



Appeal Decision

Site visit made on 4 February 2025

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2025

Appeal Ref: APP/B1740/W/24/3347088

Land to rear of 34 Chiltern Drive, Barton on Sea, Hampshire BH25 7LB

- 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 Robert Moore against the decision of New Forest District Council.
 - The application Ref is 24/10114.
 - The development proposed is demolition of existing garage and construction of a bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's third reason for refusal was based on harm to the New Forest Special Area of Conservation (SAC), the New Forest Special Protection Area (SPA), the Solent and Southampton Water SPA, the Solent Maritime SAC and the Solent and Dorset Coast SPA. During the appeal, the appellant submitted a Unilateral Undertaking dated 14 September 2024, under Section 106 of the Town and Country Planning Act 1990, which secures financial contributions to measures to mitigate the harm. The Council has confirmed that the Unilateral Undertaking overcomes the third reason for refusal.

Main Issues

3. The main issues are, therefore:
 - a) The effect of the development on the character and appearance of the area;
 - b) Whether the development would provide suitable living conditions for future occupants with regard to outdoor amenity space; and,
 - c) The effect of the development on the living conditions of the occupants of 34 Chiltern Drive and 34 Eldon Avenue with regard to light and outlook.

Reasons

Character and appearance

4. The appeal site lies in a residential area that is composed almost entirely of bungalows, which are set back from the road behind front gardens that are enclosed by low walls and fences. The roads are lined on both sides by pavements and grass verges, with modest street trees. The wide separation between the dwellings on either side of the road, combined with their single storey form and lawned gardens, gives the area an open appearance and a suburban

character. The gaps between the bungalows are not particularly wide, and are often filled with flat roofed garages, but the principal pitched roofs are separated and readily discernible. As the dwellings are arranged on consistent building lines, and are of similar scale, the aligned series of detached roofs gives a distinctive rhythm to the street scene.

5. The site itself is a detached double garage on a plot of land that has been divided from the curtilage of 34 Chiltern Drive by a close-boarded fence. In this respect it is something of an anomaly. However, it has a flat roof, making it subservient in scale to the bungalows to either side. It is also set a little back from the prevailing building line. Furthermore, it is set in a garden that is similar in character to those surrounding it. Consequently, it sits comfortably in the street scene, and has the appearance of an outbuilding that could be associated with one of the bungalows to either side.
6. The proposed bungalow would have a much greater presence in the street scene due to its increased width, depth, and height. Nevertheless, it would share some of the attributes that contribute to the distinctive character of the area. The width of the plot is comparable to other frontages in the road, it would be set back on a similar building line, and it would have a comparable eaves and ridge height to the surrounding bungalows. However, unlike the established pattern of development, it would be very close to the boundaries of the site on three sides. Whilst many of the surrounding bungalows extend across most of their plot width, I saw none in the immediate vicinity that were also tight to their rear boundary. The lack of space beyond the building would be evident in the street scene and would not respect the spacious character of the area.
7. The restricted depth of the plot means that the proposed bungalow would not only be close to the dwellings to either side, but it would also be very near to the building at 36 Chiltern Drive. Even taking account of the fact that a previous conservatory has been removed from 34 Chiltern Drive, the resultant concentration of four buildings on this corner would be at a much higher density than is characteristic of the locality. From many viewpoints the tight-knit cluster of roofs would visually merge together, rather than contributing positively to the distinctive rhythm of the existing roofscape.
8. Overall, the proposed development would have a cramped appearance that would not be sympathetic to the spacious nature of the surrounding development. It would, therefore, be harmful to the established character of the area.
9. In coming to this view, I have had regard to the other examples of infill development that have been drawn to my attention. I note that the two dwellings at 53A and 53B Western Avenue are located where there is much more variety in the scale and layout of buildings. I also note that neither of these dwellings, or those at 24 Naish Road and 17 Carlton Avenue, are as close to the rear boundary of their plot as is the case in the proposal before me. Whilst the dwelling at 52A Wavendon Avenue is similarly close to its rear boundary, it is not as close to three other dwellings as is proposed under the appeal. I also note that it was approved in 2006, under a different policy regime. I have little information regarding the other developments, and none are visible from the appeal site. I therefore find that the examples quoted are not so similar that they alter my conclusions on the appeal.

10. For the above reasons, I conclude that the proposal would be harmful to the character and appearance of the area. The development would, therefore, be contrary to Policy ENV3 of the New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (Adopted 2020) (the Local Plan). This Policy seeks to ensure that development is of high-quality design that contributes positively to local distinctiveness, and enhances the character and identity of the locality.

