



Appeal Statement

Cherry Court, Salterns Lane, Bursledon, SO31 8DH

08 October 2024

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1 QUALIFICATIONS AND EXPERIENCE

QUALIFICATIONS AND EXPERIENCE

- 1.1 I hold a 2:1 Planning Studies Bachelor of Arts Honours degree and a Diploma in Urban Planning from Oxford Brookes University. I am a member of the Royal Town Planning Institute.
- 1.2 I have worked in Hampshire since 1996. From 1996 to 2014 I worked at Eastleigh Borough Council as a Senior Planning Officer and then as a Principal Planning Officer in the Major Applications Team.
- 1.3 I have practised as a planning consultant since September 2014. I established my Town Planning practice, Wessex Planning Ltd, in September 2016, specialising in small to medium scale residential development.
- 1.4 I was instructed to appeal against the refusal of planning permission F/24/97376 by Eastleigh Borough Council for Construction of 7 bedroom detached dwelling over three levels and associated landscaping following demolition of existing dwelling.

2 REFUSAL REASONS

2.1 Despite the Case Officer recommending approval, planning permission for the construction of 7 bedroom detached dwelling over three levels and associated landscaping following demolition of existing dwelling (planning application reference F/24/97376) was refused by Eastleigh Borough Council at the Bursledon, Hamble-le-Rice and Hound Local Area Committee on Thursday 5th September 2024, with the decision notice issued on 11th September 2024 for the following three reasons:

1. **The proposed development by virtue of its size, scale, bulk, form and appearance is not considered to be appropriate for or sympathetic to the character of the Old Bursledon Conservation and Special Policy Areas, particularly when viewed from the public realm. As such, the application is considered to be contrary to Policies DM1, DM12 and BU7 of the Eastleigh Borough Local Plan 2016-2036, and the Council's 'Quality Places' and 'Old Bursledon Conservation Area Appraisal and Management Proposals' Supplementary Planning Documents.**
2. **Insufficient evidence has been provided to demonstrate that the proposed development will not result in harm to the appearance of the Old Bursledon Conservation and Special Policy Areas when viewed from the River Hamble and its eastern bank both during the day and when illuminated at night. As such, the application is not considered to accord with the requirements of Policies DM1, DM12 and BU7 of the Eastleigh Borough Local Plan 2016-2036, and the Council's 'Quality Places' and 'Old Bursledon Conservation Area Appraisal and Management Proposals' Supplementary Planning Documents.**
3. **Inadequate justification has been provided for demolition of the existing dwelling, and it has not been demonstrated that**

its removal or replacement would enhance or improve the character and appearance of the Old Bursledon Conservation Area, contrary to Policy DM12 of the Eastleigh Borough Local Plan 2016-2036, and the Council's 'Old Bursledon Conservation Area Appraisal and Management Proposals' Supplementary Planning Document.

3 REBUTTAL OF REASON 1

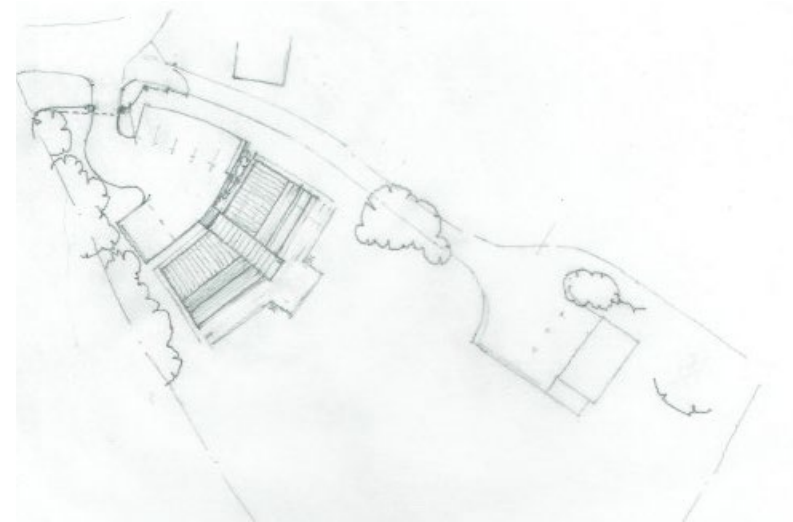
REBUTTAL OF REASON 1

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- 3.1 As detailed within the Planning, Design and Access Statement that accompanied the planning application, an historical planning application for a replacement dwelling was withdrawn by the applicant in January 2024 due to concerns being raised by the Council's Design officer and the Design Review Panel (comprised of several local architects) in relation to the design.
- 3.2 Subsequent to this withdrawal, a series of very helpful meetings and discussions were held with the planning officer and Design Review Panel to demonstrate that a contextual analysis had been carried out; to confirm that the applicant and their advisors had a detailed appreciation of the area's heritage and character; and to describe the design evolution process that had taken place thus far.
- 3.3 These meetings were both positive and proactive.
- 3.4 Both the planning officer and the Design Review Panel had noticed a sketch within the design evolution of the original proposal which they considered to be a more appropriate design response to the site. Appendix 1 contains the original plans, the relevant page of the Design and Access Statement and the original Design Review Panel comments. In their comments, the Panel stated:

"Ironically, the earlier sketch drawings briefly shown appeared to demonstrate a better understanding of site and could have provided a far more appropriate design response."

- 3.5 For the Inspector's ease, the relevant extract from the original DAS is shown below. This initial sketch was not evolved at that time due to client choice.



- 3.6 The discussions with the LPA following the withdrawal of the previous application centred around the above concept, as the 'gull-wing' form of the proposal was considered by the planning officer and the Design Review Panel to better respond to both the contextual analysis and the constraints and opportunities presented by the site itself, as better described in the subsequent DAS.
- 3.7 The detailed post-withdrawal discussions with the planning officer resulted in the submission of a subsequent application - the appeal application - some 4 months after the withdrawal of the previous application. It is contended by the appellant that the helpful pre-application discussions on the subsequent application improved the final design immeasurably.

REBUTTAL OF REASON 1

- 3.8 The Old Bursledon Conservation Area and the Old Bursledon Special Policy Area designations acknowledge both the high quality of the area, and its heritage.
- 3.9 The detailed planning, design and access statement, the heritage statement and the landscape visual appraisal are testament to the applicant's detailed appreciation of the character of the area.
- 3.10 Whilst not wishing to repeat the contextual analysis of the area in this appeal statement (as the accompanying application reports were thorough in their detail), the main characteristics of this particular area can be summarised as:
- Residential with large houses in large plots
 - Dwellings of diverse character
 - Strong landscape of trees and hedgerows
 - Generous space around buildings
 - Views to the River Hamble
- 3.11 The Conservation Area Appraisal also states that there have been a number of large extensions, a series of smaller extensions to individual properties, or replacement buildings which have created large, visually intrusive properties that have had a negative urbanising effect. This appraisal was adopted in 2012.
- 3.12 Since that time, a new Local Plan was adopted in 2022, and includes Policy BU7, which aims to control the size of replacement buildings or extensions within the Bursledon Special Policy Area. This policy requires any replacement dwelling to be less than 25% of the 1982 volume; to respect the characteristic of space between the buildings; to not create a disproportionately larger dwelling; to not contribute to urbanisation of the area; and to not be detrimental to character in views from the River Hamble.
- 3.13 Policy DM1 is a general design policy relating to all new development and requires, amongst other things: the protection of residential amenities, the character of areas, biodiversity, trees, heritage assets and rights of way; the efficient use of sites; and for proper account to be taken of a site's context.
- 3.14 Policy DM12 relates to heritage assets and requires development not to harm or detract from the significance or special interest of the asset, and sustain and enhance its special character and qualities. Demolition is allowed if the proposal would enhance the asset.
- 3.15 The planning officer's detailed written report to committee cannot be improved by this appeal statement, and the original application documents and the Inspector is referred to these for the detailed design evolution of the proposal. The committee report was balanced, fair, and took into account all material considerations.
- 3.16 The proposal, whilst contemporary in style, is of an appropriate size and scale. Its size accords with policy BU7 by respecting the required volume increase and retaining the existing space around the buildings. The design has specifically included a dark-clad lower ground floor and planting that allows this floor to be 'absorbed' into the topography, rather than the whole to be experienced as a 3 storey building. As such the replacement dwelling, whilst different in style does not create a disproportionately larger dwelling or contribute towards the urbanisation of the area.
- 3.17 The design has been confirmed as high quality by the planning officer, the heritage officer and by the architects of the Design Review Panel.
- 3.18 It was disappointing at committee, that, despite a full verbal presentation by the planning officer, supported by various slides (See Appendix 2) that the committee did not engage in any detailed discussion about what constitutes good design or the fact that contemporary architecture that does not necessarily harm the

REBUTTAL OF REASON 1

characteristics for which Conservation Areas or Special Policy Areas were designated, and that if sufficiently high quality, can be acceptable in such areas.

- 3.19 There was acknowledgement from the committee that several appeals for replacement contemporary dwellings had been lost in the area and other proposals allowed at local level (APP/W1715/W/18/3216696 – Hamblewell, and APP/W1715/D/20/3264972 - Waters Edge, Lands End Road, Bursledon SO31 8DN to which the Inspector is referred – see Appendix 3).
- 3.20 This video link is provided by EBC for the planning committee proceedings <https://www.youtube.com/watch?v=d0iIVjdSgzY>. At 1:12:10, the presentation begins. It can be seen that only general reasons for refusal were given but the exact wording was not voted on. Instead the exact wording was delegated to officers who had recommended approval.
- 3.21 It is contended that, whilst local Councillors are entitled to their personal views on design, the planning decision appeared to have been made on the grounds of subjective judgement and the views expressed by objectors from the public gallery rather than from a thoughtful consideration following objective analysis of the proposal, a consideration of the views of professionally qualified planning officers, heritage officers, the architect members of the Design Review Panel, and appeal precedent.
- 3.22 In fact, no objective evidence was provided by any member of the planning committee to demonstrate that the size, scale, bulk, form or appearance of the proposal was anything other than appropriate or sympathetic to the character of the area. Whilst contemporary architecture is different to more traditional architecture, there are many diverse types of architecture found within the local area, including highly contemporary dwellings.

- 3.23 The reason for refusal suggests that the unacceptable design is a particular problem in views from the public realm. This is assumed to mean in views from the public footpath alongside the southern boundary, the River Hamble and from Salterns Lane. These views have been considered in detail by the Landscape Visual Appraisal provided with the application, and by the planning officer but remained unconsidered by the planning committee.
- 3.24 It is contended that because these views are interrupted by layers of existing vegetation (which could be enhanced if required through a planning condition), and due to the design of the dwelling itself, the impact of the proposal in these views, is limited. This is further considered in responding to the second reason for refusal below.

4 REBUTTAL OF REASON 2

REBUTTAL OF REASON 2

Insufficient evidence has been provided to demonstrate that the proposed development will not result in harm to the appearance of the Old Bursledon Conservation and Special Policy Areas when viewed from the River Hamble and its eastern bank both during the day and when illuminated at night. As such, the application is not considered to accord with the requirements of Policies DM1, DM12 and BU7 of the Eastleigh Borough Local Plan 2016-2036, and the Council's 'Quality Places' and 'Old Bursledon Conservation Area Appraisal and Management Proposals' Supplementary Planning Documents.

- 4.1 During the planning application, the Design Review Panel meeting members suggested the insertion of external louvred/shuttered sections as a 'tried and tested' method of reducing any glare, or light emanating from the larger expanse of windows in contemporary designs both during the daytime and at night.
- 4.2 Whilst Eastleigh does not have a dark skies protection policy, and is not in an area that specifically requires the reduction of night time lighting levels, this suggestion was considered appropriate and straightforward by the appellant, whilst also having the added benefit of further improving the design of the proposals.
- 4.3 Louvres are now proposed on the central rear window, which can be opened or closed, with shutters on a selection of other windows mounted on tracks that can be pulled across the external elevation in much the same way as wardrobe doors mounted on tracks.
- 4.4 The plans were duly amended following the meeting, and the case officer contacted the Chair of the Design Review Panel to ensure the amended plans were acceptable. It was confirmed that they were, but only after the Design Review Panel minutes were published. The LPA will be able to confirm this discussion, however.
- 4.5 It should be noted that none of the existing dwelling's rear elevation windows are fitted with external louvres, and that there is an existing level of both glare and night light spill from this property. Nonetheless, it was accepted that the level of glass (non-reflective) within the new dwelling's rear elevation is increased.
- 4.6 As such, the computer generated model of the rear elevation of the proposed dwelling has been updated to include these external louvres. These are submitted with the appeal.
- 4.7 In addition, to directly respond to this reason for refusal, a computer generated comparison is made between light spill with the louvres open, as opposed to light spill when they are closed, from both the public footpath adjacent to the site, and from the marina on the opposite side of the River Hamble. In comparison with the existing situation, it can be deduced that there is a betterment.
- 4.8 Whilst occupiers of dwellings cannot be made to close their curtains, their shutters or external louvres at night, it is likely that, for security reasons, such louvres would be closed at night, thus reducing night light spill.
- 4.9 In addition, it is unlikely that a walker will be using the public footpath to the southern boundary of the site at night.
- 4.10 Furthermore, any views from the river at night will be of a rising landform, with layers of both streetlights and lights for other dwellings, as it has always been. It is contended therefore that any additional impact will be negligible.
- 4.11 If the Inspector considers that a condition requiring details of any external lighting on the building is required, this is accepted by the appellant.
- 4.12 During the day time, of course, the louvres/shutters, even in an open position, would reduce any glare. When closed, glare would be significantly minimised.

REBUTTAL OF REASON 2

- 4.13 The planning committee appeared to apportion an undue amount of weight to an objector who had used 'zoomed in' photographs of the site from the River Hamble to 'demonstrate' an unacceptable visual impact. The Inspector will be aware of the Landscape Institute's strict requirements for photographs used in landscape visual appraisals. The objector's 'zoomed in' photographs do not accord with these requirements, and the appellant's LVA demonstrates minimal visual impact in public views from the site.
- 4.14 For ease, nighttime computer generated images of the replacement dwelling based on real night time images are included below. They are compared with real night time images of the existing dwelling taken a few days after the planning committee refusal. For robustness, these images have been produced with 50% of new rooms lit up and 100% of rooms lit up. A plan of where the images were taken from is also included.

REBUTTAL OF REASON 2

From Public Footpath (Existing Dwelling)



From Public Footpath (Proposed Dwelling at 50% and 100%)



REBUTTAL OF REASON 2

From Marina on opposite side of river (Existing Dwelling)



From Marina on opposite side of River (proposed at 50% and 100%)



5 REBUTTAL OF REASON 3

REBUTTAL OF REASON 3

Inadequate justification has been provided for demolition of the existing dwelling, and it has not been demonstrated that its removal or replacement would enhance or improve the character and appearance of the Old Bursledon Conservation Area, contrary to Policy DM12 of the Eastleigh Borough Local Plan 2016-2036, and the Council's 'Old Bursledon Conservation Area Appraisal and Management Proposals' Supplementary Planning Document.

- 5.1 In Local Plan terms, there is no requirement to retain existing buildings within Conservation Areas. The legal requirement is that new development should preserve or enhance Conservation Areas.
- 5.2 The planning, design and access statement, and the planning officer's report both detail sufficient justification for the demolition of the existing dwelling, in both physical terms and in planning terms.
- 5.3 In physical terms, the fabric of the building is so poor that an upgrade to the required Building Regulation standards to current sustainable standards would mean that just one or two walls may be left standing if the dwelling was to be converted and extended, rather than demolished and replaced.
- 5.4 In planning terms, the existing building is of no particular architectural merit and, at best, makes a neutral contribution to the conservation area except for its characteristics of being a large dwelling in a large plot. As the proposed new dwelling is considered of a much higher quality, and retains space around the building, which is so characteristic of this area, there is an enhancement to the Conservation Area.
- 5.5 The LPA's Heritage officer also confirmed the enhancement to the Conservation Area as a result of this proposal.
- 5.6 As such, there is no planning justification for the retention of the existing property.

6 CONCLUSION

CONCLUSION

- 6.1 It is contended that this appeal application would result in an exceptionally high quality dwelling that enhances the character of the area, and the Conservation Area, with no detrimental impacts on the openness of the area. The increase in volume of the proposed dwelling meets the policy requirements within the Old Bursledon Special Policy Area, and the proposal also accords with all policies of the Local Plan, and SPD requirements.
- 6.2 The appeal application was the result of months of discussion and revision with both the planning officer and the Design Review Panel. It is contended that the Planning Committee should have supported the officer recommendation.
- 6.3 As such, it is therefore respectfully requested that the Planning Inspector allows this appeal.