



Appeal Decision

Hearing held on 22 July 2015

Site visit made on 22 July 2015

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 August 2015

Appeal Ref: APP/M1710/W/15/3006484

Land West of Linden, Fullers Road, Rowledge, Farnham GU10 4LB

- 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 James Finch (Bewley Homes plc) against the decision of East Hampshire District Council.
 - The application Ref 50463, dated 20 June 2014 was refused by notice dated 24 November 2014.
 - The development proposed is the erection of 17 dwellings on land at corner of Fullers Road, Rowledge and A325.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr James Finch (Bewley Homes plc) against East Hampshire District Council. This application is the subject of a separate Decision.

Procedural Matters

3. For the sake of clarity I have used the address and description of development as set out in the appeal form and the Council's decision notice.
4. As part of the planning application process revised drawings were submitted. The Council took these into account and so shall I.
5. As part of the appeal process, a number of revised drawings were submitted alongside some plans for illustrative purposes. When compared to the original scheme determined by the Council, the changes included reducing the ridge heights for Plots 1 & 2; re-positioning of Plot 17 and adjusting the position of the proposed post and rail fence along the southern boundary. The amendments also propose movement of Plots 1 & 2 away from the boundary of the appeal site with Linden, which includes the incorporation of parking on the boundary between Plots 1 and Linden. I appreciate that the appellant made efforts to ensure local residents had the opportunity to comment on the amended plans including sending a letter to them incorporating a link to the appellant's website to view the plans. I understand that the Highways Authority had no objections to the amendments to the parking or access.

6. However, at the Hearing several residents explained that they had been unable to view the maps from the link. I note there was a response to these amendments made on behalf of the occupiers of Linden. Nevertheless, it was very clear to me from the discussion at the Hearing that the occupiers of Linden themselves had not seen the amended plans or were aware of the contents of that response. Moreover, the Council objected to the revised plans and I understand that the Planning Committee which determined the planning application had changed membership since then. Therefore, I am not satisfied that those with an interest in the appeal would not be prejudiced by my taking these plans into account. I have therefore determined the appeal on the basis of the drawings which the Council took into account in coming to its decision.
7. At the Hearing, the Council confirmed that following submission of further evidence and additional changes to the detail of the landscape proposals including planting mixes, they no longer wished to defend reason for refusal number 4 relating to protected species, subject to a suitable condition. I have determined the appeal on that basis.
8. During the Hearing copies of draft S106 Unilateral Undertakings (UU) 'A' and 'B' were submitted in relation to the provision of affordable housing and infrastructure contributions for integrated transport measures, community facilities, recreational open space and administration and monitoring. After the close of the Hearing, the appellant submitted a signed copy of Unilateral Undertaking 'B' dated 24 July 2015 to address matters that had been raised, including affordable housing nomination rights and amendments to the open space contribution. I return to this matter below.

Background

9. The appeal site lies outside the settlement boundary of Holt Pound and is therefore in the countryside. Policy CP19 of the East Hampshire District Local Plan: Joint Core Strategy (JCS) 2014 seeks to restrict development in the countryside to that with a proven need for a countryside location.
10. The Council's decision notice refers to the Interim Housing Policy Statement; however this document has now been withdrawn by the Council. The site is included within the Council's Strategic Housing Land Availability Assessment for 17 dwellings and is proposed as a housing allocation site for up to 12 dwellings in the Council's Housing and Employment Allocations document (HEA) April 2015. At the Hearing, the Council confirmed that they consider that little weight should be attached to the HEA as it has yet to be examined. The examination is due sometime during September 2015.
11. Although there have been two public consultations, I understand there are unresolved objections to the inclusion of the site within the document and to other proposed allocations. The appellant refers to the objections related to the appeal site as being less than significant, nevertheless I cannot be certain that this is the case. In the light of these factors, I attach limited weight to the HEA. I have therefore dealt with the appeal primarily on the basis of the policies contained within the JCS.
12. However, the Statement of Common Ground confirms that the principle of residential development on this site is acceptable. The Council indicates that for the purposes of the appeal, it can demonstrate a five year supply of housing land. I note that the appellant refers to ambiguities within the Council's five

year housing land supply calculations and I was referred to a recent appeal decision in respect of the housing land supply within the District¹, a copy of which was supplied at the Hearing. Nevertheless, on the basis of the principle of development being acceptable to the parties the appellant did not seek to dispute the conclusions of the Council on the five year supply of housing land. I have determined the appeal on this basis.

Main Issues

13. Taking the above background into account, the main issues are the effect of the proposed development on:

- i) The character of the area;
- ii) The setting of the South Downs National Park (SDNP);
- iii) The living conditions of the occupiers of Linden in respect of outlook and privacy, and
- iv) Whether the particular contributions sought in respect of integrated transport measures, community facilities, recreational open space and administration and monitoring are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

Reasons

The character of the area

14. The appeal site is located on the corner of the A325 and Fullers Road, in Holt Pound which is a small settlement. The South Downs National Park lies to the west of the appeal site, separated by the A325. The site is overgrown with small to medium sized trees and shrubs and it is not possible to see through in to the rear or central portions of the site.
15. Dwellings mainly in the form of bungalows and chalet bungalows are located immediately to the east and north of the appeal site, with fields and woodland and some sporadic residential development to the south. Planting, trees and hedges contribute to a verdant appearance of the area, particularly from Fullers Road to the south.
16. The scheme proposes 17 semi-detached and detached dwellings with access and associated parking and gardens. An area of natural open space would be included within the site which would be made available to all local residents. The site is not within a Conservation Area and there are no listed buildings close to the appeal site. The layout would result in a houses set slightly back from the building line which would be similar to that on Fullers Road to the east. The line of dwellings on the west boundary would also be similar to that of development to the north on the A325.
17. However, although the appeal site is located towards the bottom of a dip running north to south and is covered in vegetation, it is not hidden within the landscape. The gentle slope running down from the north to south and its corner position along the A325 and Fullers Road results in the appeal site having a highly prominent location. When travelling along Fullers Road or by

¹ APP/M1710/A/14/2226723

car along the A325 past the site, this allows an appreciation of the site at one of the main entrances to the village. To my mind, this is a very important and sensitive site at the western end of the village, which in conjunction with the type of residential development to the north of the appeal site on Fullers Road establishes a strong context for the rural character of Holt Pound. I attach substantial weight to this.

18. The proposal would equate to 23 dwellings per hectare (dph), which would be similar to the wider area. When compared with some areas in Rowledge, the proposal would be at a lower density. However, with some limited exceptions further to the east on Fullers Road, in the more immediate area to the north and east of the appeal site dwellings are positioned within spacious plots and the density of development is somewhat below that proposed, with the Council indicating it would be closer to 10 dph.
19. I note that changes to the scheme over time incorporated a reduction in the numbers of dwellings and height and mass of some of the individual dwellings. The Dwelling Typology supplied by the appellant indicates a wide range of buildings within the wider area. Nevertheless, with limited exceptions the entrance to the village along Fullers Road is strongly characterised by bungalows and chalet bungalows. Even with the rise in the land to the north any negative effect of this is limited due to their overall height. In contrast, the appeal proposal would contain a significant number of taller two storey dwellings across the site, the height and mass of which would draw the eye. This would result in a scale of development which would appear significantly at odds with the immediate surroundings.
20. I have had regard to the evidence in the appellant's Landscape and Visual Impact Assessment (LVIA) which incorporates some public viewpoints from outside of the SDNP. I accept that there would be a fairly wide strip of the current scrub and trees which would be retained where possible, particularly on the west and north boundaries. However, I consider this would not provide sufficient screening to soften the effect of the proposed dwellings.
21. A series of indicative photomontages have been produced in relation to these which seek to illustrate the potential visibility of the proposed dwellings with the trees in leaf and with the proposed reinforcement planting. I also note that darker materials are proposed in the design of the houses. However, any mitigating effect would be very much reduced in the winter months when the trees are not in leaf. In addition, the proposed additional planting would take some number of years to mature as the appellant indicates.
22. As such, I am not convinced the proposed landscaping would be sufficient to mitigate the impact and presence of the houses when seen close to. Moreover, these viewpoints would not be the only locations where the scheme would be visible locally. Due to the slope down to the south, I consider that even with landscaping and the open space, the access road and location close to the A325 would allow views of parts of the development to the rear of the site.
23. I accept that the proposed Policy V5 of the HEA no longer refers to linear development and I note that the appellant has sought to demonstrate through an example, that a linear layout would not work on the appeal site. The appellant refers to 'in-depth' development as being a characteristic of the area. Nevertheless, with the limited exceptions of Red Oaks and the entrance to the Kiln Stables, the character of Holt Pound is distinctly linear. This is in contrast

- to the more built up form of Rowledge which is the adjacent village and I agree has development which is 'in-depth'.
24. Around the appeal site, there is only a single line of houses on either side of Fullers Road. This single depth of housing is obvious from what I saw on the site visit. This is due to the topography of the area, which allows views between the houses to the countryside on the north and south sides of Fullers Road. The parties do not agree that Holt Pound and Rowledge would appear to the casual visitor as the same settlement and the development along Fullers Road continues with few breaks into Rowledge. In any event, the linear form along Fullers Road is still a very strong characteristic of development until reaching Forest Glade in Rowledge, which is some way to the east of the appeal site.
 25. The proposed development would be significantly out of keeping with the linear character along Fullers Road, with the southern part of the development creating a much greater depth of development behind the frontage houses. Even with the incorporation of open space, separation distances and the curved access road, the overall configuration of the houses would have an undesirable effect on this part of the village.
 26. I accept that some of the dwellings on Fullers Road have some features such as hardstanding and boundary treatment which result in a slightly more suburban appearance for these particular houses. However, these features are limited and as such these do not represent a strong justification for the proposal before me.
 27. Notwithstanding the images shown on the photomontages, I consider that for those living or travelling along Fullers Road or travelling along the A325, there would be a considerable change in the character of the immediate area, even with the existing built form close by and that this result in a significant negative effect at this local level. In reaching this view, I accept that the site is a proposed allocation within the HEA; however that does not mean that any development or layout would be satisfactory.
 28. For the reasons given above I conclude that the proposed development would cause harm to the character of the area. It would be contrary to Policies CP2, CP10 and CP29 of the JCS, these amongst other things seek new development which ensures the enhancement and protection of the natural and built environment and which protects and enhances local distinctiveness. It would also be contrary to emerging Policy V5 of the HEA which amongst other things states that development on the site will have a character which respects the characteristics of the village.

The setting of the SDNP

29. The National Planning Policy Framework (the Framework) states that great weight should be given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The appeal site is located within the Alice Holt landscape area which is mainly characterised by woodland and fields divided by dense hedgerows and it is reflective of this wider characteristic.

30. The South Downs National Park Authority objected to the proposal indicating that the outlook from the SDNP would be altered by the development. I note that they consider this would be the case even with additional landscaping and the retention of the vegetation on the west boundary. However, it is not clear where this outlook would be from and there are no specific views referred to. The LVIA provided by the appellant makes reference to a number of specific public viewpoints. I accept that the proposed development would not be visible at all from the majority of these locations even in winter months.
31. The appeal site is clearly separated from the SDNP by the A325, which is a fairly wide road. With respect to Viewpoint 7, which is along the closest footpath within the SDNP the houses on the west side of the appeal site would be not be clearly seen. The significant factor with this viewpoint is that it is still some distance away from the appeal site and views would not be directly towards the appeal site. At this distance and angle, I accept that the retention of the existing planting on the west side of the appeal site would also be a factor. Even without this provision, during winter months, I consider visibility would also be limited by the existing tree trunks, a hedgerow and the scrub within the SDNP itself.
32. I have had regard to the potential views from the entrance to Birdworld (Viewpoint 8) which is to the south of the appeal site and which would be likely to have a large number of visitors that could potentially see the development. However, I consider that the appeal site is sufficiently distant from Birdworld that although the roofs of the dwellings would be visible, it would not appear prominent in the landscape from here. It would also be seen in the context of the A325 which is a significant feature seen from this point.
33. Although the proposal would be highly visible from the A325 and Fullers Road, I consider that the views and outlook from within the SDNP would not be affected in the same manner. On the basis of the evidence before me, I consider the harmful effects of the proposal would be much more localised and that it would not cause harm to the setting of the SDNP. As such there would be no conflict with policies CP20 and CP30 of the JCS. However, this would not override my concerns in relation to the effect of the scheme on the character of the area.

Living conditions

34. The appeal site is located to the west of Linden. This is a bungalow which is slightly below the height of the road. The boundary with the appeal site consists of a tall thick hedge, with trees and scrub behind. There is a bedroom on the west side of the bungalow with a single large window which faces towards the appeal site. There is an area of garden which separates the appeal site from Linden and the view from the bedroom window would be towards the vegetation on the boundary.
35. The flank west wall of Plot 1 would face towards Linden and would be clearly seen from the bedroom window and the small area of garden on the west side of the bungalow. The appellant refers to the trees on the boundary being cleared and that this would result in an opening up of views for the occupiers of Linden. However, the flank wall of the dwelling would be seen across the majority of the view from this window and within the garden. Due to its height and bulk, I consider this would result in the dwelling appearing very intrusive and overbearing to the occupiers of Linden.

36. In respect of Plot 17, the rear elevation would face towards part of the garden of Linden, including the patio which is on slightly higher ground than the rest of the garden. However, taking into account the distance from the rear elevation of Plot 17, the proposed boundary treatment and the size of the garden of Linden, I consider this would not lead to an unacceptable loss of privacy for the occupiers of Linden. However, this factor does not outweigh the harm I have found.
37. For the reasons given above, I conclude that the proposed development would cause harm to the living conditions of the occupiers of Linden in respect of outlook. It would be contrary to the National Planning Policy Framework (the Framework) in respect of the need to provide a good standard of amenity for all existing and future occupants of land and buildings.
38. The Council have referred to Policy CP27 (Pollution) of the JCS. However, this only refers to effects on the occupiers of neighbouring properties in terms of privacy or through excessive overshadowing.

Affordable Housing and Infrastructure contributions

39. The UU makes provision for on site affordable housing and infrastructure contributions as well as a monitoring and administration fee. I have considered this in the light of the tests set out in paragraph 204 of the Framework and Regulations 122 and 123 of the Community Infrastructure (CIL) Regulations 2010. At the Hearing, the Council provided a statement of CIL compliance which addresses these tests.
40. Policy CP13 of the JCS requires provision of on-site affordable housing and the provision of 7 affordable housing units would be a benefit which attracts significant weight in favour of the appeal scheme.
41. The other infrastructure contributions would be related to very local schemes within the Parish, fairly close to the appeal site. The Council indicate that there have been less than five pooled contributions to these projects. As a result of discussions at the Hearing, the appellant confirmed that the calculations for the integrated transport measures were correct. I consider that the infrastructure contributions would meet the tests set out in regulations 122 and 123 of the CIL regulations. However, the contributions simply fulfil policy expectations and so attract no positive weight in support of the appeal proposal.
42. In respect of the monitoring and administration fees, I note that the Council consider they would be necessary. I have had regard to *Oxfordshire County Council v the Secretary of State for Communities and Local Government [2015] EWHC 186*. The fee is calculated in line with that set out in the Council's Guide to Developer Contributions 2014. The Council refer to the need to monitor the payments to ensure they are spent on their intended purpose and to the potential for the Council discharging the obligations with the power to charge for this. However, the infrastructure contributions in this case are one off payments with no ongoing maintenance. There is no evidence to demonstrate the need for the payment related to this particular case. As such I consider it has not been shown that the monitoring and administration fees would be fairly and reasonably related in scale and kind to the development.

Other matters

43. A number of local residents raised concerns in relation to the effect of the proposed development on highway safety. This is particularly with regard to the potential for accidents at the junction of Fullers Road and the A325. I note that from photographs and comments provided by residents that accidents do occur. Residents also refer to the need to cross the pavement several times when walking to Rowledge. However, neither the Council nor the Highways Authority objects in these respects, subject to suitable conditions being imposed and based on the evidence before me I see no reason to disagree with these matters.

Conclusion

44. The proposal would make a contribution towards to the provision of affordable housing within the District to which I give significant weight and it would also provide additional market housing within the area. The proposed development would provide temporary jobs in the construction industry and there would be the opportunity for local residents to use the local services and facilities in Rowledge, of which there are a number, including a local school. The appeal site is also very close to two bus stops and there are a number of bus services to larger settlements from these. These are matters which would weigh in favour of the appeal proposal. In addition, the proposal would not cause harm to the setting of the SDNP.

45. However, I have found that the proposed development would cause significant harm to the character of the area and would have a negative impact on the occupiers of Linden in respect of outlook. I conclude that the adverse impacts of the proposed development would not be outweighed by the benefits of the scheme, including the contribution the dwellings would make to the supply of affordable and market housing in the area.

46. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Ms V Groves

Ms J Mountford

Boyer Planning

Mr S Dale

ACD Landscape Architects

Mr I Barnett

FOR THE LOCAL PLANNING AUTHORITY

Mr N Upton

East Hampshire District Council

Mr A Harvey

East Hampshire District Council

INTERESTED PERSONS

Mr G Precious

Rowledge Residents Association

Mr M Thom

Fullers Road Residents Group

Mrs S Hodder

Binsted Parish Council

Mrs Jo Walker

Fullers Road Residents Group

Mr J Trimming

Mrs M Chamberlain

Ms P Wells

Mr M Westcott

Mr Sargeant

Mr J Doland

Mrs J Davies

Mrs H Gascoigne

Mr E Hounslow

DOCUMENTS AND PLANS SUBMITTED AT THE HEARING

- 1 Notification letters supplied by the Council
- 2 Statement of Common Ground dated 20 July 2015 supplied by the appellant
- 3 Unilateral Undertaking 'A' undated supplied by the appellant
- 4 Unilateral Undertaking 'B' undated supplied by the appellant
- 5 Guide to Developer Contributions May 2014 (amended September 2014) supplied by the Council

- 6 Map indicating types of dwellings supplied by Mr Thom
- 7 Email confirming arrangements for signing of the Unilateral Undertakings dated 21 July supplied by the appellant
- 8 S106/CIL Compliance Statement supplied by the Council
- 9 Appeal Decision APP/M1710/A/14/2226723 supplied by the appellant
- 10 Ecological Assessment by ACD Ecology dated July 2015 supplied by the appellant
- 11 Costs application supplied by the appellant

Richborough Estates