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The Planning Inspectorate
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Appeal	APP/W1715/W/23/3321290
Application	F/22/94200
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Tuesday 21st November 2023

Dear Sir/Madam,

Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure)
(England) Order 2015

Appeal by:	Mr & Mrs Adam Eldridge
Appeal No:	APP/W1715/W/23/3321290
Application No:	F/22/94200
Description:	Construction of detached three bedroom dwelling with parking, amenity space and creation of new access revision to application F/22/93238
Site:	23 OATLANDS ROAD, BOTLEY, SOUTHAMPTON, SO32 2DE

With reference to the above planning appeal and the Appellant's submitted appeal statement, the Local Planning Authority (LPA) are of the opinion that this statement raises no new issues or evidence and as such would ask that the appointed Inspector treats the delegated officer report and consultee responses, which were submitted with the appeal questionnaire, as the LPA's statement of case together with the following comments.

Refusal Reason 1:

The LPA does not dispute that there are examples of 'backland' development in the wider locality. However, as is set out in the delegated officer report, these are on significantly larger plots where more room is available to accommodate these developments. It is also the case that the majority, if not all of the examples given are

now a number of years old and were approved at a time before the higher design standards of today were expected.

The comments made in relation to housing density are noted. However, whilst it is accepted that we should be making efficient use of urban land, good planning is more than simply achieving higher densities. Any new development must be respectful of the prevailing character of the locality, including the existing pattern of development. That proposed would not sufficiently respect this existing pattern, resulting in a cramped and constrained plot of a size which is significantly smaller than neighbouring plots and out of keeping with the immediate locality.

Refusal Reason 2:

It was acknowledged within the delegated officer report that the proposed private garden area for the dwelling did meet the 'Quality Places' SPD requirements in terms of site area. However, the quality of such a space is more than simply its size, but also its proportions and orientation, as well as impact from existing neighbouring development. In the appeal proposal's case, the cramped and constrained nature of the plot would result in a poor quality external space, to the detriment of future occupier's amenity and not in keeping with the nature and character of neighbouring properties in the area.

The comment in relation to the "shoebox size back gardens" approved on neighbouring new development sites is noted. However, this is considered to be a misrepresentation of the reality. Whilst it is accepted that the gardens provided are considerably smaller than those found along Oatlands, they are not small by modern standards and appropriate for the nature and character of that new development.

Refusal Reason 3:

It is noted that the Appellant has provided a copy of Natural England's nutrient budget calculator. However, it appears that this has not been completed correctly. Firstly, the wastewater treatment works for this area is Peel Common, not Chickenhall Lane. The river catchment is East Hampshire Rivers, not the Itchen. The soil type is impeded drainage, not variable. Rainfall is within the 800 – 850 mm band, not 650 – 675 mm. The existing and proposed site areas also do not match. As such, the calculated 3.41 kg TN/year is incorrect.

Once calculated correctly, the Council's nitrate mitigation scheme would be available for the Appellant to use, as would the Council's New Forest mitigation scheme. It will

also be necessary for the appellant to contribute to the Solent disturbance mitigation project, as the appeal site falls within the 5.6 km catchment zone.

With regards to the method for securing these mitigation payments, it is noted that the appellant has requested a condition requiring this mitigation to be secured prior to commencement. Whilst such an approach is agreeable to the LPA, it is for the Inspectorate as the determining authority in relation to the Habitat Regulations to decide if this is appropriate, or whether a completed and signed legal agreement would be a better solution.

Conclusion

Whilst in basic principle terms, subdivision of the existing plot to construct an additional dwelling may be acceptable, the size of the existing plot is not considered to be sufficiently large enough to allow this to be achieved in a manner which would respect the existing pattern of development in the area, or which would provide a reasonable quality of amenity for future occupiers of the development. As such the application is considered to be contrary to Policy DM1 of the adopted Local Plan and guidance within the Council's 'Quality Places' SPD.

Accordingly, the Local Planning Authority respectfully request that the Inspector upholds the reasons for refusal and dismisses the appeal.

However, should the Inspector be minded to grant permission, the Local Planning Authority would ask that the conditions attached in Appendix A are included as part of any approval.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Andy Grandfield".

Andy Grandfield
Service Director for Planning and Environment