



Appeal Decision

Site visit made on 18 June 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Appeal Ref: APP/B1740/W/23/3332230

Longcliffe, Victoria Road, Milford-on-Sea, Hampshire SO41 0NL

- 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 Russell Matthews, Russell Matthews Limited against the decision of New Forest District Council.
 - The application Ref is 23/10676.
 - The development proposed is Erect 1no. new dwelling; bike and bin store; electric vehicle charge point; demolition of existing outbuildings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal a signed legal agreement under S.106 of the Town and Country Planning Act 1990 (as amended) was submitted to mitigate any effects from the proposal on European Nature Conservation Sites including the New Forest Special Area of Conservation, New Forest Special Protection Area, New Forest Ramsar Site, the Solent Maritime Special Area of Conservation, Solent and Isle of Wight Lagoons Special Area of Conservation, Solent and Southampton Water Special Protection Area and the Solent and Southampton Water Ramsar Site. The Council have confirmed that this satisfactorily addresses the second reason for refusal, and as I have no reason to disagree, it does not form a main issue in the consideration of the appeal.
3. At the time of my site visit, the development of the five flats at Longcliffe¹ was almost complete with boundary treatment erected that separates the appeal site from Longcliffe. Although I noted at my site visit that the Site Location and Proposed Block Plan do not fully represent the adjacent development on site, I have considered the appeal on the basis of those plans.
4. After the decision of the Council on the planning application, an updated version of The National Planning Policy Framework (the Framework) was published. Both parties have had the opportunity to comment on any implications for the appeal. I have taken the responses into account.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and,

¹ 23/10975

- the effect of the proposal on the living conditions of neighbouring occupiers and whether the living conditions of future occupiers of the proposed development would be acceptable, with particular regard to privacy.

Reasons

Character and appearance

6. The immediate area surrounding the site is characterised by large, detached buildings predominately in sizable plots fronting roads. While there are some garages and small associated outbuildings within these garden areas, the plots have not been severed or sub-divided with the outbuildings and garages appearing complementary and subservient to the main dwelling due to their smaller size and scale.
7. From Victoria Road, the building on the appeal site is visible down the associated entrance. It has the appearance of a small outbuilding due to its close physical relationship with Longcliffe, its position in the rear corner of the site adjoining the garage to the neighbouring dwelling, and due to its timber finish and low-pitch roof. Although utilitarian and in a relatively poor condition, given its small size and position it does not diminish the street scene.
8. By reason of the proposed dwelling being set back within the plot immediately adjoining the boundaries and rear gardens of the neighbouring dwellings and boundary fence to Longcliffe, it would appear cramped and would be contrary to the prevailing pattern of development comprising sizable buildings set further forward within their associated spacious plots. Furthermore, and even though the proposal would benefit from a suitable existing access, indoor and outdoor space and would be of a fitting modern bungalow design and materials in isolation, the subdivision of the side garden to Longcliffe into a narrow plot, and associated front dividing boundary treatment and gates, would not reflect the wider area.
9. I acknowledge that the roof form of the appeal proposal seeks to replicate that in the immediate area with the footprint similar to that existing and to that of the neighbouring garage. I also acknowledge that the footprint has been reduced in relation to a previous proposal² that was refused planning permission. Nonetheless, the bungalow form and design, steep pitched roof and position on the plot would appear as a separate dwelling rather than having the appearance of a small associated outbuilding or coach-house.
10. For the reasons given above, the proposal would not respect or enhance the street scene even acknowledging the previous garage, outbuilding and summerhouse on the site. The proposal would result in a development incongruous in its setting and would appear cramped and out of character with the prevailing pattern of dwellings immediately surrounding the site viewed from the neighbouring dwellings and down the proposed access drive off Victoria Road. This would be the case despite the presence of fencing and planting to the site and adjoining frontages on Victoria Road.
11. In conclusion on this matter, the development would have a harmful effect on the character and appearance of the area. As such, it would conflict with Policy ENV3 of the New Forest District outside of the New Forest National Park Local Plan 2016-2036 Part One: Planning Strategy (LP). Amongst other things, this

² 23/10277

seeks to ensure that all development achieve a high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality by creating buildings, streets, places and spaces that are sympathetic to its environment and context, respecting and enhancing local distinctiveness, character and identity. For the same reasons, the proposal would be contrary to the Framework that seeks to achieve well-designed and beautiful places that are sympathetic to local character.

Living conditions

12. Windows to habitable rooms to the proposed dwelling at ground and upper floor level would be mainly located to the proposed south elevation (front) and proposed east elevation (side). Roof Windows are also proposed to the upper floor, some of which would serve the Master Bedroom, Bedroom 2 and Landing.
13. While the outlook from the ground floor side elevation would comprise oblique views of Longcliffe, these would be at an angle and distance with some intervening boundary fencing such that future occupiers of the proposed dwelling would retain adequate privacy. However, views from the front elevation, as well as looking out down the driveway, would be located in close proximity to a window serving bedroom 2 to Flat 3 within Longcliffe that is angled towards the appeal site. Due to the close distance between these windows, and even in the absence of adopted privacy guidelines within LP Policy ENV3, it would result in a loss of privacy to the respective occupiers of Flat 3 to Longcliffe and to the future occupiers of the proposed dwelling.
14. Furthermore, views from the three upper floor roof windows to the front elevation and upper roof window to the proposed east elevation serving the Master Bedroom to the appeal proposal would be in very close proximity to rear outdoor space to Longcliffe. By reason of the number of windows and very close relationships, this would result in a loss of privacy to the respective users of the outdoor space to Longcliffe and to the future occupiers of the proposed dwelling. Given the very close relationship, the provision of planting, that would take some time to establish, would not adequately address the harm and once established would have the potential to restrict the outlook from the proposed dwelling and Longcliffe due to the limited space and distance between the windows and outdoor space to Longcliffe.
15. While the blocking up, obscure glazing or fixing shut of the above windows would reduce levels of direct overlooking, it would result in subsequent harmful living environments for the users of those rooms.
16. I acknowledge that there would be views over part of the outdoor space to the proposed dwelling from windows to the rear of Longcliffe serving the kitchen/dining room to Flat 4 and from a narrow kitchen window to the upper floor Flat 5 in particular. However, as viewed at my site visit, these do not directly overlook the outdoor space or patio to the immediate rear of the proposed dwelling with the rear boundary fencing to Longcliffe providing some further screening to the rear outdoor area. Combined with the distance from the outdoor space and the position of these windows alongside the projecting rear wing to Longcliffe, these relationships would be acceptable.
17. In light of the above and acknowledging that a degree of overlooking is not unusual or always unacceptable in an urban context, the proposal would result in unacceptable levels of overlooking and subsequent loss of privacy.

18. Although the car parking for the proposed dwelling would be located close to Longcliffe, given their limited number and intervening fencing, any associated noise created to occupiers of the flats within Longcliffe would be minimal.
19. Nonetheless, in conclusion, the proposal would harm the living conditions of neighbouring occupiers and the living conditions of future occupiers of the proposed development with particular regard to privacy. As such, it conflicts with LP Policy ENV3, that, amongst other things, requires development to avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking or other adverse impacts on residential amenity.

Other Considerations

20. I have had regard to benefits from adding to the supply and mix of energy efficient family housing, making an efficient use of land, and benefits to the local economy in a location accessible to a range of services and facilities. However, given the small scale of the proposal the benefits are limited.
21. I note the comments before me regarding vehicle turning, waste storage, location of an Air Source Heat Pump and compensatory tree planting. Such matters could be dealt with by way of a condition should I allow the appeal and it is noteworthy that the Council came to similar conclusions in these regards.
22. The parties agree that the Council cannot demonstrate a five-year supply of deliverable housing sites and I have no reason to disagree. In light of the submission of the legal agreement referenced above, given that the Council have confirmed that this would address the second reason for refusal, and subject to a condition to address nitrate neutrality, matters related to habitats sites do not provide a clear reason for refusing the development proposed under paragraph 11d) i. of the Framework. As a result, paragraph 11d) ii. is engaged.
23. It is clear from the Council's reason for refusal that the principle of a dwelling in this location is acceptable and that it is well served by services and facilities. I also acknowledge that the proposal would add to the supply and mix of energy efficient family housing, make an efficient use of land, and provide benefits to the local economy. However, given the small scale of the proposal, the benefits would be limited. In contrast, I have found that the appeal proposal would harm the character and appearance of the area and living conditions of neighbouring and future occupiers. Accordingly, 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.

Conclusion

24. For the reasons given above, I find that the proposal would conflict with the development plan when read as a whole. No material considerations, individually or cumulatively and including the provisions of the Framework, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

C Rose

INSPECTOR