



Appeal Decision

Site visit made on 15 March 2022

by **S Leonard BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th March 2022

Appeal Ref: APP/B9506/W/21/3286472

Highwood Road, Brockenhurst SO42 7RY. Easting 429920. Northing 101771.

- 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 and Mrs Bartlett/Bowles against the decision of New Forest National Park Authority.
 - The application Ref 21/00212, dated 20 February 2021, was refused by notice dated 18 May 2021.
 - The development proposed is single storey dwelling with attached car port.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the refusal of the planning application, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. I have taken the revised Framework into account where relevant to my decision.
3. The Council has drawn my attention to its adoption of a new *Design Guide Supplementary Planning Document* in January 2022 (the Design Guide SPD), which was after the refusal of the planning application and the submission of the appeal. In principle, I afford weight to this document due to its role in supporting the relevant policies of the *New Forest National Park Local Plan 2016-2036* (2019) (the Local Plan). The appellant has had the opportunity to comment on the new SPD at final submission stage, and the Council has confirmed that it does not comprise new policy. As such, I find that neither party has been prejudiced by the timing of its adoption.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the occupiers of the adjoining properties, Kinnord and Lynton in Partridge Road, having regard to noise disturbance impacts; and
 - The effect of the proposal on the ecological integrity of the New Forest and Solent Special Protection Areas (the SPAs).

Reasons

Character and appearance

5. The appeal site is located on the north side of Highwood Road, a cul-de-sac within, and close to the south-eastern edge of, the village of Brockenhurst, within the New Forest National Park. The road differs from other cul-de-sacs to the north and south, which also run from Sway Road towards the railway line, in that one side of the road does not present an active residential frontage to the street.
6. Instead, the north side of the road is characterised by the rear gardens of detached dwellings fronting onto Partridge Road. These present frontages onto Highwood Road which are generally enclosed by mature shrubs and trees, or high fencing, and in some instances contain outbuildings associated with the residential properties. The roadside is edged by grass verging, over which there are pasture rights. There is no public footway or street lighting on this side of the road, and double yellow lines prevent car parking. As such, the northern side of the road has a distinctly undeveloped and semi-rural character. This makes a positive contribution to the townscape of this part of the village, and the undeveloped long rear gardens provide a verdant break between built residential development to the north and mixed community uses to the south.
7. The appeal site has been severed from the rear garden of a detached chalet-style dwelling at Cranemoor. It comprises an area of grassed land with one small tree, and is bounded by mature hedging/fencing to both sides and the rear. The site frontage is defined by a low wood picket fence, with a grass verge in front. As such, the site is highly visible from the public realm of the street, and it has a noticeably more open presence within the street scene than is generally characteristic of this side of the road. Notwithstanding this, due to the lack of built development and its soft-landscaped nature, it does not unduly detract from the predominantly verdant nature of this side of the road. As such, the appeal site comprises an intrinsic part of the established pleasant undeveloped street scene which characterises the northern side of the road.
8. In contrast, the south side of the road has a notably different, and more open, character, comprising community facilities which are set back from the road, in the central part, including a village hall, scout hut, doctors surgery and outdoor recreation facilities, together with some residential properties at either end. This side of the road has a footpath edge and street lighting, as well as on-street parking.
9. The proposed introduction of an active residential frontage on the appeal site would be at odds with the established subsidiary nature of rear back gardens with occasional outbuildings on this side of Highwood Road. The proposed dwelling and car port would result in built development across most of the site width, within close proximity of the site frontage, together with a considerably greater degree of plot coverage with built development than is characteristic of the neighbouring properties in Partridge Road.
10. As such, the proposed built form, together with the proposed vehicular access and hardstanding areas to the front and one side of the building would have a strong visual presence within this side of the street, introducing suburbanising elements of built development, which would be to the detriment of its established semi-rural character.

11. Such urbanising impacts would be compounded by a significant intensification of activity on the site in association with the occupation of the new dwelling, including vehicular and pedestrian comings and goings via the formalised vehicular access, frontage on-site parking, and lighting and noise effects within the vicinity of the road, all of which would be significantly greater than any impacts in connection with the use of the site as a rear garden, or in connection with ancillary domestic outbuildings.
12. Moreover, the proposal would introduce a markedly higher density of residential development between the south side of Partridge Road and the north side of Highwood Road than currently prevails. The proposed plot size and rear garden depth would be at odds with the existing spacious arrangement of generous plots with long rear gardens, resulting in a plot of about half the size of those which prevail around the site. The result would be a harmful erosion of the spacious green buffer between the built development in Partridge Road and the community facilities on the south side Highwood Road.
13. In addition, whilst there are a variety of building designs and materials within the site locality, it has not been satisfactorily demonstrated how the proposed simple bungalow design would exhibit a sense of cohesiveness with nearby built development. Furthermore, the steeply hipped and pitched roof would result in a top-heavy element to the building, which would serve to emphasise the dominant visual presence of the new built form when viewed from the road.
14. I am mindful of 2 previous dismissed appeals involving residential development of the appeal site¹. I acknowledge that some changes are likely to have occurred within the vicinity of the appeal site since the dates of these decisions. However, from my reading of these decisions and the Inspectors' descriptions of the area in each instance, and from my recent site visit, I am satisfied that the character of Highwood Road has not changed so significantly since the date of the latter appeal in 1998, as to render the current appeal scheme acceptable in respect of its impact on its surroundings.
15. I have dealt with the current appeal on the merits of the appeal scheme before me, but I concur with the views of the previous appeal inspectors that it is appropriate to take into account the likely consequences of allowing the appeal scheme, which would be that it would be more difficult to resist future similar proposals on plots which are capable of being formed from other rear gardens of properties in Partridge Road, thereby potentially resulting in cumulative harm to the character of the road.
16. Whilst the development plan policies are now different than at the time of the previous appeals, the policy thrust in respect of requiring high quality design and the protection of the character and appearance of the area remains unaltered. Additionally, these appeal decisions pre-date the National Park designation, whereby the appeal site now lies within an area which is afforded the highest status of protection in terms of conserving and enhancing landscape and scenic beauty in accordance with the Framework. This level of protection is not diminished by the fact that the road does not lie within a conservation area, or that there are no area Tree Preservation Orders within the appeal site vicinity.

¹ T/APP/B1740/A/93/7975/PE4 and T/APP/B1740/A/97/287380/P9

17. For the above reasons, I conclude that the appeal proposal would cause significant harm to the character and appearance of the area. It would therefore be contrary to Local Plan Policies SP17, DP2 and DP18 and the Design Guide SPD. These policies and guidance, amongst other things, seek to ensure that new development comprises the highest standards for new design, which enhances local character and distinctiveness, including appropriate form, siting and layout, and that it avoids a gradual suburbanising effect within the National Park.
18. For similar reasons the proposal would not accord with policies of the Framework which require well-designed places and the conservation and enhancement of the natural environment, noting that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, as set out in Chapters 12 and 15 respectively.

Living conditions

19. The Council's second reason for refusal relates to harm to the living conditions of neighbouring property occupiers due to noise and disturbance effects from the proposal adversely affecting the private enjoyment of their gardens. The appeal site has been severed from the site of Cranemoor for a substantial number of years. As such, it has become established as a tranquil piece of land, and it would be inevitable that the appeal scheme would introduce additional noise impacts associated with the residential use of the site.
20. However, I find that such impacts would not be unduly unreasonable within an established residential area where such residential noise and activity would be expected. Moreover, the combination of a proposed modest-sized single storey dwelling and associated appropriately sized rear garden, together with existing mature boundary hedging and fencing which screens the sides and rear site boundaries, means that noise levels that could reasonably be expected in association with the proposal would not be unduly harmful to neighbouring property occupiers, who would normally expect to experience day-to-day noise levels in association with neighbouring dwellings.
21. In addition, the dwelling would be introduced into an area where the rear gardens of neighbouring properties would already experience existing noise impacts in connection with community uses on the opposite side of the road, including coming and goings of users of the facilities and associated vehicles accessing and exiting the parking areas, and outdoor recreational use in connection with the multi-use games area.
22. For the above reasons, I conclude that there would be no demonstrable harm to the living conditions of the occupiers of the adjoining properties, Kinnord and Lynton, in Partridge Road, having regard to noise disturbance impacts. As such, the proposal would accord with Local Plan Policy DP2, in so far as this policy seeks to ensure that new development would not result in unacceptable adverse impacts associated with noise pollution.
23. This is generally consistent with paragraph 130 of the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users.

SPAs

24. In order to address the Council's third reason for refusal, a scheme of mitigation is required to mitigate against potential harm to the SPAs, arising from increased recreational usage and increased output of nutrients into the Solent water environment associated with new residential development.
25. The appellants have confirmed willingness to provide the appropriate level of mitigation in respect of both impacts, and have submitted a signed and dated planning obligation, pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), in respect of the payment of financial contributions towards mitigating the recreational impacts of the proposal. The Council has confirmed that, subject to several amendments, this would satisfactorily address part of the third reason for refusal in respect of recreational impacts.
26. The appellants' unilateral undertaking does not address the matter of nutrient impacts on the SPAs, and both main parties have agreed to deal with this matter by means of a planning condition.
27. In the context of this appeal, the responsibility for assessing the effects of the proposal on the European designated sites falls to me as the competent authority. Notwithstanding the above, were I minded to allow the appeal, I would need to carry out an Appropriate Assessment (AA) before considering the proposed mitigation set out in the UU and the Council's suggested planning condition, since the proposal would be likely to have a significant effect on the SPAs. However, as the first main issue provides clear reasons for dismissing the appeal, I have not had cause to pursue undertaking an AA. As such, I do not need to consider the UU and this matter further, since any findings on this issue would not change the appeal outcome.

Other Matters

28. I acknowledge that the proposal represents an amended scheme from that of a previously withdrawn application², including a repositioning of the dwelling and car port and a lowering of the roof ridge height. However, this does not alter my findings in respect of the current proposal.
29. When judged against some of the core planning principles of the Framework, the appeal proposal would perform well in that it would be within a designated settlement, where access to community facilities and services and public transport connections is likely to be greatest. There would also be economic benefits as a result of the construction and occupation of a new dwelling. By providing a small, single storey unit, which is more likely to suit elderly downsizers or mobility-impaired occupants, the proposal would also contribute to the Framework objective of creating mixed and balanced communities.
30. However, notwithstanding the high property prices within the area, and a restriction on new residential development as a result of the proximity of the New Forest SPA, an additional dwelling would make a very modest contribution towards the Council's supply of housing. Moreover, a high standard of design is also a key aspect of sustainable development. The harm I have identified to the character and appearance of the area would be significant. As a result, the social objective of sustainable development of fostering well-designed and beautiful places, would not be achieved.

² Ref 20/00891

31. Whilst the Framework encourages the effective use of land in meeting the need for homes, and requires the Council to approach decisions in a positive and creative way, these matters are not unqualified and would not address or outweigh the aforementioned harm that I have identified to the character and appearance of the area.
32. I have noted the letters of support from neighbours and the Friends of Brockenhurst. However, they do not affect my above conclusions in respect of the first main issue.

Conclusion

33. Notwithstanding the lack of demonstrable harm to the living conditions of neighbouring occupiers, the significant harm to the character and appearance of the area is a sufficient reason to dismiss the appeal.
34. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR