

Appeal Decision

Site visit made on 12 December 2022

by S Edwards BA MA TCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2023

Appeal Ref: APP/W1715/W/22/3298585

11 Whalesmead Close, Bishopstoke SO50 8HE

- 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 Clive Board against the decision of Eastleigh Borough Council.
 - The application Ref F/22/92335, dated 26 January 2022, was refused by notice dated 23 March 2022.
 - The development proposed is a bespoke 3 bedroom, chalet bungalow detached family dwelling located on the expansive gardens of, and adjacent to 11 Whalesmead Close with the required associated garden amenity and parking facilities.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In April 2022, the Eastleigh Borough Local Plan (2016-2036) was adopted by the Council. It replaces the policies contained within the adopted Eastleigh Borough Local Plan Review (2001-2011). Accordingly, I shall determine the appeal in accordance with the most up-to-date policies, on which the parties were able to submit comments as part of the appeal process.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Located within an established residential area, the appeal site forms part of a small cul-de-sac predominantly characterised by chalet bungalows of a similar style and scale, set within proportionately sized plots. The arrangement of the properties, which are typically set back from the road frontage, and the front gardens give the area a pleasant open, spacious and suburban feel.
5. As part of the proposal, the existing garage would be demolished to enable the construction of a building of a much larger scale. Due to the constrained size and tapering nature of the site, the proposed dwelling would appear unduly hemmed in, as it would sit within proximity to its front and rear boundaries, and would therefore occupy a significant proportion of the new plot's depth. As a result, the property would face at close quarters the tall boundary fence which runs adjacent to the existing footpath.
6. The area to the front of the dwelling would also be uncharacteristically small, leaving very limited scope for the provision of a front garden where soft

landscaping could thrive. Whilst a reasonably sized garden would be created within the southern part of the plot, I find that the proposed dwelling would lead to the creation of a cramped and incongruous built form which, due to its siting, would detract from the prevailing pattern of development in the locality. Consequently, the appeal scheme would erode the contribution which the site presently makes to the open and spacious nature of its surroundings, and appear intrusive within the street scene.

7. I also share the comments made regarding the detailed design of the proposal, and in particular the dwelling's fenestration and elevational treatment, though not to a degree which would provide justification to dismiss the appeal solely on this basis.
8. The parties have drawn my attention to a number of schemes which have either been approved by the Council or dismissed on appeal. Having regard to the presented information, I cannot however be certain that these particular developments represent a direct parallel to the proposal before me, notably because I do not know the circumstances which have led to their approval or dismissal, and because they relate to different street scenes. Very limited weight has thus been ascribed to these examples.
9. For the foregoing reasons, the appeal scheme would cause unacceptable harm to the character and appearance of the area, and would therefore fail to accord with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) and paragraph 130 of the National Planning Policy Framework. These notably seek to ensure that new development take full and proper account of the context of the site including the character, appearance and land uses and be well integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views.

Other Matters

10. Various concerns have been raised by interested parties, notably regarding the effect of the development on the living conditions of neighbouring residents, which I have noted. The Council did not refuse planning permission on these grounds, and there are no reasons for me to reach an alternative view.
11. The appeal site lies close to European protected sites, specifically the Solent and Southampton Water Special Protection Area (SPA), the Solent Maritime Special Area of Conservation (SAC) and the Solent and Southampton Water Ramsar site. These areas are considered of international importance for supporting significant numbers of overwintering bird species.
12. The Council is concerned that the proposed development would have a likely significant effect on the integrity of these sensitive areas (either individually or in combination with other plans or projects), notably by reason of additional recreational pressures, unless suitable mitigation is provided. Residential development proposals are therefore required to make a financial contribution towards the Solent Recreation Mitigation Strategy, and this is normally secured through the completion of a planning obligation.
13. The site is also within relative proximity to the New Forest Protected Sites¹. Natural England has advised that recreational disturbance associated with new

¹ New Forest Special Protection Area, New Forest Special Area of Conservation and Ramsar sites.

development would need to be appropriately mitigated to offset likely significant effects upon these sensitive areas.

14. Furthermore, Natural England has raised concerns regarding the increase in nitrates levels which have been found in the Solent water environment. The presence of high levels of nitrogen in particular is linked to increased wastewater associated with residential development. This is causing eutrophication in this sensitive water environment, which is also believed to have a likely significant effect on the designated sites. In order to address this issue, the Council has therefore adopted its own strategy for achieving nutrient neutrality.
15. As I am dismissing this appeal on other substantive grounds, these are not matters which need to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to undertake an Appropriate Assessment, in accordance with the requirements of the Habitats Regulations.

Conclusion

16. The appeal scheme would make a contribution towards housing supply and choice and support the local economy to some degree, but these benefits would be outweighed by the harm that I have identified. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR