

Sarah Hardy
The Planning Inspectorate
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Application	F/24/96708
Your Reference	APP/W1715/W/24/3345833
Please ask for	Clare Martin
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25th July 2024

Dear Ms Hardy

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

Appeal By:	Mrs Helen Jones
Appeal No:	APP/W1715/W/24/3345833
Application No:	F/24/96708
Description:	Erection of 1no. two-bedroom detached house adjacent to existing dwelling, with associated access onto Foord Road, parking and bin/bike storage
Site:	60 BURSLEDON ROAD, HEDGE END, SOUTHAMPTON, SO30 0BY

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.

Reason for Refusal 1: Character and Appearance

The LPA acknowledges that the site is within a mixed character area and this forms part of the Planning Officer's assessment. The LPA would direct the Inspector's

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attention to the delegated report, which sets out in detail the reasons why the new dwelling is considered to be visually intrusive and why it would have a harmful impact upon the character and appearance of the locality.

Reason for Refusal 2: Residential Amenity

The LPA disagrees with the Appellant's conclusion that the proposed first floor rear window will not have an impact upon the privacy of 58 Bursledon Road.

The LPA's assessment is set out within the delegated report, which states "the window is of an excessive size (stretching across the back of the dwelling) and is the only window serving a bedroom so is not considered appropriate for this to be obscured... Whilst the angle between the buildings would be sufficiently oblique as to prevent direct views into No. 58's rear windows, in this case the combination of the modest distance from the bedroom window to the shared boundary (approx. 9m) when combined with the notably elevated position of the application site relative to No. 58 would, it is considered, result in an undue level of overlooking and an unacceptable loss of privacy for the neighbouring occupiers when utilising the primary area of their amenity space closest to the dwellinghouse."

The LPA also disagrees with the appellant's assumption that the existing hedge and trees would be sufficient to screen views from the proposed first floor bedroom window, particularly given the windows position of 3.5m to 4.7m above ground level. Furthermore, the trees are not covered by a tree preservation order and so it could not be guaranteed that the existing landscaping would be retained for the life time of the development.

Reason for Refusal 3: Ecology and Biodiversity Net Gain

While the Appellant's statement outlines some replacement planting and biodiversity enhancements, no information has been provided as to whether there are protected species present on the site or mitigation put forward to prevent harm on such species. It is best practice that a preliminary ecological appraisal is provided before the appeal is determined, rather than rely on a planning condition.

The Council's Ecologist has made the following comments

"It needs to be established that there are no protected species already on site. There are records of slow worms, common lizards and adders, badgers and bats nearby and suitable habitat on site for slow worms, nesting birds, foraging bats and hedgehogs. A preliminary ecological appraisal will be required. The recommendations made by the ecological consultant must also include a precautionary working method, and a plan showing the specifications and locations of the proposed biodiversity

enhancements. If any exterior lighting is required, it must conform to the standards set out in the ILP guidance note Bats and Artificial Lighting in the UK.”

Reason for Refusal 4: Special Protection Area

The Planning Inspector's attention is drawn to the delegated report, which explains the impact the development would have on the Special Protection Areas (SPA) in terms of recreational disturbance and an increase in nutrients.

Recreational Disturbance

While the Appellant's statement notes their intention to make payments for mitigation towards the developments increase in nutrients, it makes no reference to mitigation for recreational disturbance to the Solent and Southampton Water SPA or the New Forest SPA. The Council would expect the Appellant to make a financial contribution towards the Solent Recreation Mitigation Strategy and New Forest Mitigation Strategy, the need for which is set out within the delegated officer's report. No contributions have been received to date and no unilateral undertaking has been signed.

Nutrients

It is the LPA's practice to secure nutrient mitigation either through a planning condition or via a unilateral undertaking. However, to be reasonably confident that the planning condition/ obligation could be satisfied the LPA would also expect a nutrient budget to be provided for the development along with details of the proposed nutrient mitigation. These details have not been submitted and as such the LPA is unable to withdraw this reason for refusal.

Conclusion

While it is recognised that the proposal would contribute towards meeting the borough's housing need, the delivery of a single residential property would be a very modest benefit and it is the LPA's view that this would be outweighed by the environmental harm set out within the reasons for refusal and accompanying delegated report.

The LPA respectfully request that the Inspector upholds the reasons for refusal and dismisses the appeal. However, should the Inspector be minded to grant permission,

the LPA would ask that the conditions attached in Appendix A are included as part of any approval.

Yours faithfully

A handwritten signature in black ink that reads "N Parker". The signature is written in a cursive style, with the first name "N" being a large, stylized letter and "Parker" following in a more standard cursive script.

Nicholas Parker
Planning Manager