



---

# Appeal Decision

Site visit made on 12 March 2024

**by P Terceiro BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 May 2024**

---

**Appeal Ref: APP/C1760/W/23/3321629**

**Durban House Nursing Home, 33 Woodley Lane, Romsey,  
Hampshire SO51 7JL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr C Saunders (Sears Healthcare Ltd) against the decision of Test Valley Borough Council.
  - The application Ref is 22/00625/FULLS.
  - The development proposed is the demolition of 'Mountbatten Wing' at front of nursing home, demolition of No 35 Woodley Lane and construction of extension accommodating 22 new nursing care bedrooms and associated facilities.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appellant has submitted additional plans for illustrative purposes and to provide further clarification in relation to dimensions and street scene. The parties have had the opportunity to comment on this information. As such, I am satisfied that no prejudice would occur to any party as a result of my consideration of their content.
3. Since the determination of the application the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 which was updated on 20 December 2023. The main parties were invited to comment on any implications for the appeal of this change, and I am therefore satisfied that no prejudice would be caused by my consideration of the appeal in light of the revised Framework. I have had regard to any representations received in my decision.

## Main Issues

4. The main issues are the effect of the proposed development on the:
  - Solent and Southampton Water European Designated Site;
  - character and appearance of the area; and
  - living conditions of the neighbours at No 35A Woodley Lane with particular regard to outlook.

## Reasons

### *European designated site*

5. The Habitats Regulations require that permission may only be granted for a development where the competent authority has ascertained that it will not adversely affect the integrity of the European Designated Site(s). The Council has identified that the development has the potential to affect the Solent and Southampton Water Special Protection Area (SPA). SPAs are classified under regulation 15 of the Conservation of Habitats and Species Regulations 2017 because they have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds.
6. There is existing evidence of high levels of nitrogen and phosphorus in the water environment across the Solent, with evidence of eutrophication at some designated sites. There is currently uncertainty as to whether new housing growth will further deteriorate the European sites due to net increases in nutrients entering these designated sites. Work is ongoing on this issue. This could involve identifying mitigation measures for affected developments.
7. In the meantime, Natural England advises that development proposals resulting in a net increase in dwellings are required to submit a nitrogen budget. This seeks to demonstrate no likely significant effect on the European designated sites due to the increase in wastewater from new housing.
8. The proposal would result in a net increase in the number of bedrooms and residents within the nursing home. Therefore, with the development, there would be an increase in nitrates entering the catchment. As a result, when considered in combination with other plans and projects, this development would have a likely significant effect on the Solent and Southampton Water SPA, in the absence of avoidance and mitigation measures.
9. The appellant submitted a proposed offsite mitigation strategy, comprising the removal of agricultural land from future agricultural use through the issue of credits. The use of the mitigation land and management would need to be secured by a planning obligation, however this has not been provided. As such, I cannot be satisfied that appropriate mitigation measures have been secured to achieve nutrient neutrality and thereby ensure that the development would not result in adverse effects on the Solent and Southampton Water SPA.
10. Accordingly, I conclude that the proposal would conflict with Policies COM2 and E5 of the Test Valley Borough Revised Local Plan 2016 (LP), where these policies seek to safeguard European protected sites.

### *Character and appearance*

11. The appeal site is a large L-shape plot which incorporates the Durban House Nursing Home and the curtilage of No 35 Woodley Lane (No 35), a detached dwelling. Part of the site fronts Woodley Lane, with the remaining extending behind Nos 35A and 37 Woodley Lane.
12. The existing building is substantial in scale and has been extended many times over the years. As a result, the elevation facing the road appears cluttered and somewhat inconsistent due to the design, materials, different fenestration and

protrusion of flues. There are tall, mature trees located within the property's frontage which are covered by a Tree Preservation Order.

13. The surrounding area is residential and comprises predominantly detached bungalows with two-storey dwellings interspersed in a variety of designs and materials, which are set back from the road. As such, because of the scale of the existing building and size of the plot, the appeal site is unusual within the locality.
14. The height of the extension would be no greater than the existing building. The design would step down towards the common boundary with No 35A Woodley Lane (No 35A) and the extension would be at some distance from the dwelling at No 31 Woodland Lane, thereby avoiding an abrupt change in height. As such, the proposal would create an acceptable relationship in terms of height with the neighbouring properties and would not overwhelm the streetscene.
15. The elevation facing Woodley Lane would be stepped, with the bulk of the extension being contained close to the existing core of the nursing home. Where the proposal would extend out, this would be in place of No 35, so the distance to the footpath of Woodley Lane would be similar to the existing. The trees within the site's frontage would be retained, which would soften the built form, and additional planting could be secured by condition were I minded allowing the appeal. As such, while the scale and mass of development would increase, the proposal would not appear visually imposing and would integrate well into its surrounding context.
16. For the above reasons, I conclude that the proposed extension would not have a harmful effect on the character and appearance of the area. Accordingly, I find no conflict with LP Policy E1, which requires development to be high quality in terms of design and local distinctiveness. The proposal would also accord with the Framework, which seeks to ensure that development is sympathetic to local character.

#### *Living conditions*

17. While reference is made to impacts on No 35, this is the house that would be demolished to accommodate the proposal. The proposed extension would be sited at a similar distance from the common boundary with No 35A as the existing dwelling that would be demolished. Whilst the proposal would be taller than the existing dwelling, the depth of the section closest to No 35A would not significantly project beyond No 35A's rear elevation and No 35A's side elevation contains no windows. The extension would stagger away from the common boundary with No 35A and have its roof sloping away from the boundary. For these reasons, the proposed development would not appear unduly overbearing in terms of the outlook from within No 35A and from its garden.
18. There would be no windows on the first floor of the extension where it is close to the boundary. However, there would be first floor windows which would face towards the boundary in the element which is set back. This would minimise overlooking as well as the perception of movements and lights turning on and off within the building. As such, although the proposal would intensify the existing use, it is unlikely that this would be to such an extent that would be substantially overbearing to these neighbours.

19. In conclusion, the proposal would have an acceptable effect on the occupants of No 35A with particular regard to outlook. As such, the proposal would accord with Policy LHW4 of the LP, which supports development that provides for the amenity of the occupants of neighbouring properties.

### **Other Matters**

20. The application is supported by a Phase 1 Bat Survey, which concludes that the buildings have a negligible bat roost potential. Conditions securing the development to be carried out in accordance with this report and details of any external lighting could be imposed were I minded to allow the appeal, to ensure that the development would adequately protect bats.
21. The parking provision would fall below the parking standards adopted by the Council. However, the evidence demonstrates that the number of parking spaces would be sufficient to meet the demand associated with the development. If inconsiderate parking practices were to arise, they would be subject to normal policing and controls within the highway. The evidence demonstrates that the additional traffic levels associated with the proposal would not be detrimental to the safety and efficiency of the public highway in this location. Interested parties have commented on the access to the site, vehicle parking during construction and deliveries. Were I minded allowing the appeal, such matters could be addressed by planning condition, in the interests of highway safety.
22. The residents at Nos 38 and 40 Woodley Lane raised concerns with privacy. However, given the distance between the proposal and these properties, it is unlikely that the development would result in significant levels of overlooking.
23. The residents at No 35A raised concerns with sounds and noise levels associated with the nursing home. However, the proposal seeks to extend the existing facilities and I have not been provided with compelling evidence to demonstrate that it would result in significant noise and disturbance. There is no substantial evidence to show that the proposal would result in a significant loss of light to the residents of No 35A.

### **Planning Balance and Conclusion**

24. The proposal would result in the loss of a bungalow. However, the Framework recognises the importance of meeting the needs of groups with specific housing requirements. The scheme would deliver additional nursing care bedrooms and assist in meeting an identified need in dementia care facilities, so the proposal would make a positive contribution towards this objective. There would be employment opportunities and there would be some economic benefits accrued from the construction process. The proposal would deliver modest ecological enhancements.
25. However, given the protection afforded to the integrity of the Solent and Southampton Water SPA and my responsibilities as competent authority in this regard, the benefits of the scheme would not outweigh the harm to the European Designated Site. Consequently, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

26. For the reasons given above the appeal should be dismissed.

*P Terceiro*

INSPECTOR