
Appeal Decision

Site visit made on 8 October 2018

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2018

Appeal Ref: APP/B9506/W/18/3204837
Beverley, Brighton Road, Sway SO41 6EA

- 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 Moortown Developments Ltd against the decision of New Forest National Park Authority.
 - The application Ref 18/00089, dated 1 February 2018, was refused by notice dated 15 May 2018.
 - The development proposed is the erection of 4 detached houses with access drive. Demolish existing house and outbuildings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (1) the character and appearance of the area and (2) the living conditions of the neighbouring residents of Stanford Rise, with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is located within the boundaries of the defined village of Sway where, in accordance with Policy DP9 of the New Forest National Park Core Strategy and Development Management Policies Development Planning Document (NFNP DPD) adopted in December 2010, small scale development is considered acceptable in principle. The guidelines for new buildings set by the Sway Village Design Statement (the VDS), which was published in 2013, refer to maintaining generous plot sizes, and the use of design and building materials in keeping with existing properties located in this area.
4. Brighton Road is characterised by a mixture of large dwellings set within spacious plots, and arranged in a loose-knit pattern. This, combined with the mature trees, grass verges and hedges to the road frontages, gives the area a semi-rural character. The appeal site comprises a large bungalow set within a spacious plot, between two-storey properties. The front of the site provides off-road parking as well as a pleasantly landscaped front garden. To the rear of the site, Stanford Rise, which is laid out as a more comprehensive and compact residential estate built in the 1970s, has a more suburban character.

5. The appeal proposal would intensify development on the site, having regard to the subdivision into four plots and erection of four detached properties, which would all have their front elevation towards Brighton Road. It would also include extensive areas of hardstanding required to provide vehicular access, turning areas and car parking spaces. Cumulatively, these elements would significantly erode the spaciousness of the site, and lead to an urbanisation of the plot, which would appear at odds with the more verdant and semi-rural character of its surroundings, particularly along Brighton Road. I do not consider that the proposed landscaping would successfully mitigate the negative impact of the development. The proposal would therefore have a detrimental impact on the character and appearance of this area, thus failing to meet the aims of Policies CP7, CP8, DP1, DP6 and DP9 of the NFNP DPD. It would also be contrary to the Sway VDS which, as noted above, emphasises the need to consider maintaining generous plot sizes. It also advises that development in the village and especially that relating to houses with large gardens should respect the spacious character of the locality.
6. My attention has been drawn to a residential development situated further along Brighton Road. This scheme, known as Moser Grove, comprises five dwellings. Although I have not been provided with full details of that application or the circumstances that may have led to it being accepted, it is my understanding that it was approved prior to the designation of the National Park. Moreover, the New Forest National Park Authority (NFNPA) indicates that it would be unlikely to be approved under current development plan policies, which the appellant appears to accept. While the appellant submits that the appeal proposal is significantly better than the Moser Grove scheme, I am not persuaded that Moser Grove should be treated as a baseline by which to assess current development proposals. If anything, whilst the presence of that scheme in the locality is acknowledged, it reinforces my view that the scale and quantum of this appeal proposal would also have a detrimental impact.

Living conditions

7. Two of the proposed dwellings would be built within proximity of the properties within Stanford Rise, particularly No 16. Whilst the two-storey element of dwelling No 3 would sit approximately 3 metres away from the boundary shared with No 16, the flank wall of the proposed dwelling would significantly project beyond the rear elevation of this neighbouring property, and stand alongside its rear garden. The overall height and length of this proposed elevation and its pitched roof would be substantial, resulting in a form of development which would appear oppressive and overbearing to the occupiers of this neighbouring property, adversely affecting their enjoyment of their private amenity space. This would be contrary to Policy DP1 of the NFNP DPD, which sets out general development principles seeking to ensure that, amongst other things, the living conditions of neighbouring residents are not adversely affected.
8. The appellant refers to similar relationships between existing properties in the area and gives the example of Brook Cottage and Wayside Cottage. However, in that case, the elevation of Wayside Cottage which is adjacent to Brook Cottage appears to be single storey and flank the front parking area associated with this neighbouring property, rather than its private rear garden. Whilst the appellant has submitted some shading diagrams suggesting that overshadowing may be limited, they do not amount to a comprehensive

daylight/sunlight report carried out by a suitably qualified professional. In any event, they do not alter my overall finding on the harm that would be caused to the living conditions of these neighbouring residents, with particular regard to outlook.

Other matters

Pre-application discussions

9. The appellant feels aggrieved that despite positive pre-application discussions, the Authority refused to grant planning permission. It would have been clear to the appellant that pre-application advice was not binding on the Authority. Whilst I have some sympathy with the appellant, this is not a matter which can influence the planning merits of the case.

Housing land supply

10. The appellant refers to the housing land supply situation, but the NFNPA advises that there are no housing allocations under the current local plan and no requirement to meet housing land supply, although it is recognised that the emerging local plan has concluded that there is now a need to such housing allocations. In any event, I consider that the alleged housing supply issue within this area would be outweighed by the harm identified in respect of the main issues.

Special Protection Area

11. There is no disagreement between the parties regarding the need to contribute towards habitat mitigation, due to the proximity of the site to Special Areas of Protection. However, given my findings on the main issues, this is not a matter which needs to be addressed further as part of this appeal.

Conclusion

12. For the reasons detailed above, I therefore conclude that the appeal should be dismissed.

S Edwards

INSPECTOR