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# Appeal Decision

Site visit made on 3 February 2015

**by Michael Evans BA MA MPhil DipTP MRTPI**

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

**Decision date: 13 February 2015**

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**Appeal Ref: APP/C1760/A/14/2221288**  
**Langley, Monxton SP11 8AL**

- 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 King against the decision of Test Valley Borough Council.
  - The application Ref 14/00154/FULLN, dated 17 January 2014, was refused by notice dated 3 June 2014.
  - The development proposed is a new dwelling with detached garage and new highways access for an existing dwelling.
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## Decision

1. The appeal is dismissed.

## Main issue

2. The main issue in the consideration of this appeal is whether the proposal would preserve or enhance the character or appearance of the Amport and Monxton Conservation Area, within which the site is located.

## Reasons

### **Conservation Area**

3. The Council's Amport, Monxton and East Cholderton Conservation Areas character appraisal identifies the key characteristics of Monxton. These include the majority of houses being one plot deep. Despite some variation in the building line and the orientation of properties I saw this to be the case at my site visit. In my view, the general absence of residential development in depth serves to limit the intensity of built form and contributes positively to the village character of the radial settlement of Monxton.
4. The new dwelling would be reached via an access onto Green Lane, which serves existing properties at Langley, Middle Orchard and Pillhill Lodge. It is acknowledged that Middle Orchard is sited perpendicular to the street and that a number of the dwellings in the vicinity are relatively modern, while the existing use of the land at the appeal site is said by the Appellant to be residential. It is also the case that Langley is reached via an access around the back of Middle Orchard. Nevertheless, despite these matters the properties conform to the one plot deep pattern of development, which is a key characteristic of the settlement. They therefore contribute positively to the Area in this respect, regardless of their age.

5. The new dwelling and garage would be sited adjacent to the flank wall of Middle Orchard, with the existing dwelling between them and Green Lane. Although reached via the shared drive, the scheme would therefore result in uncharacteristic and incongruous development in depth. Though not easily appreciated from the north near the village hall, this adverse effect would be readily apparent when looking from Green Lane through the shared access despite the lower level of the site relative to the road.
6. In any event, the suggestion that acceptability should be conferred on the basis of limited visibility seems to me to implicitly acknowledge the inappropriate nature of the development. Moreover, the physical presence of the dwelling would also reduce the sense of openness and views of the trees along the brook when looking from Green Lane. This would detract from the positive contribution these aspects make to the setting of the village.
7. The new access to Langley would lead to some loss of the hedge along Green Lane to provide visibility for drivers. Although this could be replaced by new planting, this would be likely to take significant time to have a comparable visual presence. While there are other accesses in the vicinity, that now proposed would be in a particularly sensitive location towards the edge of the village. I consider the impact of the proposal in relation to such a characteristic feature of the lane would be unacceptable, especially given that Langley has an existing access.
8. Matters such as the height of the dwelling, as well as its footprint and plot size would be compatible with those found elsewhere in the Area. Facing materials could be controlled by means of a condition. Nevertheless, due to the adverse effects described above, it is concluded that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area. This would be contrary to saved Policy ENV 15 of the Test Valley Borough Local Plan, originally adopted in 2006, which seeks to prevent such detrimental effects.
9. Saved Local Plan policy SET 03 intends to prevent development in the countryside, except in particular circumstances, such as compliance with Policy SET 06. This identifies Frontage Infill Policy Areas, a designation which applies to Green Lane in the vicinity of the appeal site. This indicates that development and redevelopment for infill housing would be permitted subject to several considerations. These include that it would not result in tandem or backland development and be in keeping with and not cause harm to the character of the immediate area. Because of the incongruous backland position of the dwelling, which would be detrimental to the character of the area, there would also be conflict with this policy.
10. The Appellant has raised concerns regarding Policy SET 06, given factors such as its age and the issues raised by the Inspector considering its inclusion in the Local Plan. Nevertheless, because of its character based objectives it is consistent with a core planning principle of the National Planning Policy Framework (The Framework) despite these concerns. The core principle is that planning should always seek to take account of the character of different areas, with which the proposal would conflict.

### ***Other considerations***

11. There is no technical evidence sufficient to justify the concerns of local residents in relation to matters such as drainage, flooding, wildlife and highway

safety. The orientation of windows in the new house and their distance from Pillhill Lodge would prevent any undue overlooking of the adjacent property.

12. It is suggested that the new dwelling would be energy efficient. However, there is no reason to believe that it would do other than meet reasonable policy expectations in this respect. The single new dwelling would only make a fairly modest contribution towards the need for new housing.
13. The submitted planning obligation makes provision for payments in relation to highways and open space. Having regard to the evidence submitted it is concluded that these financial contributions would be directly related to the proposed development, fairly and reasonably related in scale and kind, while also being necessary to make the development acceptable. As a result the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations are satisfied. However, this would simply prevent any adverse effects in relation to the relevant issues and does not therefore weigh in favour of the proposal.
14. The Appellant argues that the site is not in an isolated location with regard to paragraph 55 of the Framework. However, the Council has not sought to claim this and I see no reason to take a different view.
15. In relation to designated heritage assets it is indicated in the Framework that where there would be harm that is less than substantial, as in this case, it must be weighed against the public benefits of the proposal. In this instance it has not been shown that there would be any significant public benefit. The development would therefore be contrary to the policies of the Framework in respect of heritage assets.
16. I have considered the proposal in the context of the presumption in favour of sustainable development, as set out in the Framework. Even if the location would be sustainable, sustainable development is a noticeably more holistic concept than this. One of the three dimensions of sustainable development as defined within the Framework is an environmental role which, amongst other criteria, involves seeking a positive contribution to protecting and enhancing our natural and built environment. As the proposal would not achieve this, it would not fulfil the criteria of sustainable development.
17. As a result of all the above factors, I consider that even if assessed solely in relation to the Framework, in terms of Paragraph 14, the adverse impact of granting permission would significantly and demonstrably outweigh the benefits.

### **Conclusion**

18. The proposed development would detrimentally affect the Conservation Area and would not comprise sustainable development in the terms of the Framework. Taking account of all other matters raised, there are no other considerations that would justify permitting the development and the appeal fails. In reaching this decision I have taken account of the views of local residents and other interested parties.

*M Evans*

INSPECTOR