
Appeal Decision

Site visit made on 6 March 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13.05.2024

Appeal Ref: APP/M1710/W/23/3324931

Land adjacent to 25 Cowdray Park, Alton, GU34 2TT

- 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 Shakir Ali against the decision of East Hampshire District Council.
 - The application Ref 59966, dated 15 February 2023, was refused by notice dated 12 June 2023.
 - The development proposed is erection of a dwelling and associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Shakir Ali against East Hampshire District Council. That application is the subject of a separate decision.

Preliminary Matters

3. I have taken into account the revised version of the National Planning Policy Framework ('the Framework') published in December 2023. While there have been changes to paragraph numbers since the previous iteration, the parts of the Framework most relevant in this case have not significantly changed. I am satisfied, therefore, that the revised version of the Framework does not raise new considerations necessitating further submissions from the parties.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on the living conditions of the adjoining occupiers at no 25 Cowdray Park; and
 - whether the development provides appropriate car parking provision.

Reasons

Character and appearance

5. The appeal site is located at the southern edge of Alton and forms part of an established residential estate. The site comprises an open area of grass

situated to the south of Cowdray Park, between 25 Cowdray Park to the north and an open agricultural field to the south. A dense tree belt that bounds the southern edge of the estate is located to the west of the site, and an area of public open space, known as Windmill Hill, is located to the east. The topography of the site rises to the south-east. A public right of way (PROW), providing access to Windmill Hill and to the wider countryside to the south, runs along the eastern boundary of the site. The site provides an informal thoroughfare from Cowdray Park, and from the tree belt, to the PROW and Windmill Hill.

6. The wider estate includes many areas of incidental landscaped open space, often adjacent to parking areas and turning heads. These landscaped open areas, including the site, contribute positively to the character and visual amenity of the estate, softening the visual impact of adjacent parking areas, turning heads, and built form. The site is also visually perceived as part of the wider landscape buffer that bounds the southern edge of the estate, with the adjacent housing set at a lower level than much of the site. This landscape buffer assists in visually softening the transition from urban estate to countryside. The site's positive contribution to the character and appearance of the area is readily apparent from both Cowdray Park and the PROW to the north.
7. The existing terraced dwellings on Cowdray park form a cohesive grouping around the turning head, with open landscaped frontages, rear gardens, and the majority of their off-street parking provided in a separate parking court rather than to the front of dwellings. Whilst the dwelling includes architectural features reflective of the surrounding dwellings, the scale and layout of the dwelling would not respect the cohesive pattern of development of the terraced dwellings within which it would be predominantly viewed. The significant bulk of the dwelling would appear uncomfortably close to its front and rear boundaries. This awkward and cramped layout would be readily perceived from public viewpoints as out of kilter with the surrounding pattern of development. Furthermore, the limited space between the dwelling and no 25 would be visually discordant with the comfortable spacing between buildings that characterises the nearby residential street scene.
8. The dwelling would detrimentally encroach into one of the estate's characteristic open green spaces. Whilst the site currently softens the visual impact of an existing parking area, the proposal would harmfully intensify additional parking in the street scene. The significant scale and bulk of the dwelling would also visually intrude into the landscape buffer at the southern edge of the estate, resulting in visual harm to the sensitive transition between Alton and its surrounding countryside. I am not persuaded that securing landscaping and levels details by condition would enable the harms identified to be appropriately mitigated.
9. As such, the development would harm the character and appearance of the area contrary to Policy CP29 of the East Hampshire District Council Joint Core Strategy (JCS). That policy requires all new development to respect the character, identity and context of the district's towns, ensuring that the layout and design of development contributes to local distinctiveness and sense of place, and is appropriate and sympathetic to its setting in terms of its scale, height, massing and density, and its relationship to adjoining buildings, spaces around buildings and landscape features.

Living Conditions

10. The dwelling would be located perpendicular and forward of the front elevation of no 25. The dwelling would be 2-storey in scale and would have a front elevation approximately 14.45m wide. The close proximity of the dwelling to the front elevation of no 25 would inevitably lead to its bulk harmfully eroding the outlook from the ground floor bay window of no 25. The dwelling would also be overbearing and lead to a sense of enclosure for the occupiers of no 25 when using their front garden. The dwelling would, therefore, have a visually dominant, oppressive and intrusive effect on the occupants of no 25, harmful to the living conditions of the existing occupiers of no 25. I am not persuaded that securing levels details by condition would enable the harm identified to be appropriately mitigated.
11. The perpendicular orientation of the dwelling in relation to no 25 is such that only oblique views between the windows of main habitable rooms would occur. Those front windows are already visible from public vantage points and acceptable levels of privacy would be maintained for the occupants of no 25 given the oblique nature of views from the proposed dwelling.
12. Overall, the development would harm the living conditions of the existing occupiers of no 25 contrary to JCS Policies CP27 and CP29. These policies, taken together, amongst other things, state that new development will not be permitted if it would have an unacceptable effect on the amenity of the occupiers of neighbouring properties and that it should create places where people want to live, work and visit, reflecting national policies in respect of design. The development would also conflict with Paragraph 135 of the Framework, which says that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.

Car Parking

13. Policy TR5 of the Alton Neighbourhood Plan (ANP) relates to parking provision and requires that a 4-bed dwelling provides 3 parking spaces. The submitted proposed site block plan shows 2 car parking spaces within a garage, and a single car parking space to the front of the house. The garage does not meet the minimum internal dimensions for a double garage set by Policy TR5 and therefore can only be considered to provide parking for a single car. The appellant advises that there is space for at least 2 cars on the driveway. However, there are no amended plans before me showing the alternative parking arrangements or any tracking details. I cannot be certain, therefore, that the development would provide 3 appropriate car parking spaces. Parking requiring difficult manoeuvres, or the movement of other parked cars, would likely induce additional on-street parking.
14. Whilst any additional on-street parking generated by the development would have a limited effect on the proper functioning of the highway, the development would nevertheless conflict with ANP Policy TR5 which requires new residential development within Alton to provide an adequate level of off-street parking for residents.

Planning Balance

15. The proposal would make a limited contribution to the Government's objective of significantly boosting the supply of homes. Furthermore, the dwelling would be in a sustainable location with good access to services and facilities. However, given the small scale of the proposal, the benefits identified attract limited weight.
16. Weighing against these benefits would be the above identified harms to the character and appearance of the area, to neighbouring occupiers' living conditions, and as result of insufficient off-street parking. JCS Policies CP27 and CP29 are broadly consistent with the Framework insofar as the Framework also requires development to be sympathetic to local character and to ensure a high standard of amenity. These identified conflicts with the development plan therefore attract significant weight. Only very limited weight is given to the conflict with Policy TR5 given the proposal would provide off-street parking for at least 2 cars.
17. I have had regard to the fallback scenario put forward by the appellant, whereby the site is enclosed by 2m high fencing. There is, however, no substantive evidence to indicate that there is a significant probability that this fallback scenario would occur should this appeal be dismissed. Furthermore, the greater bulk of the proposed dwelling would have a significantly more harmful effect on the living conditions of no 25. I have, therefore, attached only limited weight to the fall-back scenario presented.
18. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. Even if I were to conclude the so-called tilted balance at Framework paragraph 11d(ii) to apply, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise. The proposal would conflict with the development plan when read as a whole and there are no other considerations that outweigh that identified conflict.

Conclusion

20. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR