
Appeal Decision

Site visit made on 18 April 2024

by S Leonard BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal Ref: APP/L1765/W/23/3328443

**The Cornerstone, Mead End Road, Denmead, Waterlooville, Hampshire
PO7 6PZ**

- 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 Eligius Ltd against the decision of Winchester City Council.
 - The application Ref 23/00264/FUL, dated 30 January 2023, was refused by notice dated 15 May 2023.
 - The development proposed is 3-bedroom, 5-person, detached house within curtilage parking and associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the refusal of the application, the subject of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published in December 2023. The main parties have had the opportunity to comment upon the revised Framework in respect of the appeal, and I have taken it into account where relevant to my decision.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the proposal provides adequate mitigation for the Solent European Sites (EPS).

Reasons

Character and appearance

4. The appeal site lies on the west side of Mead End Road, in a primarily residential area within the settlement boundary of Denmead. The proposed roughly rectangular-shaped plot comprises part of a larger area of land within the appellant's ownership, which is given over to hardstanding. This land provides vehicular access to two bungalows at 22 and 22A Mead End Road, which are set back from the street frontage.
5. The site forms part of a wider parcel of land which has recently been redeveloped with 5 dwellings, comprising 4 houses fronting the street with a

- bungalow to their rear. The frontage development comprises two pairs of 2-storey semi-detached houses with footpath access to both sides of each pair and a wider access drive to each side of the built development as a whole.
6. These side access drives, one of which the appeal site forms a part, in addition to providing vehicular access to a number of rear-sited dwellings, also make a positive contribution to the townscape by providing a spacious setting to both sides of the frontage housing. This setting is also enhanced by soft landscaping along the edges of the accessways.
 7. A key defining design attribute of the 5-dwelling scheme is regularity of layout of plots and buildings. The 4 frontage units share uniform front and rear building lines, as well as a consistent pattern of open plan frontage parking spaces and lawns. The long, linear rectangular plots share a similar width and rear garden depth and size.
 8. Whilst the plot to the rear is larger and contains a bungalow, the prevailing geometrical plot arrangement is carried through to this part of the scheme too. This plot also has a rectangular shape and is sited in a perpendicular arrangement in relation to the frontage development, with the front wall of the bungalow and the side of the northern-most house aligning with each other and with the front of the bungalow to the rear at no.22A. Moreover, I observed on my site visit, that this geometric layout of the 5-unit scheme is reinforced by the existence of single-storey rectangular-shaped outbuildings which are aligned side by side in the rear gardens of some of the houses.
 9. The cohesiveness of this strongly linear layout of built development is reinforced by a distinctly symmetrical building frontage facing Mead End Road. The two pairs of houses mirror each other in terms of form, scale, roof design, materials, and fenestration. The part-pitched, part-hipped roof form of each pair and the front projecting element of the inner-most two houses serve to give an impression of two larger detached dwellings rather than 4 smaller residences.
 10. As a result, notwithstanding that there are a variety of different residential design forms and layouts within the area, the 5-dwelling scheme, as a whole, presents a notably balanced and cohesive form of development. It sits within spacious surrounds and comprises a distinct design enclave. It is readily apparent from the public realm and makes a positive contribution to the townscape.
 11. The proposal, by adding an additional detached dwelling to one side of the two pairs of frontage houses, would significantly disrupt the symmetrical appearance and balance of the existing development. The proposal would appear as an incongruous 'ad-hoc' addition to one side of the development only, thereby detrimentally eroding a key positive design attribute of the existing scheme, in a manner that would be very apparent in public views from the street.
 12. Moreover, the spaciousness of the existing scheme would also be detrimentally eroded as a result of the proposed position of the new dwelling, which would breach the established side building line of nos. 22, 22A and 24 and create a narrowed and tapering rear access to the bungalows. This would result in an uncharacteristically cramped and congested element to the development, both as a result of the loss of existing undeveloped space to the side of the houses

and also due to the proposed positioning of the side wall of the dwelling tight on the new plot boundary with the access drive.

13. The resulting decrease in access way width adjacent to the rear garden of the new dwelling in conjunction with the proposed new dwelling position in relation to the front of the bungalow at no.22, would result in that neighbouring property having an unduly 'hemmed-in' layout, particularly given the likely reasonable requirement for boundary enclosure of the rear garden of the new plot in the interests of the living conditions of future occupiers of the house.
14. As such, the proposal would introduce an incongruous element to the layout and built form of the existing development that would detrimentally erode its characteristic overall cohesiveness of street facing building frontage and plot layout as well as its spacious setting. The harm to the existing scheme would not be mitigated or justified by the fact that the appeal scheme would comprise a dwelling of the same design as that of the dwelling at no.24B.
15. The appellant has referred to the existence of other housing terraces where additional dwellings have been added. There is no objection to the principle of attaching further dwellings to existing housing schemes. However, I have not been provided with the addresses or planning history of the referenced developments, and there is no cogent evidence before me that they are similar to the appeal proposal. In any event, I must determine this appeal based on the particular circumstances of the appeal site and its surroundings, and on the merits of the scheme before me.
16. For the above reasons, I therefore conclude that the proposal would materially harm the character and appearance of the area. As such, the development would be contrary to Policy CP13 of the *Winchester District Local Plan Part 1 – Joint Core Strategy* (2013) and Policies DM15 and DM16 of the *Winchester District Local Plan Part 2 – Development Management and Site Allocations* (2017). These policies, amongst other things, seek to ensure that new development meets the highest standards of design and responds positively to its neighbours and the character, appearance and variety of the local environment, within and surrounding the site, in terms of, inter alia, its design and layout.
17. For similar reasons, the proposal would also be contrary to Chapter 12 of the Framework, which seeks to achieve well-designed and beautiful places.

EPS

18. The appeal site lies within the Zone of Influence of the Solent European Protected Sites (the EPS), where a net increase in housing development is likely to result in impacts to the integrity of these sites, because of increased levels of nutrients from wastewater entering the Solent water environment. Such impacts would require the inclusion of a package of avoidance/mitigation measures to address these effects.
19. The appellant has confirmed willingness to provide the required mitigation measures, to be secured by means of a Grampian condition.
20. Within the context of the appeal, the responsibility for assessing the effects of the proposal on the EPS falls to me as the competent authority. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to

examine the above matters further, including seeking further information from both main parties and, potentially, consulting with Natural England, and to undertake an Appropriate Assessment (AA) of the implications of the appeal scheme for the EPS.

21. I would need to be satisfied that any mitigation schemes for addressing the foul water impacts of the development on the EPS are certain at the time of AA, so that no reasonable scientific doubt remains as to the effects of the development on the internationally designated European sites.
22. However, as there are other clear reasons for dismissing the appeal, the outcome of any such AA would have no bearing on the overall outcome of this appeal. Therefore, I do not need to consider these matters any further as part of my decision.

Other Matters

23. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social and environmental objectives. When judged against some of the core planning principles of the Framework, the appeal proposal would perform well in that it would be within an accessible location within the settlement boundary close to the facilities and services and public transport connections in Denmead.
24. It would contribute towards the Council's housing supply, and it could be built out relatively quickly, having regard to paragraph 70 of the Framework. However, by providing one additional dwelling only, the contribution would be very modest.
25. There would also be modest short term economic benefits as a result of the construction of the development, and longer term economic and social benefits from the occupation of the new dwelling.
26. Whilst the Framework encourages the effective use of land in meeting the need for homes and requires the Council to approach decisions in a positive and creative way, this is not unqualified, and would not address, or outweigh, the aforementioned harm that I have identified in respect of the first main issue.
27. The Council has raised no objections to the appeal scheme in respect of matters including neighbouring living conditions, parking, highway safety, on-site biodiversity, flood risk and drainage. The lack of identified harm is a neutral factor that does not diminish the significant harm that would arise from the proposal in respect of the character and appearance of the area.
28. The appellant has referred to the Council's procedures during the determination of the planning application in respect of the matter of mitigating impacts upon the EPS. The Council's processes are not a matter for consideration as part of this appeal, which I have determined on the merits of the proposal before me.

Conclusion

29. The proposed development would conflict with the adopted development plan when considered as a whole, and there are no material considerations, including the Framework, that indicate that the proposal should be determined other than in accordance with the development plan.

30. For the above reasons, I therefore conclude that the appeal should be dismissed.

S Leonard

INSPECTOR