Outdoor amenity space

11. The limited size of the site, and the desire to follow the established building line, results in the proposed bungalow being close to its boundaries on three sides. As a result, the external areas to the sides and rear of the dwelling would comprise narrow strips of land between high close boarded fences and the walls of the bungalow. They would not be wide enough for the provision of garden furniture or for recreational activity, or for any functional purposes, such as drying washing. Although the appellant states that 63% of the plot would be undeveloped, this includes the carparking area and the narrow strips around the periphery of the building. Only a small area to the front of the dwelling would actually be available for any meaningful outdoor recreation.
12. My attention is drawn to the lack of any guidance on minimum standards for external amenity space. Nevertheless, Policy ENV3 of the Local Plan does require development to contribute positively to quality of life. The appellant contends that, as the proposed bungalow would only have one bedroom, the limited external space to the front would be sufficient. However, whilst the quantum of space provided may be appropriate for a small dwelling, in this case it would be entirely open to close public view from the adjacent pavement. Consequently, it would not be a space where residents could relax in privacy. Occupants would not, therefore, have access to the level of private outdoor amenity that ought reasonably to be provided in new residential development.
13. Future occupants would be aware of the limited space available. Even so, access to suitable outdoor amenity space would still be an important factor in their quality of life. Therefore, they may seek to enclose the small area with planting or fencing to achieve a degree of privacy. This would be in conflict with the open character of the surrounding development, and would highlight the cramped nature of the proposal, exacerbating the harm that I have identified in the first main issue.
14. My attention is again drawn to the dwelling at 52A Wavendon Avenue, which, it is argued, has equally limited outdoor amenity space. However, whilst the quantum of useable space may be similar, I saw that in that case it is to the side of the dwelling, behind a wall that is set back from the road. It does, therefore, provide a space where occupants can relax in privacy. Consequently, it does not alter my view on the case before me.
15. I therefore conclude that the proposal would not incorporate adequate private outdoor amenity space, so would fail to provide suitable living conditions for future occupants. Consequently, it would be contrary to the requirement of Policy ENV3 of the Local Plan that development should contribute positively to quality of life.

Living conditions of the occupants of 34 Chiltern Drive and 34 Eldon Avenue

16. 34 Chiltern Drive lies to the north, and it is orientated so that its main rear elevation faces the appeal site. It has a short back garden, so the side elevation of the

proposed bungalow would be less than six metres from the three large windows that face in this direction. However, there is an existing 1.8 metre high close-boarded fence along the boundary. The eaves height of the bungalow would not be significantly higher than this fence, and would be set away from it. Also, the roof of the bungalow would be pyramidal, and would slope away from the boundary, so that the highest point would be a considerable distance away. Consequently, despite being to the south, the proposed building would not result in a significant loss of sunlight or daylight to the windows or garden of No 34. Furthermore, the bungalow would not have a dominant presence, and outlook from the windows of No 34 would not be unduly affected, as residents would retain a largely open outlook over and around the sloping roof.

17. The main outlook from 34 Eldon Avenue is via windows in its front and rear elevation. It does, though, have three windows and a glazed door in the side elevation facing the appeal site. Outlook from these windows is very limited, as they directly face a 1.8-metre-high fence at close quarters. Furthermore, two of the windows are obscure glazed. The proposed bungalow would be a similar distance away from the boundary as the existing garage, and its eaves height would only be a little higher. Again, the roof would slope away from the boundary. Consequently, there would be insignificant impact on the outlook available from the side-facing windows. As the proposed bungalow would be to the north, the impact on light reaching the windows would be negligible.
18. I therefore conclude that the proposal would not harm the living conditions of the occupants of 34 Chiltern Drive and 34 Eldon Avenue with regard to light and outlook. Consequently, it would, in this respect, accord with Policy ENV3 of the Local Plan, which seeks to ensure that development avoids adverse impacts on residential amenity.

Planning Balance

19. I have found that the proposal would conflict with a development plan policy that seeks to protect the character and appearance of the area, and to ensure suitable living conditions for occupants of new residential development. However, it is not disputed that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The most recent evidence indicates that the supply is 3.07 years, so the shortfall is substantial. In these circumstances, the approach to decision-making set out at Paragraph 11d) of the National Planning Policy Framework (the Framework) applies.
20. Paragraph 232 of the Framework makes it clear that due weight should be given to existing development plan policies according to their degree of consistency with the Framework. Section 12 of the Framework seeks to achieve well-designed places. Paragraph 135 says developments should be sympathetic to local character, including the surrounding built environment, and should create places with a high standard of amenity for future users. I see no fundamental conflict between these aims and those of Policy ENV3 of the Local Plan. The conflict between the proposal and this development plan policy should, therefore, be given significant weight in this appeal.
21. Set against the harm that I have identified, there would be benefits associated with the development. It would support the Framework's objective of significantly boosting the supply of homes as set out at paragraph 61, and would make a

modest contribution towards addressing the current shortfall in housing land supply. The site is accessible by sustainable modes of transport, so would be an appropriate location for additional housing. Paragraph 73 of the Framework says great weight should be given to the benefits of using suitable sites within existing settlements for homes, and Section 11 says planning decisions should promote an effective use of land in meeting the need for homes.

22. The proposal would also provide economic benefits through employment during the construction phase, and the ongoing spend of residents thereafter. However, the scale of the development means that these benefits would be limited.
23. Paragraph 131 of the Framework says that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Furthermore, paragraph 124 advises that the effective use of land in meeting the need for homes should also ensure the safeguarding and improvement of the environment. Consequently, when assessed against the policies in the Framework, taken as a whole, the benefits of the proposal are significantly and demonstrably outweighed by the harm to the character and appearance of the area, and to the living conditions of future occupants. The advice at paragraph 11d) does not, therefore, indicate that my decision should be otherwise than in accordance with the development plan.

Conclusion

24. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR