



## Appeal Decision

Site visit made on 26 June 2018

by **Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2018

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**Appeal Ref: APP/B9506/W/18/3193810**

**Land at Forest View, Brockenhurst, Hampshire.**

- 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 Solent Projects Limited against the decision of New Forest National Park Authority.
  - The application Ref 17/00697, dated 24 July 2017, was refused by notice dated 17 October 2017.
  - The development proposed is described as 2No. new dwellings; outbuilding.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this appeal is the effect the development would have on the character and appearance of the area.

### Procedural Matters

3. The proposals were amended to remove a car port, during the course of the application. I have therefore taken the description of development from the appellants' appeal form, which reflects this change.
4. The revised National Planning Policy Framework (the Framework) came into force during the course of the appeal. The parties were given the opportunity to comment on the implications of the guidance on the appeal, and I have also taken it into account in determining the appeal.

### Reasons

5. Forest View is a small development of large dwellings with attached garages set within spacious plots. An equally if not more spacious development of large houses occurs in Woodbury opposite the site, though this is almost entirely screened from view by trees.
6. The appeal site itself is a large rectangular plot laid to grass, the northern side of which is attractively edged by a belt of trees along which a public footpath runs. This belt of trees includes a protected oak whose canopy overhangs and the site, and forms a clear edge and point of transition in character between New Forest Drive to the north, and Forest View to the south. This being so, dwellings in Forest View rather than New Forest Drive provide the immediate developed setting of the site, and also the most appropriate visual reference for new development.

7. Since planning permission was refused for the appeal scheme the Council has granted planning permission (referred to hereafter as the 'approved scheme'), for the construction of a single dwelling on the site. This approved scheme would reflect the size, layout and density of existing development in Forest View, and would therefore complement its developed setting. The approved scheme has relevance to the current appeal insofar as it represents a development that could be implemented.
8. The appeal scheme seeks to place 2 dwellings on the site. These would feature more compact building forms, on smaller plots, and/or within less spacious settings than is generally the case in Forest View. In this regard the appellant's density diagram does not take into account the contribution made to the perception of low density by openness within the immediate setting of plots in Forest View. As the site does not benefit from an open setting the density proposed would not be visually offset in a similar way. In simple terms therefore the appeal scheme would not complement the established layout and character of Forest View.
9. The dwelling on Plot 1 would be positioned close to the tree belt on the north side of the site boundary. Proximity would be emphasised visually by the overhanging canopy of the protected oak tree which would partially obscure the frontage. The relationship created would be visually uncomfortable, and, as the dwelling would appear squashed against the boundary would give rise to a cramped appearance that would accentuate the perception of inappropriate density across the site relative to its setting.
10. It is reasonable to consider that the arrangement and massing of the dwelling on Plot 1 relative to the tree belt and oak tree would generate ongoing pressure to cut back overhanging branches. This would be due to the likely obstruction branches and foliage would cause to daylight reaching habitable rooms, and due to limitations these may place on access around the site.
11. Whilst the approved scheme would also entail development close to the tree belt, the direct and potential impacts would be significantly smaller. This would be because of the much lesser height, depth and volume of the part of the building closest to the tree belt, and because the building itself would be positioned 2 metres further away than that in the appeal scheme. I find that as such the appeal scheme would have a substantially greater potential for adverse long term impact on the tree belt and protected oak than the approved scheme.
12. The character and quality of the footpath on the north side of the site is currently compromised by suburban garden fencing and exposed development on its north side. Increased awareness of development on the south side would have a further cumulatively adverse impact upon its character. Whilst the visual impact could in theory be mitigated by increased planting along the boundary, the dense shading and pressure to prune that would arise from the proximity and massing of the dwelling on Plot 1 would be more likely in practice to cause growth of low level vegetation to struggle and thin out.
13. The approved scheme would also be visible from the public footpath, however for the same reasons that the development would have less impact on the tree belt than the appeal scheme, it would also have less physical presence viewed from the footpath. Greater potential for boundary thickening would also exist given that more space for this would be available.

14. The appeal scheme would feature a significant proportion of hard landscaping across its frontage. Viewed in association with the tree belt and existing landscaping on the verge, the shallow green edge offered would do little to complement the 'natural' aspects of its setting, or the appearance of Forest View generally. In this regard I note that the approved scheme would feature a relatively deep green edge that would integrate more positively with the street scene and setting.
15. The dwelling designs proposed seek to emulate a 'vernacular' style which differs from that of existing dwellings in Forest View. In another context this could be considered to be a positive means of reinforcing local distinctiveness. However as such designs do not play a role in the particular character of the site's setting, in this location they might only serve to visually emphasise the extent to which the development was otherwise at odds with its context.
16. With regard to the purposes of the New Forest National Park designation, and advice in paragraph 172 of the Framework to give great weight to the conservation and enhancement of landscape and scenic beauty in National Parks, the site's location is within the settlement, and close to, but sufficiently removed from the settlement edge that the proposed houses would not, of themselves, demonstrably cause harm to either the character or appearance of the landscape, or scenic beauty of the open countryside. The development would however have a potentially adverse long-term impact on the scenic value of the tree belt flanking the public footpath, and so too the role this plays in providing quality to the character of the associated footpath. As both path and tree belt form a visual and recreational connection between the village and its broader landscape setting, I find that a modest degree of harm to the National Park would arise, and that this would be at odds with the great weight to be given to its conservation and enhancement.
17. Given that 'suburbanisation' of the site has already been accepted with regard to the approved scheme, I do not find conflict with Policy CP8 of the Core Strategy and Development Management DPD (CS). The proposed development would however fail to comply with Policy DP1 of CS, which seeks to ensure high quality design amongst other things, and Policy DP9 of the CS which seeks to ensure that the density of new residential development is informed by the character of the local area. Additionally I find that the development would be in conflict with advice in paragraph 172 of the Framework, and the conservation and enhancement objectives it sets with regard to National Parks. Furthermore I find that given the poor design of the development, which in relative terms fails to take the opportunities to improve the character and quality of the area demonstrated within the approved scheme, paragraph 130 of the Framework directs that permission should be refused.

### **Other Matters**

18. Both parties agree the need to make habitats contributions, and the appellant has submitted unilateral undertakings to pay them. Given my findings on the main issue however this is not a matter I need to address.
19. The appellant has drawn attention to the fact that within the context of tight environmental constraints, the appeal scheme would deliver one additional dwelling in an appropriate location, helping to meet the Council's housing target set out in emerging policy. Whilst I have not been provided with any information regarding the current status of the Council's 5-year housing land

supply, even if I was to have found this to be deficient, I consider that the development would cause a degree of harm that would significantly and demonstrably outweigh the modest benefits of adding a single dwelling to the District's housing stock. Furthermore paragraph 172 of the Framework provides a clear reason for refusal.

20. The fact that the site is not within a conservation area has been drawn to my attention. Though I note that Policy DP9 of the CS makes particular reference to 'built heritage', it nonetheless indicates that it is applicable within 'defined villages' as opposed to specifically within conservation areas. As such, whilst recognising that the conservation area forms one of a number of broader 'constraints' to housing development, the fact that the site lies outside a conservation area has had no bearing on my consideration of the merits of the appeal.

**Conclusion**

21. For the reasons set out above the appeal is dismissed.

*Benjamin Webb*

INSPECTOR