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# Appeal Decision

Site visit made on 5 June 2024

**by R Cahalane BA(Hons) MSc MRTPI**

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

**Decision date: 25 July 2024**

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**Appeal Ref: APP/C1760/W/24/3339443**

**Land at the rear of Riverside Green, Kings Somborne, Hampshire, SO20 6NG**

- 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 and Mrs A Tidd against the decision of Test Valley Borough Council.
  - The application Ref 23/01401/FULLS, dated 25 May 2023, was refused by notice dated 06 October 2023.
  - The development proposed is the erection of a 3 bay garage block.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a 3 bay garage block at Land at the rear of Riverside Green, Kings Somborne, Hampshire, SO20 6NG in accordance with the terms of the application, Ref 23/01401/FULLS, and the plans submitted with it, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The appeal site address on the application form is different to that contained in the decision notice. The Council has since advised that as the owners/occupiers of 5 Riverside Green have no association with the application site, it was agreed with the appellants to change the address to that now referred to in the banner heading above.
3. I am aware of the planning history of the appeal site, including two applications for residential development that were subsequently dismissed at appeal (Appeal Refs APP/C1760/W/18/3214381 and APP/C1760/W/21/3288126). The appeal scheme is materially different in terms of the proposed development. However, I have born in mind the findings of the previous Inspector in respect of the character and appearance of the area, where relevant.

## Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, including the Kings Somborne Conservation Area.

## Reasons

5. The appeal site lies within the Kings Somborne Conservation Area (CA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The CA boundaries

encapsulate a relatively large area across the village of Kings Somborne, a linear settlement situated in the valley of the Somborne Stream. The Council's 'King's Somborne Conservation Policy' document, 1987, indicates that the village has evolved over many centuries and contains various buildings and features that contribute to its special interest. From what I have seen and read, the significance of the CA as a whole is derived from the range and quality of traditional buildings, some of which are listed, townscape details, important views, trees and open spaces that collectively tell of the village's evolution and rural context.

6. Riverside Green, a late 20<sup>th</sup> century residential development, lies off Winchester Road towards the northeastern edge of the CA. Built form locally mainly consists of two-storey detached and semi-detached dwellings, and associated garages, set back behind open grass frontages. While not part of the traditional built backcloth of the CA, the relatively generous plot sizes combined with views to mature trees and planting in Riverside Green contributes to a verdant spacious suburban character. Consistent with the findings of the previous Inspector, the development contributes to the significance of the CA through its planned suburban character with dwellings set in a layout which encloses the highway and a small treed green. Moreover, gaps between houses offer views out to the surrounding open countryside that, together with mature trees and planting, make a positive contribution to the character and appearance of the CA as a whole.
7. The appeal site comprises a parcel of undeveloped land, partly bound by dense shrubbery and temporary security fencing. A group of five dwellings are located beyond the appeal site, albeit intervisibility is restricted by mature trees. To the other side of the appeal site stands a detached four-bay garage. The ground level rises through the site to the rear boundary, beyond which runs a Public Right of Way (PRoW).
8. The appeal site is tucked away from Winchester Road and the several historic and thatched buildings along it. Other than the backdrop of mature trees, the appeal site does not have the characteristics of a deliberately planned open space. The previous Inspector considered that the distance from the main body of the cul-de-sac and unmanaged appearance significantly reduced the contribution the appeal site makes to the more formal street scene. I have similarly found the appeal site appears as a forgotten undeveloped area that makes a neutral contribution to the character and appearance of the area and is of no value to the significance of the CA as a whole.
9. The appeal scheme proposes to introduce a three-bay garage onto the undeveloped appeal site. Although the proposed garage would be sited forward of the adjacent garage, and on slightly higher ground level, it would be of broadly similar overall form, pitched roof height and materials. Owing to its more tucked-away location and modest scale, the proposed garage would be unassuming and would sit comfortably within its surroundings. Furthermore, in the context of other staggered frontages and other similar garage structures elsewhere in Riverside Green, the proposed development would be neither unduly prominent nor harmfully appear out of place.
10. The appeal scheme does not propose removal of any trees or hedges, which could be secured through an appropriately worded condition. As the proposed development would not be closing a gap between buildings, views out to the

green backdrop above the single-storey garage would maintain the verdant and spacious character of the area.

