



## Appeal Decision

Site visit made on 8 May 2019

**by Matthew Jones BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 June 2019**

**Appeal Ref: APP/C1760/W/18/3214381**

**Land adjacent to No 5 Riverside Green, Kings Somborne SO20 6NG**

- 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 and Mrs A Tidd against the decision of Test Valley Borough Council.
- The application Ref 18/02058/FULLS, dated 1 August 2018, was refused by notice dated 27 September 2018.
- The development proposed is the erection of 2 bed dwelling.

### **Decision**

1. The appeal is dismissed.

### **Procedural Matter**

2. I have used the description of development given with the appeal form and the decision notice as it accurately conveys the proposed development.

### **Main Issues**

3. The main issues are the effect of the proposed development on:

- The living conditions of future occupants of the dwelling with regard to private outdoor space;
- The living conditions of occupants of Nos 11 and 15 Riverside Green with regard to outlook and privacy; and,
- The character and appearance of the area, with particular regard to the Kings Somborne Conservation Area.

### **Reasons**

4. Riverside Green is a suburban residential cul-de-sac at the eastern side of Kings Somborne. The appeal site is set back from the highway beyond a row of garages and bounded by substantial conifer trees to the west and temporary fencing to the south and east. Formerly used for sewage treatment, it is now vacant and largely overgrown, and these characteristics lead the site to have a somewhat anomalous appearance within the street scene.

#### *Living conditions of future occupants*

5. Riverside Green has a variety of housing types and consequently its plot and garden sizes vary. In this sense, the size of the proposed plot and garden space would not be incongruous. However, it is necessary to examine the quality and usability of outside space within the proposed layout. Paragraph 127 of the National Planning Policy Framework (the Framework) states that developments should function well, using layout and space to create welcoming places to live with a high standard of amenity for existing and future users.

6. The majority of the site would contain the dwelling and the adjacent parking/utility area, with recreational space contained to the rear and within a small area at the front, neither of which would be directly accessible from the dwelling itself. The main garden would be north facing and within the immediate proximity of the flank wall of the garage block and the proposed two-storey dwelling. It would therefore be cast in shadow for significant parts of the day which would, in my view, result in an excessively dark and enclosed environment providing very limited benefit for future occupants. Although it would be both largely tranquil and private, these positive elements would not overcome its otherwise insufficient quality.
7. The small area to the front would be adjacent to passing pedestrians and vehicles and not private. It would contain the bin store which would further diminish its recreational value, and supervision of the space from within the dwelling would be relatively limited. As such, I do not consider that the outside space provided by the layout would be appropriate to the needs of future residents, particularly those with children.
8. I therefore conclude that the proposal would fail to provide acceptable living conditions for future occupants with regard to private outdoor space. The proposal would conflict with the relevant aims of Policy LHW4 of the Test Valley Borough Revised Local Plan (2016) (RLP) and paragraph 127 of the Framework in this regard.

*Living conditions of occupants of Nos 11 and 15 Riverside Green*

9. The front elevations of Nos 11 and 15 face the appeal site at approximately 13.4m. Outlook from these elevations is dominated by the substantial conifer screen on the appeal site's west boundary. Although it is likely that the trees would be lost because of the development, they would effectively be replaced by a two-storey dwelling of a comparable scale and relationship. As such, I do not consider that the proposal would unacceptably prejudice the level of outlook experienced by neighbouring residents.
10. With regard to privacy, the proposed dwelling contains two first floor windows on the facing elevation, which would serve an ensuite and a bathroom. On the basis that it would be necessary and reasonable to condition these windows to be obscure glazed and top hung, I am satisfied that the proposal would not cause unacceptable overlooking towards these properties. Levels of perceived overlooking would be modest and acceptable within this residential context.
11. As such, I find that the proposal would have an acceptable effect on the living conditions of the occupants of Nos 11 and 15 Riverside Green with regard to outlook and privacy and would accord with Policy LHW4 of the RLP insofar as it relates to neighbour amenity.

*Character and Appearance*

12. Riverside Green is situated within the Kings Somborne Conservation Area (CA) and contributes to its significance through its planned suburban character with dwellings set in a layout which encloses the highway and a small treed green. I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
13. The location of the houses set back within hedge bound plots has created an appreciable sense of spaciousness focused towards the green. Although the

layout of the proposal would not itself maintain this approach, the site is already significantly set back from the highway beyond an open area. Similarly, although the site would not directly address the main highway, there are existing properties set back behind the focal group of houses, most notably the 1990s extension of Riverside Green beyond the appeal site to the west. Consequently, the proposal would not compromise these characteristics.

14. The suburban appearance of Riverside Green is partly derived from its planned landscaping which includes trees, grass and hedges. Although the site has a verdant appearance and contains a bank of trees, its distance from the main body of the cul-de-sac and its unmanaged appearance significantly reduces its contribution to the more formalised and maintained landscaping which punctuates the street scene. The proposed dwelling would take cues from architectural detailing within the area and broadly conform to the scale of neighbouring dwellings. As a result, I am satisfied that the redevelopment of the site would appropriately consolidate development within Riverside Green.
15. I therefore conclude that the proposal would have an acceptable effect on the character and appearance of the area, with particular regard to the Kings Somborne Conservation Area. It would accord with the design and heritage aims of Policies COM2, E1 and E9 and the Framework. Third parties have brought my attention to the emerging Kings Somborne Neighbourhood Plan. However, it has not been provided to me nor has its stage or preparation been identified. Nonetheless, I have found no conflict with the elements quoted within the representations.

### **Other Matters**

16. I have also taken into account representations about access, parking, highway safety and construction work but these are matters which do not affect my findings on the main issues of dispute between the main parties.

### **Planning Balance and Conclusion**

17. The Government is seeking to significantly boost the supply of housing and small and medium sized sites can make an important contribution. The proposal would provide a family sized home on a previously developed site in a location where occupants would make use of local services. However, the benefits of a single dwelling would be modest. Although the dwelling would not harm the character or appearance of the area nor the living conditions of neighbours, I have found that the quality and size of the outside space would be unacceptable, and this is a matter to which I attribute significant weight.
18. Taking all matters into account, including the support of third parties and the original officer recommendation to grant planning permission, I find that the proposal would conflict with the development plan when read as a whole. There are no other considerations, including the Framework, that outweigh the conflict. I therefore conclude that the appeal should be dismissed.

*Matthew Jones*

INSPECTOR