



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/23/3314697

Land adjacent to the Old School House, Longstock Road, Longstock, Stockbridge, SO20 6BR

- 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 Ms Sophie Walters against the decision of Test Valley Borough Council.
 - The application Ref 21/03537/FULLN, dated 7 December 2021, was refused by notice dated 14 July 2022.
 - The development proposed is construction of dwelling, including cess pit.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Appellant's statement sets out that despite the reasons for refusal identifying that Proposed Site Plan and Elevations (7144/P1 Revision E) was considered by the Council during the determination of the application, the correct plan reference should be Revision F. The Council has confirmed that it did take Revision F into account. Consequently, I have determined the appeal in accordance with Revision F of the above plan.

Main Issues

3. The main issues of this appeal are:
 - whether the proposal would preserve or enhance the character or appearance of the Longstock Conservation Area (CA);
 - whether the scheme would provide suitable living conditions for future occupants, with regard to sunlight, daylight and amenity space; and
 - the effect of the proposed development on residential amenity from the proposed cess pit.

Reasons

Longstock Conservation Area

4. The appeal site is located on and accessed from Longstock Road and was previously part of the curtilage of the neighbouring property Old School House. The site falls within the Longstock CA and the Longstock Village Design Statement (VDS) and Longstock and Leckford Conservation Area Appraisal (CAA) describes the character of the area. I observed that the village is in a largely linear form with development along Longstock Road running north-

south through the village. It was clear from my site visit that the CA has a verdant character with largely low-density development commonly set in spacious plots.

5. The appeal site has a sloping topography towards Longstock Road, with a flat area at the back of the site that would accommodate a one-bedroom single storey dwelling and associated curtilage. The site also currently accommodates a large yew tree and is bordered by several others (referenced as T1, T3, T4 and T5 in the application documents), all of which are subject to a Tree Preservation Order.

Scale, layout and appearance

6. The appeal site is notably smaller than other plots located in this part of the CA and the proposed dwelling would also, in the main, be much smaller than those that would surround it. Whilst I accept there are plots of similar size, such as 11 and 11A Longstock Road, these have a very different context, being set directly on the roadside with clear views of open countryside directly behind. Similarly, The Old Chapel is set on the road and when viewed from the street scene, the space behind it can be appreciated. I also agree with the Council that this historic building retains its functional character and appearance, and as such would not necessarily be expected to have any notable curtilage associated with it. In my view, the specific contexts of these other examples sit comfortably within the character and appearance of the CA.
7. In contrast, the proposed dwelling would be set at the back of the plot, with the main residential curtilage to the side, which I observed was not a common feature of the CA. This, along with the vegetation to the rear, namely tree T1, would make it clear, when viewed from the street scene, that there was no curtilage to the rear of the proposed dwelling.
8. Whilst there are other dwellings set well back in their plots from the road, it can be seen through glimpses between these dwellings that there is further curtilage to the rear, which contributes to the spacious nature of the CA. This would not be the case with the appeal scheme. The proposed dwelling and its associated terrace would largely fill the entire flat area within the appeal site.
9. As a result of all of the above, the proposed dwelling and curtilage would be out of scale with other properties in this part of the CA and would have a cramped appearance. Further, it would have a layout at odds with the prevailing spacious character and appearance of the CA.
10. The Council has raised some concerns with regard to the appearance of the proposed dwelling itself. I observed on my site visit that there is a relatively wide variation in dwelling styles, types and materials within the CA, as documented in the VDS and CAA. On this basis, I do not share such concerns. However, this does not overcome my concerns with regard to the layout, scale and cramped appearance of the proposed development.
11. I accept the Appellant's points about building lines and gaps between dwellings. Although again, this does not alter my above findings.
12. For all of the reasons given above, due to its layout and scale, the proposal would not preserve or enhance the character or appearance of the CA.

Protected trees

13. As set out above, the appeal site includes and is closely bordered by several protected yew trees. The Appellant's tree survey and impact assessment classifies these all being of moderate quality (Category B). I observed that the mature yew trees have a positive effect on the character and appearance of this part of the CA.
14. It can be seen from the plans provided in the tree survey and impact assessment that the Root Protection Areas (RPA) of T3, T4 and T5 overlap and fill the vast majority of the width of the appeal site. The Appellant has noted that there is a corridor between the RPAs of T1 and T3 where services/utilities could run. However, I note from the proposed site plan (Ref 7144/P1 Rev F) that the soakaway and cess pit are proposed to be located in this same area. Although the Appellant has set out that the soakaway could be located under the terrace, it is still unclear whether this small corridor is large enough to accommodate all the infrastructure that would be required to service the dwelling without entering the RPAs of the protected trees.
15. Given this and that the footprint of the proposed dwelling would already encroach into the RPAs of T1, T3 and T4, it has not been suitably demonstrated that the proposed dwelling could be constructed without adverse effects on these trees, which could threaten their long-term existence.
16. Further to this, I consider the close proximity of the trees to the proposed dwelling would likely lead to the need to continually prune and manage them. This could result in adverse effects or future pressure for them to be felled.
17. I consider that their potential loss from either construction works or from future pressure would not preserve or enhance the character or appearance of this part of the CA.

Public benefits and conclusion

18. Due to the small-scale nature of the proposed development, I consider that it would result in less than substantial harm to the CA, as a whole. The National Planning Policy Framework, 2023 (NPPF) at Paragraph 202, advises that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
19. The scheme would provide for a new dwelling towards the Council's housing land supply and would bring some associated economic benefits, including making a very small contribution to the vitality of the local community. The dwelling would be smaller than most in the area and therefore could potentially be more affordable to those who may wish to live in the village and I acknowledge that the VDS notes that there is currently a shortage of 1 and 2 bedroom dwellings in the area. I also accept that Paragraph 69 of the NPPF acknowledges the important contribution small and medium sized sites can make to housing land supply.
20. However, I am mindful that the proposed development is for a single dwelling and I afford a minor level of weight to the above benefits, particularly given the Council can demonstrate a five-year housing land supply. I acknowledge the letters of support for the proposed development. However, this along with the minor benefits of the scheme do not outweigh the identified less than

substantial harm. The scheme therefore conflicts with Policies E1, E2 and E9 of the Test Valley Borough Revised Local Plan, 2016 (the LP) and Paragraph 202 of the NPPF.

Living Conditions

Sunlight and daylight

21. As set out above, several large protected yew trees would be located in close proximity to the south and southeast of the proposed dwelling. The Appellant has provided a tree shade analysis plan (Plan Ref: 702). This shows that trees T3, T4 and T5 would shade the proposed dwelling in the mornings and into the afternoon in both summer and winter. Further, it can also be seen that tree T1 located to the west of the proposed dwelling would shade a significant part of the proposed house and the majority of the terrace in the summer afternoons and in all likelihood evenings, when future occupants would want to enjoy such space.
22. I also note that the proposed replacement tree (Ref: 20/02155/TPON) does not feature on the shading analysis. Whilst this may be small when planted, over time it could also further contribute to shading. I acknowledge that some of the trees are likely to be subject to pollarding (T1) and crown reduction (T3 and T4) under permission 20/02155/TPON. However, this would only reduce the canopies, and therefore associated shading, for a temporary period of time and there can be no guarantee that similar future works would be granted.
23. Given all of this, I consider that the proposed dwelling and its amenity space would not receive a level of sunlight that would provide suitable living conditions to future occupants.
24. In terms of daylight, the Appellant has set out that the main living quarters of the open plan kitchen and living room are designed as dual aspect to maximise light ingress and there is a rooflight in the kitchen. However, given the level of shading that would occur, I am not satisfied that such openings would be sufficient to provide an acceptable level of daylight within the proposed dwelling. I also note that no calculations of internal daylight levels have been provided by the Appellant.
25. The Appellant opines that the shading would be of benefit to reduce overheating in the summer and refers to guidance in the NPPF and National Planning Practice Guidance. Whilst the level of shading may provide some cooling effects, I am not of the view that this provides suitable justification for providing substandard living conditions in terms of sunlight and daylight. Further, I agree with the Council that this also assumes that the future retention of the existing trees would remain unprejudiced following the construction of the proposed development, which as set out above, has not been demonstrated.

Amenity space

26. The proposed amenity space would be located to the side and front of the proposed dwelling given its position at the back of the appeal site. Due to the topography of the site, it would be in an elevated position and in clear view when observed in proximity to the appeal site along Longstock Road. Despite the setback, I consider that it would offer little in the way of private space for future occupants.

27. I note the Appellant's suggestion that a trellis fence (with planting) could be provided between the steps and the terrace. However, given the small size of the proposed amenity space in this location, such a feature would create an enclosed and, in my view, oppressive environment given the mature vegetation and the proposed dwelling on the other sides. Further, any fence on the southern edge of the amenity space would also exacerbate the level of shading that would occur to this space.

Conclusion on living conditions

28. The proposed development would not provide good quality living conditions or amenity space to future occupants and would run contrary to Policy LHW4 of the LP.

Cess Pit

29. The scheme proposes a cess pit under the driveway. Whilst the Appellant has described what a cess pit is, no further details have been provided, particularly in terms of installation and maintenance. I agree with the Council that given the provision and installation of the cess pit is fundamental in demonstrating a dwelling could be located at the appeal site, such matters should not be left to a planning condition.
30. As a result, it cannot be concluded that the proposed cess pit would not have adverse odour effects on the amenity of neighbouring residents that are located close by. The scheme would therefore not comply with Policy E8 of the LP.

Other Matters

31. The Council's reasons for refusal includes the need for the proposal to demonstrate that it can achieve nutrient neutrality to avoid significant adverse effects on the internationally designated nature conservation sites in the Solent. 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.
32. The Appellant has set out that the scheme would make effective use of land in accordance with the NPPF and Policy E1 of the LP. However, I have found that the scheme would not maintain the area's prevailing character and would not represent a healthy place for future occupants to reside. On this basis, I consider the proposal conflicts with Paragraph 124 of the NPPF and Policy E1 of the LP.
33. Interested parties have raised a number of other concerns, including highway issues, effects on ecology and impacts on Old School House. However, as I am dismissing the scheme on other grounds, I have not considered these any further.
34. Concerns about ownership and easement rights over the driveway have been raised. However, these are civil matters.

Conclusion

35. 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 that a decision other

than in accordance with the development plan should be made. I therefore conclude that the appeal is dismissed.

Jonathan Manning

INSPECTOR