11. I therefore conclude that the proposed development would not harm the character and appearance of the surrounding area, and the character and appearance of the CA as a whole would be preserved and its significance as a designated heritage asset would not be harmed. Thus, there would be no conflict with the statutory presumption under s72(1) of the Act, nor the historic environment protection policies of the Framework. It follows that the proposed development accords with Policies E1 and E9 of the Test Valley Borough Revised Local Plan Development Plan Document 2016, insofar as these seek to ensure development integrates, respects and complements the character of the area in which it is located; and sustains the significance of the CA taking account of its character, appearance and setting.

### **Other Matters**

12. Interested parties have raised concerns in respect of space to access and turn on the appeal site; increased traffic; and the quality and accuracy of the submitted plans. Hampshire County Council Highway Authority raised an objection and requested the submission of full vehicle tracking swept path analysis to demonstrate safe and efficient access manoeuvres to and from the site, which was not provided or requested by the Council. Although just a snapshot, at my time of visit there was very little vehicle activity at Riverside Green and around the appeal site. There was a car parked on the unmade road near to the appeal site, but despite this, there was space for vehicles to pass and gain access along it. Accessing the garage bays may require some reversing manoeuvres, and might lead to a vehicle overhanging the route whilst opening a garage door is being opened. Bearing in mind the scale and nature of the proposed development and its quiet location next to an existing four bay garage, I do not consider the likely occurrence or length of time such a situation would occur would result in inconvenience or obstruction of the highway for other road users, nor an unacceptable impact on highway safety.
13. Representations have also been made relating to disturbance to neighbours, including during construction; overbearing effects; flood risk; and the potential conversion to a dwelling in the future. The relationship between the proposed garage and nearby dwellings would avoid an adverse impact on the living conditions of surrounding residents, including during construction. I not have been provided with any evidence of flood risk, which has not been raised as a concern by the Council. My decision is made on the basis that a garage is what is proposed and is what planning permission would allow. It does not indicate any future application for a dwelling would be forthcoming, nor that one would be allowed, especially given the planning history for the site.
14. Whether or not the proposed garage is not tied to a specific dwelling on Riverside Green; that there is not a demonstrable need for the development; or that a restrictive covenant is on the land; these do not prevent planning permission being applied nor indicate any conflict with development plan policy. These matters have therefore not persuaded me that planning permission should not be granted.

## Conditions

15. The Council has suggested four conditions in the event that the appeal is allowed. I have considered these against the tests in the Framework and Planning Practice Guidance and have amended wording in the interests of clarity. I agree that conditions specifying time limits for the development and the approved plans are necessary in the interests of planning certainty. Given the proximity of a number of mature trees to the appeal site, I consider that a pre-commencement condition to secure tree protection measures is necessary, to ensure that the continued health of the surrounding trees is protected during and after the development in the interests of character and appearance. I have sought the appellants' agreement in respect of the wording of this condition. A condition requiring further details of external materials is necessary in the interests of the character and appearance. Although the appellants indicated that no hard or soft landscaping is proposed, the submitted plans do not provide sufficient detail to demonstrate how the space surrounding the proposed garage or the parking threshold would be finished. I therefore think that a condition requiring further details of hard and soft landscaping would be reasonable and necessary in the interests of the character and appearance of the area.
16. The Council and interested parties have suggested removing permitted development (PD) rights for future conversion to a dwelling. However, the appeal proposal is for garage parking, which does not in itself have a specific use class. Therefore, any future change of use of the garage to a dwelling, or to any commercial, industrial or storage/distribution use, would require additional planning permission. I therefore do not consider it reasonable or necessary to impose such a condition.

## Conclusion

17. For the reasons given above the appeal should be allowed.

*R Cahalane*

INSPECTOR

### SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location and site plan (Drawing No. I.C.S./2099/02; floor plan and elevations (Drawing NO. I.C.S./2099/01).
- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees within and around the site (the tree protection plan), and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced), has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 4) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development above ground level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
  - locations of new planting, including areas to be grassed, and their specifications;
  - boundary treatments;
  - hard surfacing materials.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use and retained thereafter.