilage close to the dwelling.
16. The Council has also raised some concerns about overshadowing of the remaining rear garden of Bhachenth House. The Appellant has provided shadow diagrams with the appeal. It can be seen that there would be a large amount of overshadowing in the late afternoons in March. However, in May the dwelling would have little effect in the way of overshadowing of the rear garden. This strongly indicates that during the warmer summer months when the occupants are most likely to use the rear garden that there will be no unacceptable overshadowing.
17. Given the above, I consider that the proposal would not cause unacceptable harm to the living conditions of the occupants of Bhachenth House and the scheme complies with Policy LHW4 of the LP.

Other Matters

18. The Council's reasons for refusal include the potential for significant adverse effects on the Solent and Southampton Water, and New Forest Special Protection Areas. The Appellant has provided a Section 106 Agreement to mitigate such effects. However, as I am dismissing the appeal for other reasons this matter does not have any bearing on my overall decision. I have therefore not considered such matters any further in my decision.
19. The proposal would make a contribution to the Council's housing land supply and there would be some related economic benefits. However, the Council can demonstrate a five-year housing land supply. I therefore give limited weight to such benefits. I acknowledge the letters of support for the scheme. However, this along with the benefits of the scheme do not outweigh the identified harm.

Conclusion

20. For the reasons given above and having regard to all other matters raised, the proposal does not comply with the development plan when considered as a

whole. There are no material considerations that indicate a decision other than in accordance with the development plan should be made. I therefore conclude that the appeal is dismissed.

Jonathan Manning

INSPECTOR