
Appeal Decision

Site visit made on 9 March 2016

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 March 2016

Appeal Ref: APP/B9506/W/15/3139400
10 Heron Close, Sway, Hampshire SO41 6ET

- 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 Simon Smith against the decision of the New Forest National Park Authority.
 - The application Ref 15/00425, dated 11 June 2015, was refused by notice dated 30 July 2015.
 - The development proposed is the erection of a two bedroom single-storey detached dwelling with habitable loft and dormer windows in a prospective sub-divided site.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: - (i) the effect of the proposal on the character and appearance of the area, including whether it would conserve the landscape and scenic beauty of the New Forest National Park (NFNP); and (ii) whether the proposal should make provision to mitigate any potential adverse effects on the ecological integrity of the New Forest Special Protection Area (SPA) and the Solent and Southampton Water SPA.

Reasons

Character and Appearance

3. The appeal site forms part of the curtilage to a detached bungalow set within, but on the fringe of, a fairly recent residential estate development. The proposal is to sub-divide the existing plot, which is broadly 'L-shaped', by severing part of the land that extends to the side and rear of the existing dwelling and erecting a chalet style dwelling. The new property would have a frontage onto a short stretch of cul-de-sac along Heron Close and would back on to a no-through road that leads from Station Road to Sway Railway Station. The front part of the appeal site is bound by existing hedgerow behind a grass verge along the side of the highway to Heron Close. This area is used as part of the formal garden to No 10. The rear part of the appeal site falls steeply down to the significantly lower level of the adjoining road and is heavily
-

vegetated with trees and scrub. This is part of a longer embankment along this side of the road and which forms a wooded buffer to the dwellings in Heron Close, which are largely screened in views from the south, providing a semi-rural appearance along the station approach road.

4. The properties in Heron Close are drawn together in a coherent manner through the use of a consistent materials palette and their gabled roof forms as opposed to any sense of regimentation in the layout of the estate or any other obvious repetition to the architectural style of the dwellings. As such, subject to the appropriate use of materials, I do not find the proposed chalet style of the dwelling would look particularly out of keeping with the residential character of the estate as a whole.
5. The plot to No 10 is noticeably larger than most others nearby and its subdivision would create two new plots that would both reflect others in the estate in terms of their overall sizes, as would the footprint of the proposed development. However, taking these factors alone represents an over simplistic assessment of the proposal and takes no account of the land's topography, its features, and how a new dwelling would relate to its surroundings.
6. Due to the significant drop in levels to the rear of the site the proposed dwelling would sit close to the front boundary along Heron Close. This would be atypical for this part of the estate where open plan frontages or landscaped gardens generally prevail to give a dominant sense of space, despite the reasonably dense nature of the development. This is a positive attribute for the area and despite the plans showing the front hedge to the site retained I am not persuaded that any future occupiers would find this to be a desirable feature in such close proximity to the front door and windows of the new property. Even if the hedge were to be retained it would not sufficiently mitigate the uncharacteristically cramped setting of the dwelling relative to the road frontage.
7. From the rear, the appeal site would take on a markedly different appearance when seen from the station approach road. The footprint of the dwelling would extend well beyond the existing fence line that runs across the plot to the rear of No 10 and beyond. This separates the formal garden areas of these properties from the embankment. The implications of this are two-fold. Firstly, a significant amount of existing vegetation would need to be removed. Although this land is within the appellant's ownership, I am not convinced that any equivalent level of clearance would be likely to happen on this part of the site under present circumstances given its steep gradient and inability to be meaningfully used without further substantial change. Secondly, land levels would need to be raised significantly or otherwise the dwelling would need to be constructed with a significant amount of under-build. No proposed sections through the site are provided but in either case the profile of the land would dramatically alter.
8. The result would be the introduction of an isolated dwelling that would sit awkwardly in relation to the profile and natural vegetation associated with the remainder of the embankment and which would tower incongruously above the levels of the adjacent road. Overall I find that its intrusive form would erode the rural qualities of the area, neither preserving nor enhancing its local

character or distinctiveness. As such, it would fail to deliver the quality of design that is required by Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010) and would erode the character of the NFNP through having an inappropriate suburbanising effect, contrary to DPD Policies CP8 and DP9.

Ecology

9. DPD Policy CP1 seeks to resist new development that may affect the integrity of an internationally important site for nature conservation and specifically requires new housing proposals within 400m of the New Forest SPA to demonstrate that adequate measures are put in place to avoid or mitigate any potential impacts on its ecological integrity. The Authority's Supplementary Planning Document *Development Standards* details the contributions that would normally be required although I have not been provided with a copy of this document or with any relevant extracts.
10. The site is over 400m from the New Forest SPA and around 5.6km from the Solent and Southampton Water SPA. For these reasons the appellant argues that no mitigation is required, particularly in relation to the New Forest SPA and the requirements of Policy CP1, but also given that the site lies within an area identified within the development plan as appropriate for development to meet the Authority's strategic housing needs.
11. With regard to the Solent and Southampton Water SPA there is no information before me to support the Authority's assertion that mitigation would be required. On the other hand the appellant's Biodiversity Checklist does not directly address matters relating to the SPAs in the context of Policy CP1 and there is no other information in support of the appeal to suggest why occupiers of the new dwelling would be unlikely to visit these protected sites, especially the New Forest SPA which is only around 620m distant. The fact that the appeal site lies within an area identified for development does not obviate the need to satisfy Policy CP1.
12. The evidence before me on this matter from both parties is extremely limited. However, in the absence of any objective analysis to determine that the proposal would not, either alone or in combination with other development, have a significant effect on the protected sites, or without any means to mitigate any possible impact, I find that the proposal would conflict with the aims and objectives of Policy CP1 and those of the National Planning Policy Framework (the Framework) for conserving and enhancing biodiversity and safeguarding the integrity of these European sites, which are afforded the highest levels of protection. In these circumstances I consider the proposal would be environmentally unsustainable.

Other Matters

13. I have noted some concern expressed locally about parking congestion in the area but there is no evidence to suggest that the proposal would result in any overspill parking that could not be accommodated or which would impact upon highway safety. Whilst the dwelling would face towards No 7 Heron Close opposite, there would be sufficient separation over a publicly accessible highway to avoid any unacceptable impact in terms of overlooking or loss of privacy.

Conclusion

14. For the reasons given, I find that the proposal would harm the character and appearance of the area. In addition, I cannot be certain that there would be no adverse effects on the SPAs. The proposal would fail to perform the environmental role that is required by the Framework in order to achieve a sustainable form of development. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR