



Appeal Decision

Site visit made on 26 August 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th October 2025

Appeal Ref: APP/B1740/W/25/3364129

Land at 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 and Mrs Matthews (Russell Matthews Ltd) against the decision of New Forest District Council.
 - The application Ref is 24/10847.
 - The development proposed is the demolition of existing garage outbuilding and erection of 1 no. new dwelling with air source heat pump and bike store.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by the Council against Mr and Mrs Matthews (Russell Matthews Ltd). This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - the effect of the appeal scheme on the character and appearance of the area;
 - whether the living conditions of future occupiers of the appeal scheme would be acceptable, with particular regard to privacy; and
 - the effect of the appeal scheme on designated habitats sites.

Reasons

Character and Appearance

4. The appeal site sits within a row of large residential properties on the northern side of Victoria Road. Whilst there is a variety of plot sizes, the properties generally sit within large, verdant sites. Many have large driveways / parking areas to the front but nevertheless retain areas of landscaping. It is not uncommon for there to be smaller buildings within the curtilages of these properties, such as garages, which are visible from the street and which appear to be incidental to the residential properties.
5. The appeal site was formerly part of the large curtilage of a substantial late Victorian house known as Longcliffe which has been converted into five self-

contained flats. There is a single-storey building on the appeal site which was formerly an outbuilding to Longcliffe. The appeal site is an L-shape and wraps around the flats. There are two accesses to Longcliffe from Victoria Road; the existing left-hand access would be used to access the appeal scheme. The appeal scheme would be separated from Longcliffe by a fence which is already in place and which is clearly visible from Victoria Road.

6. The appellant's intention is that the proposed dwellinghouse would not appear to be a new "primary" dwelling within its own separate curtilage but that it would appear to be a coach house or converted outbuilding which sits, from the public vantage point at least, within the same curtilage as Longcliffe.
7. The appellant has noted, with reference to an historic map, that the former neighbouring bungalow at Two Trees – which is to the immediate east of the site – appears to have been originally a coach house or cottage within the curtilage of Longcliffe. Even if that was the case, the historic map shows a much different context with Longcliffe having a much larger curtilage than today, meaning that it still sat within a spacious context. Whilst the appeal scheme would sit behind the building line and front elevation of Longcliffe, with its narrower elevation facing the street, it would nevertheless erode the space between Longcliffe and its boundary, harming the characteristic spaciousness of the area and resulting in a cramped form of development.
8. The massing of the building and the arrangement of windows and doors would clearly reflect its domestic nature. It would not read as an ancillary or subservient feature; as well as being architecturally distinct so as not to compete with Longcliffe, it would clearly be functionally separate, divided from Longcliffe by an existing visible boundary, and served by its own facilities such as car parking.
9. Although the appeal scheme would not include any first-floor accommodation and the roof pitch and height have been reduced when compared with a previously-refused scheme for the site, the diminutive scale of this separate dwelling would be out-of-place amongst the larger residential buildings in the wider area.
10. The garden of the appeal scheme, located to the rear of Longcliffe, would not have any bearing on the street scene. However, the extensive gravel driveway to the front, which would provide parking and turning areas, along with the small amount of planting / soft landscaping that would be visible from Victoria Road, would be at odds with the prevailing character of the area.
11. The appellant has drawn my attention to developments at the junction of Victoria Road and De La Warr Road (Kingsmead) and at the junction of Cornwallis Road and Whitby Road (The Grove) as a typology for the proposed form of development in the local area. However, these are both large corner sites where the developments read as a coherent whole and I do not find that they lend any support to the appeal scheme. Similarly, whilst the neighbouring site (Two Trees) may have been redeveloped, the large, single dwellinghouse on that site integrates well with the character of the area and is very different from the proposed dwellinghouse that is the subject of this appeal.
12. Accordingly, I conclude that the appeal scheme would have a harmful effect on the character and appearance of the area. As such that 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 (2020) (LP) insofar as it seeks to

ensure that all developments achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality.

Living Conditions

13. In its officer report the Council only took issue with the relationship between the window of bedroom 2 of Flat 3 of Longcliffe and the proposed bedroom 2 window of the appeal scheme. However, the line of sight would be oblique and would offer limited views into the bedroom of the appeal scheme and, as the appellant has noted, occupants tend to create the level of privacy which they feel comfortable with by using internal window treatments. Therefore, I do not find that there would be a harmful impact in respect of privacy. Thus, the appeal scheme would not conflict with LP Policy ENV3 insofar as it says that development should avoid unacceptable effects by reason of overlooking.

Habitats

14. There is no dispute between the parties that the appeal site is within the zones of influence (Zol) of the New Forest Special Area of Conservation (SAC), the New Forest Special Protection Area (SPA), the New Forest Ramsar site, the Solent and Southampton Water SPA, the Solent and Southampton Water Ramsar site, the Solent Maritime SAC, and the Solent and Dorset Coast SPA which are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). Policy ENV1 of the LP seeks to protect such sites from harm and, where necessary, seek mitigation against any adverse effect of development.
15. The creation of a new dwellinghouse within the Zol could result in increased recreational activity in the habitats sites, nitrogen deposition and ammonia from traffic emissions and nutrient enriched water discharge. Therefore, I consider that there is a probability or risk that the appeal scheme, in combination with other plans or projects, could have a likely significant effect on the habitats sites as it would be likely to exacerbate existing recreational pressures, traffic emissions and nitrate levels. I am required to carry out an appropriate assessment, therefore. Where it cannot be concluded that there would be no adverse effects on a site's integrity, which is the case here due to increased disturbance to the qualifying features from recreational activity, the effects of traffic related air pollution and increased nitrate levels, it is necessary to consider potential mitigation.
16. The Council has, with the agreement of Natural England, established a strategic, district-wide approach to mitigating recreational pressures on the habitats sites which involves securing financial contributions for access management schemes and monitoring, and this is set out in the Council's Mitigation for Recreational Impacts SPD, the Solent Recreational Mitigation Strategy and the LP. On this basis I consider that this is an appropriate approach to mitigating identified harms.
17. The appellant has submitted a completed unilateral undertaking (UU) to address the recreational and air quality impacts of the appeal scheme on the New Forest SAC, the New Forest SPA, the New Forest Ramsar site, the Solent and Southampton Water SPA, the Solent and Southampton Water Ramsar site, the Solent Maritime SAC, and the Solent and Dorset Coast SPA.

18. The appellant has noted that nutrient neutrality does not form part of the reason for refusal but has acknowledged that if permission was granted it would be subject to a negatively-worded condition relating to mitigation, an approach that has also been accepted by the Council in its officer report and appeal statement. The evidence also identifies that provided the development achieves nutrient neutrality through an agreed site-specific nutrient mitigation scheme or through a mitigation package outlined by a negatively-worded condition, Natural England is satisfied that the potential adverse effects of the development on the integrity of the European sites has been mitigated against.
19. Whilst the Council has not confirmed that the appellant's UU is satisfactory I consider that it, along with a negatively-worded condition in relation to nutrient neutrality, would adequately mitigate the effects of the proposed development and so would remove all reasonable scientific doubt that it would have an adverse effect on the integrity of the habitat sites either alone or in combination with other plans and projects. Accordingly, it would also address the Council's second reason for refusing the appeal application and, therefore, that the appeal scheme would comply the Habitats Regulations as well as with LP Policy ENV1 which relates to the mitigation of the impacts of development on international nature conservation sites.

Planning Balance and Conclusion

20. In its Statement of Case the appellant has drawn my attention to paragraph 125 of the National Planning Policy Framework (the Framework) which says that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. However, I do not consider the appeal site to be brownfield land given that Annex 2 of the Framework specifically excludes 'land in built-up areas such as residential gardens' from the definition of brownfield or previously-developed land.
21. The Council does not have a five-year supply of deliverable housing sites. Paragraph 11 d) of the Framework would apply to this decision unless policies that protect areas or assets of particular importance – which include habitats sites – provide a strong reason for refusing the development proposed. However, given that the appellant has provided a planning obligation to secure mitigation and a negatively worded condition could secure appropriate mitigation for nutrients, I do not consider that policies relating to habitats provide a reason for refusal. Therefore, I must consider whether any adverse impacts would significantly and demonstrably outweigh the benefits of the appeal scheme.
22. Whilst the appeal scheme would add to housing supply in an area with a not insignificant lack of forward supply and make an effective use of land, given that the proposal is for one dwelling, the benefit of contributing to housing supply would be limited.
23. Those benefits must be weighed against the harm that the appeal scheme would cause to the character and appearance of the area, which would be long lasting, and the conflict with paragraph 135 of the Framework which seeks development that is sympathetic to local character and which is a key policy to be considered in the application of paragraph 11 d) ii. of the Framework. I consider that that harm would significantly and demonstrably outweigh the benefit of a single dwellinghouse when the appeal scheme is assessed against the policies in the

Framework taken as a whole. The proposed development would not therefore benefit from the presumption in favour of sustainable development, found at paragraph 11 of the Framework.

24. Overall, none of the other considerations material to the proposed development indicate that this appeal decision should be taken otherwise than in accordance with the development plan. Consequently, for the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR