



Appeal Decision

Site visit made on 27 November 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2024

Appeal Ref: APP/C1760/W/23/3317843

2 Rowden Close, West Wellow, Romsey, Hampshire SO51 6RF

- 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 Mark Richards of Zelda Investments Ltd against the decision of Test Valley Borough Council.
 - The application Ref 22/03334/FULLS, dated 19 December 2022, was refused by notice dated 15 February 2023.
 - The development proposed is described as the demolition of existing dwelling and structures and detached garage and garden structures, construction of 1 replacement 4 bed dwelling and 1 new 4 bed dwelling and 1 new 2 bedroom bungalow using the existing access plus 2 new accesses.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and structures and detached garage and garden structures, construction of 1 replacement 4-bedroom dwelling and 1 new 4-bedroom dwelling and 1 new 2-bedroom bungalow using the existing access plus 2 new accesses at 2 Rowden Close, West Wellow, Romsey, Hampshire SO51 6RF in accordance with the terms of the application, Ref 22/03334/FULLS, dated 19 December 2022, subject to the attached schedule of conditions.

Procedural Matters

2. For clarity, the proposal would create 3 new plots, with Plot 3 being closest to the Rowden Close – Lower Common Road junction.
3. It is noted that on the decision notice the Council refer to the proposed floor plans for Plot 3 as RP08 A – Version Plot 3 – 23/12/22. It has been confirmed that this was in error and the plan's reference is P28 Revision A dated 08/12/22, which correlates with the plans originally submitted to the Council.
4. The National Planning Policy Framework (the Framework) was updated in December 2023. However, in relation to this case, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views, however I have referenced the revised version in my decision.

Main Issues

5. In all the reasons to refuse, the Council has referenced Policy COM2 of the Test Valley Borough Revised Local Plan (LP). Although not specifically relevant to each reason, it is an overarching strategic policy which states that development

within settlements, such as that proposed, will be permitted providing that it is appropriate to the other policies within the LP. Therefore, it can only be concluded against once the assessment of all the main issues is complete.

6. The main issues are the effect of the proposed development on the character and appearance of the area, and European Protected Sites.

Reasons

Character and appearance

7. The appeal site is located at the corner of Lower Common Road and Rowden Close, with the A36 running along the rear boundary. This part of West Wellow is predominantly residential and extends away from the A36. The properties on Rowden Close are detached, generally 2 storey and traditional in form, although each property has individual features and there is a mixed pallet of materials evident.
8. The proposal would divide the appeal site into 3 linear plots broadly similar in size to each other, but narrower than the other properties on Rowden Close. Nevertheless, the style, design, form, scale, and mass of the proposed dwellings, would be in keeping with the traditional vernacular of Rowden Close. They would also include individual design features which although not obviously present on Rowden Close are similar to features seen elsewhere in West Wellow.
9. It is appreciated the existing property on the appeal site is located away from the site boundaries, and the proposal would reduce this spacing, specifically in relation to the proximity of the Plot 3 dwelling to Lower Common Road. However, the gaps proposed between each new dwelling and the appeal site's boundaries would not be so dissimilar to other properties along Rowden Close, nor so constrained to be considered cramped or out of character for the area. Also, the single storey height and roof form proposed for the Plot 3 dwelling would ensure the proposal would not reduce the relative spaciousness around the A36 - Lower Common Road junction, nor alter the building line along Lower Common Road to such an extent as to harm the character and appearance of the area.
10. Parking would be located to the front of each new dwelling and there would be capacity for landscaping along the front boundaries to soften the impact of the additional hardstanding. The site boundary with Lower Common Road and the A36 would either retain the existing hedging or be planted with new native species hedging which would retain the verdant road edge, specifically when exiting the A36 onto Lower Common Road, the retention of which could be addressed within a landscaping scheme that could be secured by condition.
11. The proposal would increase the density of development on the appeal site, and it is acknowledged it would be visible from the 3 surrounding roads. Nevertheless, the simple and regular plot forms and layouts, and the proposed incremental increase in heights across the new plots would create a visual grading of development leading into the existing development on Rowden Close and provide a visual cue to the transition between the A36 - Lower Common Road junction, and the residential areas beyond.
12. Consequently, it is found that the proposal would not harm the character and appearance of the area. It would, therefore, comply with LP Policy E1 as far as

it requires new development to integrate, respect and complement the character of the area. The proposal would also accord with the guidelines relating to character and appearance set out in section 6 and Appendix 2 of the Wellow Village Design Statement.

European Protected Sites

13. The appeal site is within the impact zones of the Chichester and Langstone Harbours Special Protection Area (SPA); Portsmouth Harbour SPA; Solent and Southampton Water SPA; Isle of Wight Lagoons SPA; Solent Maritime Special Area of Conservation (SAC); and the proposed Solent and Dorset Coast SPA, collectively known as the Solent and Southampton Water European Designated Sites (SSEDS). These are some of the most important water habitats within England for wildlife and are sensitive to eutrophication from excessive nutrients entering the water system.
14. The site is also within the impact zone of the New Forest Special Protection Area (NFSPA) which provides habitats for a range of bird species that are vulnerable to impacts arising from recreation.
15. The proposal would contribute to an increase in population which, in combination with other plans, projects and developments in the area, could increase the volume of effluent that would require processing by the West Wellow Wastewater Treatment Works. Any increase in effluent processing is understood to be a contributing factor to the nutrient increase in the SSEDS water environment. An increase in population could also lead to an increase in visitors and recreational pressure within the NFSPA.
16. Consequently, the susceptibility and vulnerability of the qualifying features of the SSEDS and NFSPA to such uses means it cannot therefore be concluded that the development would not adversely affect the integrity of the protected sites in combination with other projects. As there is nothing before me confirming the contrary, I can only conclude the proposal would likely have a significant effect on the European Protected Sites. Therefore regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations) requires an appropriate assessment to be undertaken to ensure any mitigation proposed is suitable.
17. The appellant has provided a unilateral agreement dated 13 November 2023 which would secure the permanent removal from agricultural use land at Roke Manor Farm. This would offset the nutrient impact of the proposal on the SSEDS. The agreement would also secure a £2,600 contribution towards the costs of measures to mitigate against recreational impact on the NFSPA. The Council have acknowledged the agreement and confirmed that it is acceptable to them.
18. Natural England have been consulted accordingly and have highlighted the lack of a formal Habitats Regulation Assessment. Nevertheless, they are content that the course of action secured by the unilateral agreement would be sufficient to ensure that any adverse impacts on the integrity of the SSEDS and NFSPA and their relevant features can be appropriately mitigated against. I have no reason to take a different view.
19. Therefore, I am satisfied that sufficient compensation has been made for any additional harmful effect the proposed development may have on the European

Protected Sites. As such the proposal would comply with LP Policy E5 as far as it seeks to conserve biodiversity, and secure appropriate mitigation against any adverse effects to protected habitats including the European Protected Sites.

Policy COM2

20. As set out in the above reasoning, the proposal does not conflict with any of the specified LP Policies, accordingly it can also be considered to comply with LP Policy COM2.

Other Matters

21. The appeal site is close to the New Forest Site of Special Scientific Interest (SSSI), and Natural England consider any impact on the SSSI could be mitigated by the conditioning of a Construction Environmental Management Plan. This course of action was also put forward by the Council and appellant's ecology specialists. As there is nothing before me to suggest otherwise, I have no reason to conclude differently.
22. Interested parties have brought to my attention concerns relating to highway safety, drainage and overlooking. I have had regard to these matters. Nevertheless, due to the lack of any specific technical justification to contradict the findings of the local highway authority and the Council in relation to highways safety and drainage, and that such matters can be dealt with under other regulatory mechanisms, I am not persuaded the proposal would cause harm. In terms of overlooking, due to the distances involved between that proposed and neighbouring properties, I am satisfied that any harm could be mitigated by condition.

Conditions

23. The Council, appellant and their technical consultants have suggested a series of conditions and I have considered these against advice in the Framework and Planning Practice Guidance. As a result, I have amended them for consistency and clarity.
24. In addition to securing commencement within the relevant statutory timeframe, I have also imposed a condition requiring adherence to the approved plans (conditions 1 and 2).
25. I have imposed conditions 3 and 6 in the interests of the character and appearance of the development and the surrounding area. Conditions 4, 5 and 8 are necessary to ensure the conservation of protected species and habitats. Whilst conditions 7 will ensure the privacy of the occupants of 4 Rowden Close is retained.
26. It is necessary for condition 5 to be pre-commencement as it is critical that such measures are in place before development starts and this has been agreed by the appellant.
27. It is noted that the Local Highways Authority proposed a condition or obligation to secure funding to restrict parking on Rowden Close. As the proposal would provide parking in line with the development plan, I do not consider such a condition necessary or relevant. The Council also proposed a condition to limit water usage to accord with Building Regulations. As there does not appear to

be a planning reason for this condition and that it relates to a different regulatory mechanism, I do not consider it necessary.

Conclusion

28. For the reasons given above the appeal scheme would comply with the development plan, when read as a whole, and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, allowed.

RJ Redford

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: RP01 Revision A; RP02 Revision A; RP03 Revision A; RP04 Revision A; RP05 Revision A; RP06 Revision A; RP07 Revision A; and P28 Revision A.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials listed within the submitted application form.
- 4) The development hereby permitted shall be carried out in accordance with the measures set out in Section 4 'Conclusions' of the Ecological Appraisal (written by Cherry Tree Ecology and dated 11 September 2022). No dwelling shall be occupied until all measures have been completed and thereafter the bat roost features and enhancements shall be maintained and retained.
- 5) No development, including demolition, shall take place until a Construction Environmental Managements Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The CEMP shall include, but are not limited to, the following details:
 - the storage of construction materials, chemicals, and equipment;
 - dust suppression measures;
 - measures to prevent chemical and / or fuel run-off into nearby water courses during the construction phase;
 - waste disposal measures;
 - the potential noise, visual and vibration impacts from the proposal and measures to control these matters when necessary;
 - measures to ensure no materials, machinery, vehicles or works will encroach on the nearby New Forest SSSI; and
 - lighting measures to ensure boundary habitats are not impacted.

The approved CEMP shall be adhered to throughout the demolition and construction period of the development.

- 6) No construction above ground level shall take place until full details of hard and soft landscape scheme have been submitted to and approved in writing by the local planning authority. The details shall include, but are not limited to:
- proposed finished levels or contours;
 - means of enclosure;
 - hard surfacing materials;
 - planting plans (including retained and new);
 - written specifications (including cultivation and other operations associated with plant and grass establishment);
 - schedules of plants, noting species, plant sizes and proposed numbers/densities;
 - a programme of implementation; and
 - a scheme of management and maintenance for a minimum period of 5 years, and to include a replacement schedule for any trees or planting which are removed, die, or become seriously damaged or defective within this period.

The landscaping scheme shall be carried out in accordance with the approved implementation programme, and thereafter managed and maintained in accordance with the approved scheme of management and maintenance.

- 7) The dwelling on Plot 1 shall not be occupied until the first-floor window within the southeast elevation as shown on drawing RP03 Revision A has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 8) Any external lighting shall be installed in accordance with details that have first been submitted to and approved in writing by the local planning authority.

END OF SCHEDULE