



Appeal Decision

Site visit made on 31 July 2025

by **S Leonard BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/W1715/W/24/3355330

The Old Stables, 7 Winchester Street, Botley, Hampshire, SO30 2EB

- 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 Dr Peter Clark (PC Environmental) against the decision of Eastleigh Borough Council.
 - The application Ref is F/24/98077.
 - The development proposed is described as “change of use from offices Class E to a 2bed 4person dwelling Class C3. The dwelling exceeds the national standards. No external changes are to be made.”
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the refusal of the application and the submission of the appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 12 December 2024. I have had regard to the latest version in reaching my decision. Whilst paragraph numbers have changed, the policies of the Framework most relevant to the appeal have not altered so substantially as to affect the matters raised by the main parties. Therefore, there is no requirement for me to seek their views on this matter, and I am satisfied that this approach would not prejudice any party's interests.

Main Issues

3. The main issues are:
 - Whether the proposal would provide adequate living conditions for future occupiers, having particular regard to external living space;
 - Whether the proposal would provide sufficient on-site parking, having regard to highway safety and convenience; and
 - Whether the proposal would provide adequate mitigation for the European protected sites (EPS).

Reasons

Living conditions

4. The appeal property comprises a part single and part two-storey building which was last in office use. It is located within a row of street-facing two-storey dwellings. It has a notably smaller building scale and height than its neighbours and a different

layout in relation to the street than the houses either side. This reflects its historic origins as an outbuilding within the curtilage of No.7.

5. Whilst it is attached to No.5, its main outlook is towards No.7 rather than the street, having regard to the side facing orientation of the majority of its principal windows, the blank front elevation on the single storey front part of the building and the enclosing brick wall across the remainder of the frontage.
6. The rest of the site frontage between the property and No.7 is open, providing vehicular and pedestrian access to a shared yard situated between the two buildings. This area tapers sharply towards the rear, where it is bounded by the walled enclosure of the rear garden of No.7.
7. As a result of this juxtaposition of the appeal property in relation to No.7, the proposed residential curtilage of the appeal scheme is restricted to a small, cobbled area behind the frontage wall, a narrow predominantly cobbled strip alongside the building and a small, enclosed yard to the rear of the building.
8. The appeal scheme would provide a 2-bedroomed dwelling. The submitted plans indicate that, in addition, this would provide a room to be used as a study, as well as a family bathroom and additional wc. As such, it is feasible that the size and nature of the room layout is such that it could attract couples and families with children as well as single occupants. Accordingly, it is realistic to expect the development to provide an amount of outdoor living space appropriate to the needs of these potential future occupiers. This would reasonably include enough room for sitting/eating outside and the provision of outdoor drying facilities and outdoor play/recreation space.
9. The proposed outdoor amenity space comprises the rear yard, a strip of land to the side of the building and a square area of land to the front of the property. Cumulatively these areas, which, according to the appellant comprise approximately 25 sqm of outdoor living space, would amount to significantly less than the minimum residential garden space requirement of 72 sqm (60% of the 120 sqm two-bedroomed house) as set out in the Council's adopted *Quality Places Supplementary Planning Document* (2011) (the QPSPD).
10. Whilst the QPSPD is not part of the development plan, it was adopted by the Council, following public consultation, to support the delivery of the development plan. Moreover, it is specifically referred to in the supporting text to Policy DM1 of the adopted *Eastleigh Borough Local Plan (2016-2036)* (2022) (the Local Plan). As such, I find the QPSPD to be a material consideration in the determination of this appeal, and the minimum garden space standards contained therein to comprise a reasonable benchmark for the determination of this appeal.
11. In addition, the amount of proposed outdoor living space would be comprised due to the requirement to provide space for bin and cycle storage in connection with the appeal scheme, and also because the area to the front of the property is shown as a parking space on the submitted drawings.
12. In addition to being inadequate in size, the proposed outside living space would also be of a poor quality. The rear yard would be of a limited size and surrounded by the back of the building and the rear boundary wall within close proximity. This would result in a small and oppressive hard-surfaced area. Also, inconveniently, there would be no direct access out onto it from the rear of the building.

13. The strip of land to the side of the building would be too narrow to provide a meaningful area of outdoor living space. Moreover, this area, as well as the space at the front of the building, would have no formal boundary separation from the remainder of the wider yard area between the buildings. As such, it would be open in views from the street and the neighbouring property. This lack of privacy would be significant since the side of No.7 provides a main point of access to that property, and also because the busy nature of this part of the street means that traffic is often queued on the approach to the village centre road junction which lies to the south of the appeal site.
14. There is insufficient cogent evidence before me to justify not applying the QPSPD outdoor living space standards to the appeal scheme. I acknowledge that there are areas within which to enjoy the outdoors which are within a reasonably easy pleasant walking distance of the appeal site, including parts of the River Hamble. There are also specifically designated areas of outdoor recreation such as Botley recreation ground and Hamble Country Park which are located further from the appeal site.
15. However, the examples cited by the appellant, given their nature and/or distance away from the appeal site, would not provide convenient or practical alternatives to the provision of on-site private outdoor living space. Accordingly, I am not persuaded that the cited outside recreation areas would satisfactorily compensate for the proposed significant deficiency against the Council's adopted outdoor living space standard, which I find to be reasonably necessary to provide satisfactory day-to-day living conditions for the future occupiers of the property.
16. My attention has been drawn to several other properties in the vicinity which the appellant considers have very limited or no outdoor living space. I have not been provided with detailed information in respect of the amenity areas of each of these properties, such as the site planning history and detailed layout drawings. As such, I am unable to ascertain whether they are directly comparable to the circumstances of the current appeal scheme. Notwithstanding this, I must determine this appeal on the merits of the appeal scheme before me.
17. For the above reasons, I therefore conclude that the proposal would not provide satisfactory living conditions for future occupiers of the proposed dwelling, having particular regard to the provision of external living space. As such, the development would not accord with Local Plan Policy DM1 and the QPSPD, in so much as they, amongst other things, require new development to not have an unacceptable impact on, and where possible enhance, the residential amenities of both new and existing residents and provide appropriate useable private outdoor amenity space.
18. This accords with guidance within the Framework which seeks to ensure that developments will function well and promote health and well-being with a high standard of amenity for existing and future users (Paragraph 135).

Car parking

19. The proposal would include one on-site parking space sited adjacent and parallel to the existing front boundary wall. This would be accessed via the existing vehicular access between the appeal site and No.7, which benefits from a dropped kerb.
20. The Council's parking standards are set out in the *Residential Parking Standards Supplementary Planning Document* (2009) (the Parking SPD). I have afforded

weight to this document, having regard to its role in supporting relevant development plan policies, including Local Plan Policy DM14.

21. In relation to the proposed 2-bedroom dwelling, the Parking SPD requires 2 parking spaces in respect of allocated provision, and as such, the proposal falls short of the required parking. Moreover, the submitted drawings indicate that use of the proposed parking space would entail overhanging neighbouring land which falls outside the red line boundary of the appeal site. As such, the proposal cannot reasonably be considered to provide any practical on-site parking.
22. Botley village centre is within easy walking distance of the appeal site. However, I consider that neither the range of community facilities and services in Botley nor the public transport connections to other larger settlements are sufficiently comprehensive that they would persuade future occupiers to decide to go completely without the use of a car. As a result, there is likely to be an increase in on-street parking within the site vicinity by occupiers and their visitors.
23. There are double-yellow lines along both sides of Winchester Street running from its junction with the A334 as far as No.27 on the appeal side of the road and beyond the fire station on the opposite side of the road (apart from a short intervening stretch of parking on this side). At the time of my visit, the availability of on-street parking beyond the yellow lines was low. Moreover, given the residential nature of the area, I would expect the on-street parking demand to be even higher during the evenings and overnight and over the weekend compared to the time of my visit, which took place on a weekday lunchtime, when occupiers would reasonably be more likely to be away at work or undertaking other daytime activities. I also observed that there is a restricted availability of on-street parking along the A334 within the vicinity of the road junction.
24. As such, based on the evidence before me of a lack of on-street parking directly outside the site and a shortage of available street parking further afield, I consider that a lack of any satisfactory on-site car parking is likely to inconvenience future residents of the appeal scheme, such that it could reasonably result in vehicles being parked illegally within the site vicinity.
25. I saw that this section of Winchester Street was busy at the time of my visit, as it comprises one of the main approach roads into the village centre and is located close to the junction of Winchester Street with the A334, the busy main road which runs through the village. As such, queuing vehicular traffic outside the appeal site appeared to be a regular event.
26. With this in mind, even a short time occurrence of illegal parking near the appeal site could potentially impact upon these traffic flows and adversely impact upon highway safety. My concerns in this respect are partially informed by my observations during my site visit of several parked cars nearby on the street which partially straddled the pavement, thereby hindering pedestrian access.
27. Whilst my visit represents a snapshot in time, in the absence of robust evidence to the contrary from either of the main parties, such as parking and traffic surveys, I consider this to represent a realistic indication of traffic and parking conditions along this part of the road.
28. I acknowledge that the proposal would require less on-site parking than the current use of the premises as an office, which requires 3 on-site parking spaces in

accordance with the Council's adopted standards. However, the parking needs of the existing and proposed uses differ significantly in that demand for street parking in connection with the proposed residential use of the property is likely to expand over a longer time period and with different peaks in demand, including overnight and at weekends when other residential properties nearby would also experience a similar pattern of on-street parking demand. As such, the parking requirements of the existing office use do not alleviate my concerns about the appeal scheme parking.

29. For the above reasons, I therefore conclude that, based on the evidence before me, it has not been satisfactorily demonstrated that the proposal would provide sufficient on-site parking, having regard to highway safety and convenience. As such, the development would not accord with Local Plan Policies DM13 and DM14 and the Parking SPD, which, amongst other things, seek to ensure that new development provides safe and convenient access to the highway network and off-highway parking which is adequate in terms of highway safety/traffic management.
30. This accords with Framework objectives of creating places that are safe, secure and attractive, including minimising the scope for conflicts between pedestrians, cyclists and vehicles (Paragraph 117).

EPS

31. 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 Solent and New Forest EPS. These effects are two-fold. Firstly, having regard to increased levels of nutrients from wastewater from new dwellings having a detrimental impact upon the water quality of the Southampton and Solent Water EPS, and secondly, the impacts of increased recreational activity from new housing developments upon both the Southampton and Solent and the New Forest EPS.
32. Whilst the appellant has confirmed a willingness to comply with the required EPS mitigation, as it stands there are no detailed completed schemes of mitigation before me.
33. I have noted the appellant's stated attempts to engage with the Council in respect of this matter and its frustration that this matter has been included as a reason for refusal. Within the context of this appeal, the responsibility for assessing the effects of the proposal on the EPS falls 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 undertaking an Appropriate Assessment (AA) of the implications of the appeal scheme for the EPS.
34. 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

Heritage

35. The appeal property lies within the curtilage of No.7 Winchester Street and is physically attached to No.5. Both these properties are Grade II Listed early 19th century dwellings. The position of the appeal property between both neighbouring buildings means that it makes a significant contribution to the setting of both listed buildings. The site also lies within the Botley Conservation Area (the BCA).
36. In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act) requires that special regard be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
37. As no external changes are proposed, including in respect of the front boundary wall which encloses part of the site, and the shared open yard with No.7 which reinforces the relationship between that property and the appeal property, the setting of these buildings would be preserved. Moreover, a separate listed building application¹ has been made for the appeal scheme and the Council's on-line planning register confirms that this has been approved.
38. Having regard to the above, and the fact that the appeal scheme would convert the building into a residential use within a part of the BCA which is characterised by residential properties, there would also be no conflict with Section 72(1) of the Act, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Planning Balance

39. 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 boundary where access to facilities and public transport connections is likely to be greatest.
40. It would also contribute towards the Council's housing supply, and it could be built out relatively quickly having regard to Paragraph 73 of the Framework. There would also be economic benefits because of the construction of the development and economic and social benefits associated with its subsequent occupation.
41. However, the aforesaid benefits would be modest having regard to the small scale of the development. Moreover, there would be some economic dis-benefits as a result of the loss of a commercial office unit.
42. Neither party has drawn my attention to a deficit in the Council's five-year housing land supply. Even should this be the case, given the modest size of the proposal, the harm I have identified in respect of the first two issues would not be outweighed by the provision of one additional dwelling.

¹ LPA Ref F/24/98090

Conclusion

43. The proposed development would conflict with the development plan taken as a whole, and there are no material considerations, including the Framework, that indicate that a decision should be made other than in accordance with the development plan.
44. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR