



Appeal Decision

Site visit made on 29 July 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2019

Appeal Ref: APP/W1715/W/19/3228563

17 Sherborne Way, Hedge End S030 0GY

- 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 M Buxey against the decision of Eastleigh Borough Council.
 - The application Ref F/18/84599, dated 10 December 2018, was refused by notice dated 4 February 2019.
 - The development proposed is described as the erection of a 3 bedroom detached house with associated car parking and bin and bike storage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was revised in February 2019. However, as the Framework's policies that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the surrounding area and designated nature conservation sites.

Reasons

Character and appearance

4. The appeal site contains a two-storey semi-detached dwelling with an area of open space to the side. The surrounding area has a residential character and contains semi-detached, detached and terraced properties with a generally similar scale and appearance. It appears to be laid out in a varied but coherent, planned development pattern, and includes open grass verge spaces between built form and clear building lines such as the side of No 17 Sherborne Way broadly aligning with the front of Nos 12-17 Little Kimble Walk. The open space on the site combines with and essentially links the open area in the front of Nos 13-15 Sherborne Way and the relatively open nature of Little Kimble Walk. These generally undeveloped spaces create a coherent spacious form which is visible in the locality, including from the nearby road junction and in both directions along Little Kimble Walk and Sherborne Way.
5. Experienced as forming part of the area's planned layout and providing a sense of spaciousness and relief between surrounding built form, the combined open space, which includes part of the site, contributes positively to the character and

- appearance of the surrounding area. The submitted extract from the Council's Supplementary Planning Document, 'Character Area Appraisals Hedge End, West End and Botley' (2008), identifies these grass verge spaces as special features in the area. Amongst other aspects, its guidance also seeks to retain the grass verges and maintain the continuity in building line.
6. The appeal proposal would introduce a detached two-storey building to the side of No 17 Sherborne Way. The side of the new building would be set forward of Nos 12-17 Little Kimble Walk and, combined with the proposed 1.8 metre high boundary wall, would project into the open area providing space between built form. Significantly reducing this space, the development would be experienced as a dominating feature that erodes the sense of openness in the surrounding area and disrupts and detracts from its development pattern.
 7. I recognise that there would be an area of open space to the side of the development and in front of Nos 13-15, which are well set back. However, this remaining area would be appreciably narrower and smaller than the existing space and dominated by the development's south-west elevation. Its contribution to the surrounding area would therefore be much reduced. The development would also create a visual barrier between the relative openness of Little Kimble Walk and the open area to the front of Nos 13-15. This would break the existing link between these areas and accordingly further reduce the sense of spaciousness between surrounding built form.
 8. The development would be of a similar style, character and size to surrounding buildings. It has also been put to me that built form at No 15 and its boundary fence affects adjoining residents and pedestrians using Little Kimble Walk. Be that as it may, these aspects do not lead me to a different conclusion.
 9. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it conflicts with Policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011) (EBLPR). Amongst other aspects, this requires development to take full and proper account of the context including the character and appearance of the locality and be appropriate in relation to adjoining spaces. The proposal would also be inconsistent with the provisions of the Framework in relation to achieving well-designed places.
 10. I only give limited weight to the emerging Eastleigh Borough Local Plan 2016-2036 (eEBLP) because it has not been adopted and I have limited evidence concerning its current status. However, eEBLP Policy DM1 appears to have broadly similar aims to EBLPR Policy 59.BE and the Framework. For the above reasons, the proposal would therefore also conflict with this policy.

Designated sites

11. The site is located within the 5.6 kilometre buffer zone of the Solent and Southampton Water Special Protection Area (SPA). Development for residential accommodation within this area has the potential to increase recreational pressure on the SPA, resulting in disturbance to the designated site and its species and which could affect their status and distribution. In combination with other plans and projects for new residential development in the area, the development would therefore be likely to have a significant effect on the designated site.
12. EBLPR Policy 25.NC states that development which adversely affects a habitat or feature of importance for wild fauna and flora will not be permitted unless it can be demonstrated that the benefits outweigh the adverse impacts, the impacts are unavoidable and appropriate measures are taken to mitigate or compensate for the

impact. Although I only give limited weight to the eEBLP, Policy DM11 seeks to, amongst other aspects, protect, conserve and enhance international nature conservation sites and states that development which is likely to adversely affect the integrity of such sites will not be permitted.

13. The Council's Officer Report sets out that planning obligation contributions are sought towards the Solent Recreation Mitigation Partnership (SRMP) to mitigate the increased recreation pressure resulting from the development. Natural England's comments on the planning application also indicate that mitigation compliant with the SRMP Definitive Strategy needs to be secured to avoid the development adversely affecting the integrity of the designated site. However, the evidence before me indicates that appropriate mitigation has not been secured and no legal agreement or planning obligation securing a financial contribution to mitigate the effect of the development has been submitted with the appeal. Accordingly, I cannot ascertain that the integrity of the Solent and Southampton Water SPA would not be adversely affected by the development. Consequently, I find that the proposal would conflict with EBLPR Policy 25.NC and EBLP emerging Policy DM11, the Framework and the Conservation of Habitats and Species Regulations 2017.
14. After the Council's refusal of the planning application and following advice from Natural England, the Council has also been addressing the effects of new overnight accommodation on the water quality of designated sites, including the River Itchen Special Area of Conservation (SAC), Solent and Southampton Water SPA and Ramsar site and the Solent Maritime SAC. The advice from Natural England indicates that high levels of nitrogen and phosphorus input to the water environment in the Solent is causing eutrophication. All types of development that would result in a net increase in population served by a wastewater system would create additional levels of nitrogen and phosphorus.
15. On this basis, the development is also likely to have a significant effect on the above designated sites due to its contribution, in-combination with other plans and projects, to increasing eutrophication at the sites. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.

Other matters

16. I recognise the appellants undertook pre-application discussions with the Council, and that the Council has not raised concerns with regards to parking, highway safety and the living conditions of adjoining occupiers. The proximity to Hedge End village centre means that the site is in an accessible location for various facilities, services and public transport. There is also a need for new housing and the development would provide a new family dwelling which would serve demand in the area. Be that as it may, these matters do not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan.

Conclusion

17. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR