



Appeal Decision

Site visit made on 7 August 2024

by S Leonard BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2024

Appeal Ref: APP/W1715/W/23/3330250

63 Chalvington Road, Chandlers Ford, Hampshire SO53 3DY

- 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 N Sansome against the decision of Eastleigh Borough Council.
 - The application Ref is F/23/95162
 - The development proposed is change of use of existing detached garage to create 1No. one-bedroom detached dwelling, addition of porch canopy and insertion of 2No. rooflights, with associated off-street parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the refusal of the application, which is the subject of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 19 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.

Application for costs

3. An application for costs was made by Mr N Sansome against Eastleigh Borough Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area:
 - Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to internal living space; and
 - Whether the proposal would provide adequate mitigation for the European protected sites (EPS).

Reasons

Character and appearance

5. The appeal site lies on the corner of Chalvington Road and Trevoise Crescent, in an established residential area within the settlement boundary of Chandlers Ford. The parent property comprises a detached 2-storey house which fronts

- onto Chalvington Road. At the rear of the site behind the rear garden of the dwelling is an ancillary detached hipped roof double garage which faces Trevoe Crescent and has a hard-surfaced parking area to the front.
6. The locality is characterised by well-spaced road-facing houses and bungalows set behind frontage gardens and/or parking areas. The plots tend to be rectangular-shaped and sited at right angles to the road. Rear gardens tend to be generously sized.
 7. The proposal represents an amended scheme for the conversion of the garage into a one-bedroom dwelling to that which was the subject of a dismissed appeal in April 2019¹. The proposed alterations to the building remain unchanged, but the revised scheme would increase the proposed new plot width. It also proposes to reposition the parking area westwards in order to provide new soft landscaping at the front of the building.
 8. The existing garage is open in views from the public realm of the street. Notwithstanding its 1.5 storey height, the building is clearly perceived as being a subservient outbuilding in connection with the main house. This is due to its notably smaller size in relation to the host property, its detailed design, including two garage doors on the front elevation, and its position in the rear north-east corner of the site.
 9. As such, as a domestic outbuilding, sited next to the detached garage of the neighbouring property in Trevoe Crescent, the existing structure complements the townscape, which incorporates a variety of built design within a pleasant spacious street-scene.
 10. The proposal would not alter the existing building footprint, size, or roof form. However, the proposed elevational changes, in particular the replacement of the front garage doors with a main front entrance door and large window serving a principal habitable room would result in the building adopting an overtly independent residential character. This would be reinforced by the proposed front garden and pedestrian entrance path to the front door.
 11. These physical alterations, together with the proposed materially different use of the building as a separate self-contained dwelling would significantly alter how the existing building is perceived within the prevailing townscape.
 12. When viewed as an independent house, the tight corner position of the building in very close proximity to the north and east site boundaries and the side wall of the adjacent garage, would result in the position of the dwelling appearing unduly cramped in relation to its immediate surroundings.
 13. Moreover, whilst there would be a visual benefit from the incorporation of soft landscaping to the front of the building, this would not result in more space in front of the garage. As such, the previous inspector's comments about a lack of generous space to the front would still apply. The distance between the front of the building and the site frontage would be notably less than that of the properties to the east of the site in Trevoe Crescent.
 14. Even with the proposed increased plot width, the overall plot size, and the garden therein, would be significantly smaller than those which are typical of the locality. In addition, the proposed repositioning of the parking, together

¹ LPA Ref F/18/83185 and Appeal Ref APP/W1715/W/18/3213171

with the removal of some of the frontage hedging and installation of new fencing behind the parking would mean that the size of the new garden area would be more readily appreciated from the public realm than was the case with the previous scheme.

15. The proposal would also make more readily apparent from the public realm, the discordant layout of development with the new dwelling and garden arranged parallel to the street rather than perpendicular to it.
16. With all the above in mind and noting that the detailed design of the proposed dwelling and its tight position in relation to the north and east boundaries would remain as previously refused, I am not persuaded that the revisions to the previous scheme overcome the previous inspector's concerns. I find that the proposal would comprise a visually discordant and unduly cramped dwelling layout that would harmfully erode the established pattern of built development within the site locality to the detriment of the visual amenities of the townscape.
17. The Council has raised concerns about the proportions of the proposed converted building. The new dwelling would be notably smaller than nearby two-storey houses. However, I am not persuaded that it would be so significantly smaller compared to some of the bungalows to the east of the site in Trevoise Crescent, within whose context it would be read within the street scene, that this alone would amount to material harm to the townscape.
18. The appellant has drawn my attention to other permitted dwellings within the Council's area². However, based on the information before me, none of these relate to development within the immediate vicinity of the appeal site, and none are directly comparable with the appeal scheme, in respect of matters including the dwelling design and layout and the site location. In any event I must determine this appeal based on the merits of the scheme before me and the circumstances in respect of the appeal site.
19. 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 DM1 of the *Eastleigh Borough Local Plan (2016-2036)* (2022) (the Local Plan). This policy, amongst other things, seeks to ensure that all new development does not have an unacceptable impact on, and where possible enhances, the character and appearance of urban areas, and is compatible with and well-integrated with adjoining uses in terms of, inter alia, layout, density, design, and siting.
20. For similar reasons, the proposal would also be contrary to Chapter 12 of the Framework, which seeks to achieve well-designed and beautiful places.

Living conditions

21. The Council contends that the proposal would not meet the minimum gross internal floor area of 58 square metres for one-bedroom properties arranged over two storeys, as set out in the Government's Technical Housing Standards nationally described floor space standards (March 2015) (the NDSS). These standards have been adopted by the Council and are required to be met under Local Plan Policy DM30.

² LPA Ref F/16/79103 and appeal Ref APP/W1715/W/16/3166052 and LPA Refs Z/06783/014/00 and F/17/80922

22. The proposed ground and first floor areas are annotated on drawing Ref 446_04 and the appellant does not dispute the Council's stated proposed floor space figure of 50 square metres. Instead, the appellant contends that the Council has incorrectly applied the NDSS and refers to the floorspace requirements for one storey one-bedroom flats.
23. The proposal relates to a two-storey house and there is no substantive evidence before me that suggests that the Council should not apply the relevant NDSS minimum floor space requirement to the appeal scheme, noting that this figure applies to conversions as well as new build schemes.
24. The shortfall in floor space amounts to a notable proportion of the overall floorspace given the small size of the proposed dwelling. Moreover, the inadequacy of the proposed floor space is most pronounced at first floor level, where the sloping roof form means that much of the sole bedroom and the main bathroom would comprise non-usable floorspace under 1.5m high.
25. I have no reason to disagree with the appellant that the proposed upper floor accommodation would experience sufficient natural light, privacy, and ventilation. However, the resulting small useable areas for each room, combined with a lack of wall-inserted windows which would restrict the outlook from these rooms to that gained from solely from rooflights, means that the upstairs living accommodation would be unduly oppressive and cramped in nature.
26. For the above reasons, I therefore conclude that the proposal would not provide adequate living conditions for future occupiers, with particular regard to internal living space. The development would therefore be contrary to Local Plan Policy DM30, in so far as this policy seeks to ensure that all new dwellings meet as a minimum the NDSS.
27. This is generally consistent with Paragraph 135 of the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health, and well-being for existing and future users.

EPS

28. The Council's third reason for refusal relates to the failure of the appeal scheme to mitigate the 'in combination' effects of the development upon the River Itchen, Solent, and New Forest EPS. These effects are two-fold. Firstly, having regard to increased levels of nitrogen and phosphorus from wastewater from new dwellings having a detrimental impact upon the water quality of the River Itchen and the Southampton and Solent Water EPS, and secondly, the impacts of increased recreational activity from new housing developments upon the New Forest EPS.
29. The appellant has confirmed willingness to comply with EPS mitigation, such as it is required by the Council, which it proposes be secured by means of a planning condition. However, as it stands there are no detailed completed schemes of mitigation before me.
30. Within the context of this appeal, the responsibility for assessing the effects of the proposal on the European designated sites fall 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 Natural England, and to undertake an Appropriate Assessment (AA) of the implications of the appeal scheme for the EPS.

31. 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

32. 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 a designated settlement policy boundary where access to facilities and services and public transport connections is likely to be greatest.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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

38. The significant harm that would arise from the proposal in respect of the character and appearance of the area and the living conditions of future residents would significantly and demonstrably outweigh the benefits of the scheme. As a result, the environmental and social objectives of the Framework would not be achieved.
39. 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.
40. For the above reasons, I therefore conclude that the appeal should be dismissed.

S Leonard

INSPECTOR