



Appeal Decision

Site visit made on 27 November 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2023

Appeal Ref: APP/W1715/W/23/3323461

39 Fair Oak Road, Bishopstoke, Hampshire SO50 6LF

- 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 Mark Pople of A and M Pople Ltd against Eastleigh Borough Council.
 - The application Ref F/23/94642, dated 31 January 2023, was refused by notice dated 26 April 2023.
 - The development proposed is described as the erection of a two storey dwelling.
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Decision

1. The appeal is dismissed insofar as it related to the erection of a two-storey dwelling in the rear garden of 39 Fair Oak Road. The appeal is allowed insofar as it related to the insertion of a new first-floor bay window to the rear elevation of 39 Fair Oak Road and planning permission is granted for the insertion of a new first-floor bay window to the rear elevation of 39 Fair Oak Road, Bishopstoke, Hampshire SO50 6LF in accordance with the terms of the application, Ref F/23/94642, dated 31 January 2023, so far as relevant to that part of the development hereby permitted 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 insofar as they are relevant to the part of the development hereby permitted, and all elements regarding the erection of a two-storey dwelling in the rear garden of 39 Fair Oak Road disregarded: 001 A and 009 a.
 - 3) The development hereby permitted shall use materials in the construction of the external surfaces that match those used on 39 Fair Oak Road.

Procedural Matters

2. The proposed development includes a new first-floor bay window to the rear elevation of 39 Fair Oak Road (No 39) and the description of development on the decision notice, appeal form, and the main parties' evidence have all referred to it. It is also evident that the submitted plans, which show the proposed first-floor bay window, are slightly different to how No 39 has been built. Accordingly, as the bay window was considered as part of the application, I have taken it into account, but have made my decision with consideration of the submitted plans.

3. For the following reasons, I have found the proposed bay window acceptable. As it is clearly severable both physically and functionally from the proposed new dwelling, I intend to issue a split decision and grant planning permission for the bay window only.

Main Issues

4. The main issues are the effect of the proposed new dwelling on the character and appearance of the locality and European Protected Sites, and whether the proposed bay window would comply with the local plan.

Reasons

Character and appearance

5. Fair Oak Road is part of a residential area which has a traditional street pattern. The majority of houses are two-storey and either semi-detached or detached. They generally face the road and are set back behind parking or front gardens. This creates a cadence and regularity to the street scene and is representative of a conventionally suburban area. An important aspect of this character is the spaciousness created around road junctions by the side boundaries of rear gardens. These create a visual and physical separation between rows of houses on one road and the side elevation of the houses on the adjoining road, allowing views across rear gardens and marking the start and end of streets.
6. It is recognised that there are some other forms of development within the wider area where dwellings are more closely positioned on smaller plots, such as Manor Farm Grove, or form short terraces, such as Alan Drayton Way and Harvey Road. However, in the main these respect the pattern of development around road junctions.
7. The appeal site is located at the junction of Fair Oak Road and Sayers Road with the rear garden of No 39 contributing to the space around that junction. Although the forms and styles of the houses on Sayers Road are a little less uniform than on other nearby roads, the road layout remains characteristic of the area. The houses face the road creating a strong building line punctuated by the spaciousness at the junctions at either end along with the associated views across gardens.
8. The proposed new dwelling would be located to the rear of No 39 and next to 2a Sayers Road (No 2a). It would be traditional in form and would provide a front garden area. However, it would significantly reduce the amount of space between the donor property and No 2a. This would almost completely enclose one side of the junction, which would block views across the rear gardens beyond and permanently remove a key element of the street scene. Which would have a detrimental effect on both the spatial and visual characteristics of the junction and so the character and appearance of the locality.
9. It is acknowledged that there has been a series of single storey outbuildings located where the new dwelling is proposed, and that the site is enclosed by solid fencing. However, the proposed new dwelling would be two-storeys high and so this does not negate the loss of openness above the fence line which creates the sense of space.

10. The proposed plot size for the new dwelling would be significantly smaller than other properties along Fair Oak Road. Nevertheless, the building to plot size ratio and layout would not be dissimilar to that of No 2a, and the building line along Sayers Road would be maintained.
11. However, this does not negate the harm the proposed location of the new dwelling would have on the spacious character and appearance of the junction. Therefore, the proposed new dwelling would fail to comply with Policy DM1 of the Eastleigh Borough Local Plan (LP) in so far as it would have an unacceptable impact on the character and appearance of the area and has failed to take a full and proper account of the context of the site.

European Protected Sites (EPS)

12. The appeal site is within the buffer zone for recreational impact on the New Forest Special Protection Area (SPA) and within the nitrogen and phosphorus impact zone for the River Itchen Special Area of Conservation (SAC), the Solent Maritime SAC, and the Chichester and Langstone Harbours, Solent and Southampton Water, and Portsmouth Harbour SPAs and Ramsar sites.
13. These EPS qualify for such protection as they provide rare habitats which support species that are susceptible to predation and disturbance, and often rely on the water environment for food. The additional dwelling proposed, whilst minimal on its own, would contribute to an increased population in combination with other plans, projects and developments in the area. Given the proximity of the development to the EPS, it is likely that its contribution to the increase in population could lead to an increase in visitor and recreational pressure within the New Forest SPA and an increase in nutrients from wastewater within the other EPS' water environments. Given the susceptibility and vulnerability of the qualifying features of the EPS to such uses and outputs, it cannot be concluded that the development would not adversely affect the integrity of the protected sites in combination with other projects.
14. The unilateral agreement prepared by the Council and signed by the appellant could make adequate provision for the mitigation of the recreational impact on the New Forest SPA if it were executed. However, there is nothing before me to mitigate against the impact of increased nitrogen and phosphorus on the other EPS. The Council's proposed condition is acknowledged but without any specific details of mitigation measures nor how they would be actioned, there is insufficient certainty or clarity in detail to ensure the reasonable use of a condition, negatively worded or otherwise.
15. I am, therefore, unable to conclude that the proposal would not have a harmful effect on the EPS or that it would comply with LP Policies S1, DM10 and DM11 insofar as they seek to protect priority species and habitats.

Proposed bay window

16. The Council have found that the proposed bay window would not cause harm to the living conditions of the occupants of neighbouring properties, and due to its location, shape and lack of glazed side panels I agree with this assessment. Its design would be in keeping with the modern treatment of No 39 and along with its modest size, would ensure its impact on the character and appearance of the area would not be harmful. It would not materially alter or intensify the use

of No 39 so would not have a likely significant effect on the EPS either alone or in combination with other nearby development.

17. Consequently, the proposed bay window would comply with all relevant LP policies including S1, DM1, DM10 and DM11, insofar as they seek to protect the living conditions of the occupants of neighbouring properties, the character and appearance of an area, and the EPS.

Other Matters

18. The National Planning Policy Framework (the Framework) seeks to boost the supply of homes, make more efficient use of land in accessible locations, and notes the importance small and medium sized sites can have on that supply. The proposal would provide a net increase of 1 home in a reasonably accessible location. Along with the associated economic and social benefits, this contribution to the windfall element of the Council's five-year housing land supply attracts limited weight based on the number of houses involved.
19. Nevertheless, housing provision should not come at the cost of good design or the protection of EPS, a position supported by the Framework. Consequently, when weighed against the policies in the Framework taken as a whole, I find that the adverse impacts of granting planning permission would outweigh the proposed benefits.
20. The appellant also infers that the proposal would fulfil a need for wheelchair accessible family homes within the borough, would provide biodiversity gain and additional natural surveillance along Sayers Road. These points do not outweigh the harm identified as there is nothing before me evidencing the presence of that specific local housing need, how the proposal would increase the biodiversity of the site, nor why Sayers Road requires additional natural surveillance.

Conclusion

21. For the reasons given above and having considered the development plan along with all other relevant material considerations including the approach in the Framework, I conclude that the appeal should be allowed insofar as it relates to the insertion of a new first-floor bay window to the rear elevation of No 39 and dismissed insofar as it relates to the erection of a two-storey dwelling in the rear garden of No 39.

RJ Redford

INSPECTOR