



Appeal Decision

Site visit made on 28 January 2020

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 3 March 2020

Appeal Ref: APP/B9506/W/19/3239450

Bramblings, Sway Road, Brockenhurst SO42 7RX

- 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 G Malkin against the decision of New Forest National Park Authority.
 - The application Ref 19/00283, dated 2 April 2019, was refused by notice dated 10 June 2019.
 - The development proposed is single storey dwelling. Car port to 'Bramblings' and new front boundary fence.
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Decision

1. The appeal is dismissed insofar as it relates to single storey dwelling and new front boundary fence. The appeal is allowed insofar as it relates to car port to 'Bramblings' and planning permission is granted for car port to 'Bramblings' at Bramblings, Sway Road, Brockenhurst SO42 7RX in accordance with the terms of the application, Ref 19/00283, dated 2 April 2019, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans so far as relevant to that part of the development hereby permitted: 9961-01-300, 9961-01-301A and 9961-01-306.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall only be used for purposes incidental to the dwelling on site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

Procedural matters

2. During the consideration of the application the then applicant submitted an amended site plan to the Authority and additional plans showing details of the front boundary fence and an internal fence. As the Authority made its decision based on these amended and additional plans I too will use them.

3. In August 2019 the Authority adopted the New Forest National Park Local Plan 2016 – 2036 (the NPLP). This therefore became part of the development plan for the area superseding the policies referred to on the decision notice. I have used the policies in the NPLP in making this decision.
4. I noted at the site visit that the front boundary fence forming part of the proposal had been erected.

Main issues

5. The main issues are the effect on:
 - the character and appearance of the area; and
 - on habitats sites¹.

Reasons

Character and appearance

6. Sway Road lies to the southwest of the centre of the village of Brockenhurst. In this section of Sway Road, the west side of the road is made up, predominantly, of large, individual residential properties in spacious grounds set back from the highway. Only a few properties have outbuildings in front of the dwellings.
7. The frontages are generally well landscaped and set a short way from the carriageway with intervening verges, including ditches, giving a 'soft' landscaped feel.
8. Bramblings is set further back into its grounds than other properties in the near vicinity. To the front the appeal site is covered in a gravelled surface although there is a small group of trees on the southern side approximately halfway between Sway Road and the dwelling. The adjoining property to the south, Greenhayes, is set closer to the road than some others and is one of the few properties with an outbuilding to the front. This consists of an open double car port with a translucent roof. This gives the building a semi-transparent appearance.
9. The proposal is in three parts. Firstly, the erection of a dwelling in the area in front of Bramblings. This would be located slightly further from the road than the car port at Greenhayes and would be a simple rectilinear building with a pitched roof. Accommodation would be on two floors with the upper floor lit by rooflights on the northern side. Access would be from the existing entrance to the site but with a driveway through to Bramblings. A parking area for the new dwelling would be created between it and Sway Road and a private garden would be located to the west. Separation of the garden of the new dwelling to that of Bramblings would be created by a 1.5m high wire mesh fence with hedge planting to the south of the proposed access drive and new internal gates and a close boarded fence to the north.
10. Secondly, a 1.5m high close boarded fence along the front boundary facing Sway Road. On the drawing is a note "with Hawthorn planting to outer face". Having said that the drawing shows this fence on the extreme eastern boundary so there would be physically no room for planting to this outer face

¹ As defined in the Glossary to the National Planning Policy Framework.

- on the appeal site. Thirdly, the erection of a car port and store for Bramblings located just to the south of the house and level with its current front elevation.
11. Policy DP2 of the NPLP requires development proposals to enhance local character and distinctiveness. Development should be sympathetic in terms of scale, appearance, form, siting and layout, respect the natural, built and historic environment and that materials and boundary treatments are appropriate to the site and its setting. Policy SP17 of the NPLP notes that built development which would individually or cumulatively result in a gradual suburbanising effect will not be permitted. Policy SP7 of the NPLP reminds that great weight in planning decisions will be given to conserving the landscape and scenic beauty of the National Park. The policy continues that development proposals will be permitted if they conserve and enhance the character of the New Forest's landscapes by demonstrating, amongst other matters, that design, layout, massing and scale conserve and enhance existing landscape character.
 12. Although the proposed building would be lower than other properties in the area, due to its separation from Bramblings it would not appear as an outbuilding to that building. This would be emphasised by the discrete and separate curtilage which would be created by the proposals. Due to the nature and extent of activity around even a small dwelling there would be additional movement and domestic paraphernalia which would suburbanise this area. That the area has been laid to hardstanding does not change this conclusion since it is likely that any activity associated with the current arrangements would be materially less than that proposed. While additional landscaping is proposed as part of this development, and however desirable landscaping might be, it does not make the unacceptable acceptable. As a solid building it would have a different character and appearance to the car port at Greenhayes.
 13. From what I could see from the public domain in walking along Sway Road, the properties in this section of the street appeared to be quite large and all have their own individual characters providing a variety and presence to the street scene, being seen or glimpsed through vegetation. This is an important part of the character of this part of the National Park. Due to the simple rectilinear design the proposal would not provide that presence and therefore would be out of keeping with the street scene.
 14. Turning to the fence I noted that there are a variety of boundary treatments on Sway Road. However, even in winter when I saw the area, it was clear that landscaping forms an important element of the character of this area. The fence is a stark, hard feature in the street scene and detracts from the soft landscaped character of the area. As noted above, the drawing shows it on the extreme eastern edge of the site, and I have no reason to believe that the fence I saw on site is not in that location. There is insufficient room on the appeal site on the outer side of the fence to allow for soft landscaping to mitigate the effects of the fence and the fence is therefore harmful to the character and appearance of the area and the scenic beauty of this part of the National Park.
 15. While I noted a single example of a fence on the back of the edge of the carriageway a short distance to the south, this is lower in height and has less of an effect on the character and appearance of the street scene.

16. Turning finally to the car port and store, this would relate well to the existing house and would not be intrusive into the street scene or the character of the area and would conserve the landscape and natural beauty of the National Park. The Authority does not appear to object to this part of the proposal and I consider that it is acceptable. This part of the proposal is clearly severable from the remainder, and consequently I am going to issue a 'split' decision allowing the appeal in this respect.
17. The part of the proposal that is acceptable would comply with Policies DP2, SP7 and SP17 of the NPLP as set out above. It would also comply with paragraphs 127 and 172 of the National Planning Policy Framework (the Framework) which require development to be sympathetic to local character and history and that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. Conversely, those parts of the proposal that are unacceptable would be contrary to these policies and paragraphs.

Habitat sites

18. The proposed development would be within 400m of the New Forest Special Protection Area (SPA) and Ramsar site and the New Forest Special Area of Conservation, and within 5.6km of the Solent SPA. I am the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).
19. The increase in human population associated with the dwelling element of this proposal, in combination with other plans and projects, is likely to have a significant effect on those sites from disturbance and nutrient load. This means that, were I minded to grant planning permission, I would need to undertake an Appropriate Assessment to confirm that it would not adversely affect the integrity of the sites. However, as I am going to dismiss this element of the appeal, I do not need to consider this matter further.
20. It is not asserted that the erection of the fence or the car port and store would have any effects on these habitats sites and consequently this possibility can be excluded. In that regard these parts of the proposal would comply with Policy SP5 of the NPLP which requires compliance with the Habitats Regulations.

Other matter

21. In addition to their concerns about the effect on the character of the area the owners of the adjoining property, Greenhayes, were also concerned about the effect on their living conditions from the proposed dwelling. I am satisfied that, as designed, the proposed dwelling would not result in such a harmful effect as it would be sufficiently separate from Greenhayes so as to not result in an overbearing effect or material loss of light. I am also satisfied that the proposed car port/store would not have a harmful effect on the living conditions of the occupiers of Greenhayes.

Conditions

22. I have considered the conditions put forward by the Authority against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty.

23. I have also imposed a condition requiring the external materials for the approved building to match the existing dwelling to ensure that the proposal is in keeping with the character and appearance of the area and protects the landscape and scenic beauty of the National Park.
24. In order to protect the character and appearance of the area from inappropriate use I am imposing a condition preventing the use of the outbuilding as habitable accommodation.

Conclusion

25. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

RJ Jackson

INSPECTOR