



Appeal Decisions

Site visit made on 31 October 2023

by James Blackwell LLB (Hons) PGDip, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 01 December 2023

Appeal A Ref: APP/L1765/W/22/3309978

Old Station Yard, Wonston Road, Sutton Scotney, Hampshire SO21 3FS

- 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 C Goddard of Hackwood Holdings Ltd against the decision of Winchester City Council.
 - The application Ref 22/01403/FUL, dated 26 June 2022, was refused by notice dated 7 September 2022.
 - The development proposed is the erection of a single storey dwelling.
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Appeal B Ref: APP/L1765/W/22/3309981

Old Station Yard, Wonston Road, Sutton Scotney, Hampshire SO21 3FS

- 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 C Goddard of Hackwood Holdings Ltd against the decision of Winchester City Council.
 - The application Ref 22/01407/FUL, dated 26 June 2022, was refused by notice dated 7 September 2022.
 - The development proposed is the erection of 2no. single storey dwellings.
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Appeal C Ref: APP/L1765/W/22/3309982

Old Station Yard, Wonston Road, Sutton Scotney, Hampshire SO21 3FS

- 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 C Goddard of Hackwood Holdings Ltd against the decision of Winchester City Council.
 - The application Ref 22/01408/FUL, dated 26 June 2022, was refused by notice dated 6 September 2022.
 - The development proposed is the erection of 2no. dwellings.
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Decision

1. The appeals are dismissed.

Preliminary Matters

2. Each of the appeals relates to the same site, but proposes a slightly different development: Appeal A comprises the development of one single-storey dwelling; Appeal B comprises the development of two semi-detached single-storey dwellings; and Appeal C comprises the development of two detached two-storey dwellings. Whilst the main issues do vary slightly between each of the appeals, much of the reasoning is applicable to all three. I have therefore dealt with all three appeals in a single decision.
3. One of the Council's reasons for refusal in respect of all three appeals concerned the protection of a Horse Chestnut tree to the north of the site.

Following submission of an arboricultural statement, the Council is now satisfied that this tree can be safeguarded as part of the proposals, and says this reason for refusal has therefore been overcome. Based on the arboricultural information, I have no reason to disagree with this conclusion, so have proceeded on this same basis.

4. One of the Council's reasons for refusal with regard to Appeal A concerned a lack of information with regard to the landscaping of the development, and in particular the retention of hedgerows around the site. Whilst this was not included as a specific reason for refusal in relation to Appeals B or C, I have dealt with the point as a main issue in respect of all three appeals, as it is equally applicable to all three proposals.
5. Since the appeal start date, the 2021 iteration of the National Planning Policy Framework (Framework) has been superseded. I am satisfied that the updates to the Framework do not materially affect its content insofar as it is relevant to the main issues of this appeal. I have therefore determined this appeal with regard to the current version, published in September 2023.

Main Issues

6. The main issues are:
 - the effect of the development on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Sutton Scotney Conservation Area (Appeals B and C only);
 - the effect of the development on highway safety, with particular regard to access;
 - the effect of the development on the integrity of the Solent Special Protection Area; and
 - whether the development makes adequate provision for the protection of hedgerows.

Reasons

Site Context

7. The appeal site comprises a parcel of land to the west of the entrance into Station Drive, an unadopted road which provides access to a new housing estate. The appeal site is flanked on its northern, southern and western sides by hedgerows and fauna, which give it a distinct sense of verdancy. This verdant quality is amplified by the public open space immediately north of the site, which includes a large Horse Chestnut Tree. The majority of the appeal site is within the Sutton Scotney Conservation Area (CA), which extends out westwards from Station Drive.
8. The Council acknowledges that the site's contribution to the significance of the CA is limited. Its inclusion within the CA is thought to have originally been attributed to its historic connection to Witts Cottage to the west, which is a grade II listed building. However, its relationship to this listed building has been diluted over the years by intervening development. Nonetheless, the site does occupy an elevated position when compared to much of the built form

running westwards, which means it provides an open and verdant gateway into the CA.

Character and Appearance (Appeal B)

9. The two dwellings proposed under Appeal B would be modest in size, and would occupy a similar footprint to the scheme proposed under Appeal A, which the Council broadly found to be acceptable in terms of character and appearance (notwithstanding landscaping impact).
10. The dwellings would be single-storey, which means their general scale and bulk would also be comparable to the neighbouring bungalow to the west. This would allow them to integrate with the surrounding built form without appearing overly dominant or incongruous. The external materials would reflect those used in the new estate along Station Drive, which would again allow them to assimilate effectively with the street scene.
11. More generally, the retention of much of the hedgerow around the boundaries to the site (which could be secured by condition) would ensure that its verdant quality is protected, thereby preserving the contribution it makes to the significance of the CA. The single-storey nature of the build would also ensure that much of the site's openness would be preserved.
12. For these reasons, I am satisfied that the Appeal B scheme would complement the character and appearance of the area, and would therefore also preserve the character and appearance of the CA. In turn, the development would be consistent with Policies MTRA3 and CP20 of the Winchester District Local Plan Part 1, Joint Core Strategy (2013) (Local Plan Part 1), which require development to protect and conserve the area's historic environment, and be appropriate in terms of size and scale. The development would also be consistent with Policies DM15, D16 and D27 of the Winchester District Local Plan Part 2 (2017) (Local Plan Part 2), which together require development to respect the qualities, features and characteristics which contribute to the local distinctiveness of the area, including historic settlement patterns, views and plot sizes within conservation areas.

Character and Appearance (Appeal C)

13. Conversely, the dwellings proposed under Appeal C would be two-storey, which means they would appear more dominant within the context of surrounding built form. In particular, the bungalow to the west of the appeal site would be dwarfed by the new dwellings, an impact which would be exacerbated by the site's elevated position. The two-storey nature of the dwellings would also detract from the openness within the appeal site, thereby interrupting the views afforded by its gateway position over the CA.
14. The scheme under Appeal C would therefore harm the character and appearance of the area. Consequently, it would also fail to preserve or enhance the character and appearance of the CA. Whilst I consider this harm to be less than substantial, as it is localised to a small part of the CA, paragraph 199 of the Framework is clear that great weight should be given to a heritage asset's conservation (the heritage asset being the CA), irrespective of whether any harm is less than substantial or otherwise. Paragraph 202 of the Framework goes on to say that "where a development 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”.

15. In terms of benefits, the removal of the metal palisade fence along the eastern boundary of the site would offer some visual improvement to the site as a whole. The proposal would also add two additional houses to the Council’s housing stock. However, given the same net addition could be achieved with the Appeal B scheme (where I have found no harm to the CA), such benefit is limited in terms of weight.
16. Taken together, these benefits would not be sufficient to outweigh the harm to the CA. The Appeal C scheme would therefore conflict with Policies MTRA3 and CP20 of the Local Plan Part 1 and Policies DM15, D16 and D27 of the Local Plan Part 2, the content of which are outlined above.

Highway Safety (Appeals A, B and C)

17. For each of the proposed schemes, access to the appeal site would be from Station Drive. The schemes under Appeals B and C both include a tandem parking arrangement, which would necessitate drivers having to reverse out of the access on to Station Drive, in a “S-bend” manoeuvre. Such an arrangement would amplify the importance of adequate visibility splays at the access, to reduce the risk of collision with other drivers, cyclists or pedestrians.
18. The southwards visibility splay crosses a row of visitor parking spaces immediately to the south of the access point (which fall outside of the appeal site). At times when these spaces are occupied, visibility in this direction would be compromised, thereby increasing the risk of collision. The proximity of the site access to the junction of Station Drive with Wonston Road amplifies the associated risk. This is because anyone reversing on to the road from the appeal site may not have sufficient time to react to oncoming road users turning into Station Drive at times when visibility in this direction is interrupted by parked vehicles, and vice versa. These risks are particularly acute with regard to Appeals B and C, given the reverse manoeuvre which would be needed to egress the site.
19. Whilst no swept path analysis has been provided, the appellant has suggested that the driveway for the Appeal A scheme would provide sufficient turning space to allow drivers to egress the site in forward gear. From the layout plans provided, this would appear to be feasible. Whilst this arrangement would be more favourable than the access and parking arrangements under Appeals B and C, this factor would still not overcome the lack of clear visibility in the southerly direction. Even in forward gear, visibility of oncoming road users, including pedestrians and cyclists, would be compromised by the parked cars to the south. Once again, this is especially problematic given the proximity of the access to the road junction.
20. I note there are other houses along Station Drive which have driveway arrangements where cars may also reverse out on to the road. However, the frontage to other properties along the road are generally much more open, which means visibility is less restricted. Other houses along the road are also located much further from the junction with Wonston Road, which further reduces the associated risks. In turn, the highway safety risks with regard to these other properties is materially different to the appeal site.

21. For these reasons, I consider that the access arrangements for each of the three proposals would risk harm to highway safety. The developments would therefore each conflict with Policy CP13 of the Local Plan Part 1 and Policy DM17 of the Local Plan Part 2, both of which require development to be safe and accessible. The developments would also conflict with Policy DM18 of the Local Plan Part 2, which requires proposals to incorporate safe and effective access, including adequate turning facilities and visibility splays.

Solent SPA (Appeals A, B and C)

22. Each of the proposed schemes would likely lead to an increase in nitrogen levels entering the Solent via wastewater treatment works, which, in combination with other plans or projects, has the potential to adversely affect the conservation objectives of the Solent and Southampton Water Special Protection Area (SPA).
23. The appellant has indicated an intention to purchase nitrate credits from Eastleigh Borough Council, which would conceivably secure appropriate mitigation. However, without evidence before me to confirm these credits have been properly secured, I cannot rule out likely significant adverse effects on the integrity of the SPA. Without properly secured mitigation, each of the proposals would therefore conflict with Policies CP15 and CP16 of the Local Plan Part 1, which seek to protect and conserve green infrastructure within the district, as well as all international, national and local conservation designations and the habitats which they support.
24. For completeness, as I am dismissing the appeals on other grounds, an appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), is not required.

Hedgerow Protection

25. The appeal site is bordered to its north, south and west by extensive sections of hedgerow. Each of the indicative layout plans for the respective schemes show that these hedgerows would be retained as part of the development, with sufficient gaps being left between them and the nearest elevations of the dwelling(s) to ensure this would be feasible. Subject to an appropriate landscaping condition, I am therefore satisfied that these hedgerows could be retained as part of the proposals. In turn, the verdancy of the site which is attributed to these boundary treatments could also be appropriately safeguarded.
26. In this regard, the proposals would be consistent with Policies MTRA3 and CP20 of the Local Plan Part 1, which say that development should be appropriate to its surrounding landscape, and where applicable, should preserve the special character of the district's historic environment. The development would also be consistent with Policies DM15, DM16 and DM27 of the Local Plan Part 2, which together seek to protect local distinctiveness, including any trees, hedgerows and boundary treatments which contribute to this local distinctiveness.

Other Matters

27. As mentioned, the site is located near to Witts Cottage, a grade II listed building. Due to the extent of intervening development between the appeal site and this listed, I do not consider that the proposals would impact on the

building's significance. Nonetheless, this a neutral factor, and not a benefit that would outweigh the other harms identified.

28. The Council's reason for refusal relating to the integrity of the Solent SPA says that insufficient information has been provided to demonstrate that the proposals can take place without adverse harm to surrounding biodiversity. However, given the scant evidence presented by the parties on this point, and the fact that I am dismissing the appeals on other grounds, I have not considered this issue further.
29. The characteristics of the appeal site are materially different to Bridge Cottage, a nearby site where planning permission for a new dwelling has recently been granted. In particular, the appeal site is within a conservation area, whereas Bridge Cottage is not. The access arrangements are also very different, as the scheme at Bridge Cottage appears to include an on-site turning area. This permission is therefore limited in its relevance to the issues pertinent to the three appeal schemes.
30. Irrespective of the Council's housing land supply position, the presumption in favour of sustainable development will not apply in any of these cases. This is because, in accordance with paragraph 182 of the Framework, I have not been able to rule out likely significant effects on the SPA, nor adverse effects on its integrity.

Conclusion

31. Each of the developments under Appeals A, B and C would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which would outweigh these findings. Therefore, for the reasons given, the appeals should be dismissed.

James Blackwell

INSPECTOR