



Appeal Decision

Site visit made on 2 October 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th October 2025

Appeal Ref: APP/B1740/W/25/3364829

2 Cranbrook Cottages, Southampton Road, Hythe, Hampshire SO45 5GP

- 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 Lord against the decision of New Forest District Council.
 - The application Ref is 24/10689.
 - The development proposed is the construction of single storey one bedroom bungalow including parking for 2 vehicles.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of Alexandra Road and European designated protected habitats, and whether the appeal site is an appropriate location for the proposed development with regard to flood risk.

Reasons

Character and appearance

3. The appeal site includes a semi-detached 2-storey dwelling which faces onto Southampton Road and a garden which wraps behind the donor dwelling and the other property in the semi-detached pair. It is located at the Southampton Road and Alexandra Road junction which is within an established residential area. The properties along many of the roads in the area have a cohesive design. However, the properties on the section of Alexandra Road adjacent to the appeal site and Alexandra Close beyond are more mixed. Though in general they are detached and set back behind front gardens and parking areas, following a similar building line.
4. The area has a suburban character and is densely developed. However, visual relief and a sense of spaciousness is provided by the wide landscaped margins and median along Southampton Road. There is also sometimes further visual relief created at junctions with Southampton Road by views across rear gardens. However, in relation to Alexandra Road this is quite limited, due to the narrowness of the road, the height of existing boundary fences, and outbuildings within the rear gardens.
5. The proposal would subdivide the appeal site to retain a modest garden for the host dwelling, and create a detached, single storey dwelling with small side garden and

- parking to the front. It would have a gable end which would extend along the side of the parking towards the road and protrude beyond the existing building line.
6. The proposed design is functional and though the detached single storey form would be similar to other properties in the area, the protruding position of the proposed front gable would create an incongruous relationship with the other properties along this part of the road. The lack of detail on the gable would further exacerbate this awkward relationship as well as represent a poorly considered design feature due to its visually obvious location.
 7. The location of the appeal site would reduce the visual gap created across the rear gardens. However, this gap is already compromised and does not contribute significantly to the overall character of the area. Therefore, were the positioning and design of the proposed new dwelling acceptable, the proposals effect on the visual gap would not be so impacting as to constitute harm.
 8. It is recognised that the proposed plot sizes would be smaller than the existing and surrounding plots. However visually this would not be obvious as the space between buildings, both existing and proposed, would largely be retained. Accordingly, this element of the proposal would not be so out of proportion to cause harm to the character of the area.
 9. That there are other infill developments near to the appeal site simply serves to illustrate the importance of design to ensure that new development fits within its surroundings.
 10. Nevertheless, the lack of harm in relation to the character of the area does not negate the significant harm the design and awkward positioning of the proposed new dwelling would have on the appearance of Alexandra Road. The proposal therefore fails to comply with Local Plan 2016-2036 Part 1 (LP1) Policy ENV3 which requires new development to be sympathetic to its context in terms of layout and appearance, amongst other things. It would also fail to align with the design objectives and policies of the Hythe & Dibden Neighbourhood Development Plan (NP).

European designated protected habitats (EPH)

11. There are numerous EPH in proximity to the appeal site including the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA and Ramsar site, the Solent Maritime Special Area of Conservation (SAC) (the Solent Habitats). And the New Forest SAC, SPA, and Ramsar site (the New Forest Habitats).
12. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment (AA) to ensure that the development would not adversely affect the integrity of such habitats. The Council has undertaken an AA as part of the planning application. This has identified that along with other plans, projects and developments in the area, the increase of population the proposal would create would increase recreational pressure on the EPH, increase nutrient load on the water environments important to the Solent Habitats, and could affect the air quality of the New Forest Habitats, thus adversely affect the integrity of the EPH.

13. It is recognised the reason for refusal only refers to recreational and air quality impacts, but it is clear within the officer report and subsequent statement of case that the proposal would also need to be nitrate neutral in terms of impact on the water environment of the EPH.
14. There is nothing before me to conclude otherwise. Nevertheless, that Council has also confirmed that via its established mitigation strategies, which have been endorsed by Natural England, financial contributions or off-set credit purchase can be used to mitigate the potential recreational impact, create a nitrate neutral development and to support monitoring and mitigation related to air quality.
15. However, there is no mechanism before me to secure such contributions. Nor has any alternative form of mitigation been proposed. Therefore, it cannot be concluded that the proposal would not have a harmful effect on the EPH. It would not therefore comply with LP1 Policy ENV1 which, amongst other things, seeks to prevent adverse harm to international nature conservation sites, nor would the proposal align with the relevant supplementary planning documents¹.

Flood risk

16. LP1 Policy CCC1 seeks to ensure safe and healthy communities by, amongst other things, not permitting vulnerable development in areas at risk of flooding unless in accordance with the sequential and exceptions tests (SETs). NP Policy F1 also refers to the sequential test amongst other things, and this process is supported by the National Planning Policy Framework (the Framework) and Planning Policy Guidance.
17. As the proposal is for a residential dwelling it would be classed as a more vulnerable development. During the application process the Environment Agency (EA) identified the appeal site as within Flood Zone 3 (highest risk of flooding). As such to comply with the development plan it would be necessary for a site-specific flood risk assessment (FRA) to include the SETs.
18. The appellant has submitted an FRA which concludes that the appeal site is now in Flood Zone 1 (lowest risk of flooding) so it would not be necessary to undertake the SETs. The FRA has drawn its conclusions against the most up-to-date EA published data available at the time of its writing. However, the EA has identified that there was an issue with the flood risk modelling that created data. This meant that the section of the watercourse which may impact the appeal site was excluded² from the modelling and so the flood risk for the site is not accurate. Accordingly, the EA has submitted adequate evidence to conclude that it is highly probable when this modelling issue is rectified, the appeal site would remain in Flood Zone 3.
19. Therefore, to ensure the safety of existing and future communities, it is only prudent to assess the proposal against the worst-case scenario which would see the appeal site within Flood Zone 3 and so, at risk of flooding. As no SETs have been undertaken, it cannot be concluded that the appeal site is an appropriate location for the proposed development with regard to flood risk. The proposal would not, therefore, comply with LP1 Policy CCC1, NP Policy F1 and the Framework.

¹ Described in the reason for refusal as the Supplementary Planning Document (SDP) - Mitigation Strategy for European Sites but includes the Mitigation for Recreational Impacts on New Forest European Sites SPD and Air Quality Assessments in New Development New Forest District outside the National Park SPD.

² Paragraph 4.6 of the Environment Agency response

Other Matters

20. The Council has not identified any harm in relation to living conditions, highway safety, parking or refuse and cycle storage. However, a lack of harm, by definition, cannot weigh for or against the proposal.

Planning Balance and Conclusion

21. As the Council cannot demonstrate a 5-year housing land supply Paragraph 11 (d) of the Framework indicates that permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. The application of flood risk policy provides that to be the case here. As such, the proposal would not be the sustainable development for which Paragraph 11 of the Framework indicates a presumption in favour.
22. Therefore, the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR