

PLANNING DEVELOPMENT CONTROL COMMITTEE

19 NOVEMBER 2009

PLANNING APPEALS – SUMMARY OF DECISIONS:
1 APRIL 2009 - 30 SEPTEMBER 2009

REPORT OF THE HEAD OF PLANNING MANAGEMENT

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

This report provides a summary of appeal decisions received between 1 April 2009 and 30 September 2009. Copies of each appeal decision are available on the Council's website.

RECOMMENDATION:

That the Report be noted.

PLANNING DEVELOPMENT CONTROL COMMITTEE19 NOVEMBER 2009PLANNING APPEALS – SUMMARY OF DECISIONS:1 APRIL 2009 - 30 SEPTEMBER 2009REPORT OF THE HEAD OF PLANNING MANAGEMENT

This report sets out a summary of appeal decisions received during 1 April 2009 and 30 September 2009.

Date of Inspector's Decision:	13th July 2009	Inspector's Decision:	Appeal Dismissed
Case No:	08/00675/FUL	Ref No:	W16955/06
Case Officer	Mr James Jenkison		
Proposal:	Siting of a mobile home for equestrian worker (RESUBMISSION)		
Location:	The Big Muddy Farm Alma Lane Upham Southampton Hampshire SO32 1HE		

Summary of Inspector's Decision

Appellant used a generic financial report that was not specific to their own operation so could not prove the case of financial viability. Expense items omitted a lot of details that would be considered normal operating expenses. Appellant also unable to prove that year round 24 hour presence was necessary.

To establish as a viable business would likely require over intensive use of the site and more structures. Inspector agreed that proposal would be visually harmful to countryside character and agreed that any landscaping to screen the proposal would disrupt the landscape pattern of fields enclosed by hedges.

Though of gypsy ethnic origin the appellants work and lifestyle arrangements were not considered consistent with the definition of a gypsy in accordance with Circular 01/2006 and the late claim of gypsy status by the appellant was not accepted by the Inspector.

Costs awarded to Council due to late introduction of evidence of appellant causing need for a second hearing and expenses incurred assessing evidence.

Date of Inspector's Decision:	13th May 2009	Inspector's Decision:	Appeal Dismissed
Case No:	08/01204/FUL	Ref No:	W05135/04
Case Officer	Lorna Hutchings		

Proposal: 8 no. dwellings comprising 4 no. two bed, 1 no. three bed and 3 no. four bed with associated garages and car parking and formation of new access from Rareridge Lane (RESUBMISSION)

Location: Land To The Rear Of Properties Hazeldene To St Osyth Rareridge Lane Bishops Waltham Hampshire

Summary of Inspector's Decision

The Inspector found that the proposal would not result in material harm to the character and appearance of the area, each plot would have sufficient amenity space and there would be no harm to neighbours living conditions through loss of privacy. However the appeal was dismissed due to the absence of a financial contribution to the provision of Public Open Space.

Date of Inspector's Decision:	21st April 2009	Inspector's Decision:	Appeal Allowed
Case No:	08/01751/FUL	Ref No:	W00532/14
Case Officer	Mr Dave Dimon		

Proposal: Construction of 57-bed care home for the elderly and 4 detached dwellings for private occupation

Location: The Captain Barnard Otterbourne Road Compton Winchester Hampshire SO21 2RT

Summary of Inspector's Decision

The Inspector considered the main issues to be the effect of the proposed care home on :

(a) the provision of local facilities and services and (b) the character and appearance of the area.

On the first point the Inspector considered that the recent appeal decision in respect of the Stanmore Hotel could be given significant weight given the similarities of the cases and he noted that the Inspector in that case found the nursing home use would continue to use the site for the provision of facilities and services and would not need to be treated as an exception to policy SF7. He went on to conclude that there was no obligation on the appellant to demonstrate that it was no longer practical or desirable to use the site as a pub since both uses are community facilities and services as defined by policy SF6. He further commented that although the nursing home would draw its residents and employees from a wider area than the immediate locality there

was no evidence to show that the proposed use would not benefit some local people. Accordingly he concluded that the proposal would not lead to a loss of local facilities and services.

In regard to the effect on the character of the area the Inspector found that the size of the building and its position closer to the road undoubtedly indicate that its bulk would be significant. Nevertheless this would be mitigated by the gables and the lowering of the section at the northern end of the frontage and views of the property from Otterbourne Road would be obscured by hedging from the north and the oblique angle of viewing from the south. The most apparent view of the buildings bulk would be when exiting Grove Road opposite the site but again this would be relieved by the gap provided by the access road into the rear of the site and its adjacent boundary planting on the border with the neighbouring nursery. These mitigating factors, together with the use of sympathetic materials and landscaping, satisfied the Inspector that the building would respond positively to the character and appearance of the area and not adversely impact upon it, such that it would comply with policy DP3 of the local plan which seeks to protect such interests.

Local residents concerns regarding car parking and drainage were not considered by the Inspector to warrant dismissal of the appeal as the parking provision was considered adequate and drainage concerns could be addressed by appropriate conditions.

Date of Inspector's Decision:	27th April 2009	Inspector's Decision:	Appeal Dismissed
Case No:	08/00732/FUL	Ref No:	W19506/02
Case Officer	Mr Nick Fisher		
Proposal:	Erection of 1 no. one bedroom terrace dwelling		
Location:	2A Dickenson Walk Alresford Hampshire SO24 9PW		

Summary of Inspector's Decision

The Inspector considered that the main issue was the effect of the development upon the character and appearance of the area.

The Inspector considered that the proposed erection of an additional dwelling upon a modern row of terraces, in an area characterised by large wide grass verges, would compromise the sense of spaciousness and appear to be cramped. The proposal was deemed to be contrary to WDLPR policies DP3 and DP4.

Furthermore, he considered that the different design and appearance of the dwelling in relation to the existing dwellings would be discordance with the identical terraces properties.

Date of Inspector's Decision:	16th June 2009	Inspector's Decision:	Appeal Allowed
Case No:	08/00166/FUL	Ref No:	W03881/01
Case Officer	Miss Megan Birkett		
Proposal:	2 no. two bed and 1 no. three bed dwelling with vehicular access from Lockhams Road and Chapel Lane (AMENDED DESCRIPTION)		
Location:	Triangle Of Land Junction Of Lockhams Road And Chapel Lane Curdridge Hampshire		

Summary of Inspector's Decision

The Inspector considered that the proposal is in keeping with the surrounding character of the dwellings and special characteristics of the area.

In relation to the requirement for development of 'gaps' the inspector considered that the properties to the east of the site and the curtilage of 'Woodlands' to the west on the same side of the A334 form, in effect, a continuous residential frontage of established dwelling. Therefore broadly compliant with the requirements of the SPD.

The inspector also concluded that this site also complies with the other elements of the SPD as the school and shop are within 2km distance of the site. Therefore the site provides opportunities to reduce private car use in that residential development in this location would enable walking or cycling to important local services and would also be convenient to the public transport network.

The proposal complies with policy H4 in that it would relate to the existing village, would not harm the character and appearance of the area and would be consistent with the council's objectives for the promotion of a sustainable pattern of development.

Date of Inspector's Decision:	29th April 2009	Inspector's Decision:	Appeal Allowed
Case No:	08/00851/FUL	Ref No:	W20691/02
Case Officer	Mr Ian Cousins		
Proposal:	Two Storey side and single storey rear extension		
Location:	55 Francis Gardens Winchester Hampshire SO23 7HD		

Summary of Inspector's Decision

The Inspector considered that, on the basis of the arboricultural information submitted with the application, the proposed pruning to the protected trees would not be detrimental to their health and would have a beneficial effect

upon the openness of the pathway. It was noted that there was an extant permission for a first floor side extension and it was considered that, by extending the height of this extension by a further 3 metres to provide first floor accommodation combined with the works to the trees, the development would not be detrimental to the spatial qualities of the area and therefore not be detrimental to the character of the area.

Date of Inspector's Decision:	5th June 2009	Inspector's Decision:	Appeal Dismissed
Case No:	07/02776/LDC	Ref No:	WLDC/439/01
Case Officer	Fiona Sutherland		
Proposal:	Continued use of mobile home as separate accommodation (CERTIFICATE OF LAWFULNESS)		
Location:	Beaver Lodge Fontley Road Titchfield Fareham Hampshire PO15 6QY		

Summary of Inspector's Decision

The Inspector considered that since the appellant bought the land in August 2006 the mobile home had been used continuously land without any material breaks in residential occupation (i.e. from August 06 to June 09). However, that was only for a short period of the requisite 10 year period.

Turning to the earlier periods of time, pre-August 2006, the Inspector found, as a general point, that the evidence about times or dates of people living in the mobile home was unspecific and even unclear about who was in residence during those times. A good deal of the evidence was vague and some merely hearsay. Furthermore, none of the people who supplied the evidence appeared at the Inquiry to explain or expand on their written statements.

In conclusion, it appeared to the Inspector that the evidence was not sufficiently precise or unambiguous to justify the grant of a Lawful Development Certificate on the balance of probability and the appeal failed.

Date of Inspector's Decision:	15th April 2009	Inspector's Decision:	Appeal Dismissed
Case No:	08/00640/FUL	Ref No:	W09657/06
Case Officer	Mr James Jenkison		
Proposal:	Change of use from office to residential with raised parking layout and binstore.		
Location:	18 - 19 High Street Twyford Winchester Hampshire SO21 1RF		

Summary of Inspector's Decision

The principal issue was the loss of an employment site. The Inspector considered that the use of the building as an office was not harmful to highway safety and was not causing any problem to neighbours, so there was no argument for losing the site for employment on amenity or environmental grounds. The Inspector considered that marketing efforts of the building as offices had not been sufficient and noted that despite the construction of new additional employment premises in Twyford, employment premises were full, that there was a high uptake and that the type of premises was not comparable to that of the appeal site, which contributed to the variety of floorspace available for Twyford. The site was previously a dwelling before being converted to offices and the Inspector did not agree with the appellant that this made it unsuitable for retention as modern offices.

Date of Inspector's Decision:	4th August 2009	Inspector's Decision:	Appeal Allowed
Case No:	08/01447/LDC	Ref No:	WLDC/458
Case Officer	Mr Tom Patchell		

Proposal: Siting of a mobile home for residential purposes for a period in excess of 10 years

Location: The Caravan North Oaks Frith Lane Wickham Fareham Hampshire PO17 5AW

Summary of Inspector's Decision

A Lawful Development Certificate was refused due to three periods of time when the mobile home was not being occupied. One of these periods of time was for 6 months, during which time the mobile home was being repaired and this took longer than expected due to other faults being noted during the works.

The Inspector did not consider that this period of inoccupation lead the abandonment of the residential use and actually went to show that the residential use would be continuing by making good existing faults.

Date of Inspector's Decision:	14th May 2009	Inspector's Decision:	Appeal Dismissed
Case No:	08/00718/FUL	Ref No:	W19405/01
Case Officer	Mr James Jenkison		

Proposal: 10 no. dwellings comprising of; 4 no. four bedroom semi detached town houses, 6 no. two bedroom flats and 20 no. parking spaces

Location: West Hayes Lodge Sarum Road Winchester SO22 5EZ

Summary of Inspector's Decision

This was a proposal to demolish an existing dwelling on a spacious site and replace it with a 2-1/2 storey apartment building and a pair of semi-detached dwellings. The character of the site and locality was of dwellings in spacious and well treed grounds. The proposal was notable for extensive use of flat roofs to allow greater floorspace without increasing the height of buildings. The level of development required a large amount of the site to be laid out in hard surfaces and the change in levels resulted in retaining walls with railings and fences placed directly above them. The Inspector agreed that the apartment and dwellings would effectively be viewed as 3-storey buildings that would be considerably more bulky in appearance than the domestic scale of the existing house and houses on neighbouring properties and out of character with its context. The Inspector also agreed that the extensive hard surfacing- comprising paving, steps, walls, fences and buildings that would all be viewed together with limited landscape relief- would be out of character with its surroundings. This was exacerbated by dwellings, outbuildings and parking spaces being pushed towards the boundaries, preventing the establishment of substantial landscaping.

The inability to provide adequate landscaping at side boundaries would also result in a loss of amenity for a neighbour, who would have to view a large flank wall of what would effectively be a 3-storey building without any intervening landscaping to soften the effect. Even though there was overlooking of neighbours from the existing house, the Inspector agreed with the Council that the increase in the number of windows of the proposed development would be much more harmful to neighbours amenities.

The Inspector agreed with the appellant that the proposal provided adequate private gardens and amenity space.

Date of Inspector's Decision:	12th May 2009	Inspector's Decision:	Appeal Allowed
Case No:	08/02201/AVC	Ref No:	W04842/09A
Case Officer	Miss Megan Birkett		
Proposal:	1 no. hanging sign		
Location:	The Old Presbytery 29A Jewry Street Winchester Hampshire		

Summary of Inspector's Decision

The inspector concluded that the proposed hanging sign would not distract the attention of drivers and would not be out of keeping with the restrained architectural style of the building and would not result in a cluttered appearance. The sign would not harm the setting of this listed building and it would preserve the character and appearance of the Conservation Area.

Date of Inspector's Decision:	21st April 2009	Inspector's Decision:	Appeal Allowed
Case No:	08/00733/FUL	Ref No:	W00859/05
Case Officer	Mr Neil Mackintosh		

Proposal: Erection of detached five bedroom dwelling with double garage/store

Location: Field House Field Way Compton Down Winchester Hampshire SO21 2AE

Summary of Inspector's Decision

This application was refused because officers considered that the proposed house would be unacceptably large and imposing when viewed from the Memorial Playing Fields. However, the Inspector considered that it would not seem unacceptably large in relation to its plot size and that the design has a "pleasant, balanced and symmetrical aspect that reflects several other properties in the area".

In addition, there was considered to be an overlooking problem and a potentially adverse impact upon trees. The Inspector dismissed both of these reasons, saying that any overlooking problem could be overcome by landscaping and that the trees could be protected during building operations. He imposed conditions to this effect and also withdrew Permitted Development rights.

Date of Inspector's Decision:	28th April 2009	Inspector's Decision:	Appeal Dismissed
Case No:	08/01902/FUL	Ref No:	W04914/09
Case Officer	Trish Price		

Proposal: Loft conversion with 2no. dormer windows and 3no. roof lights

Location: Elysium South Drive Littleton Winchester Hampshire SO22 6PY

Summary of Inspector's Decision

The main issues related to the effect of the proposed development on the character and appearance of the host property, and on the living conditions of the occupiers of the neighbouring dwelling, with particular regard to overlooking and privacy. The Inspector considered the proposed dormer would seem dominating and incongruous on what is a relatively simple design of dwelling incorporating clean uncluttered lines conflicting with policy DP3.

On the second issue the Inspector considered that the proposed dormer would cause significant overlooking to the rear ground and first floor windows of the neighbouring dwelling and their garden resulting in a loss of privacy,

again contrary to policy DP3.

Date of Inspector's Decision:	21st May 2009	Inspector's Decision:	Appeal Dismissed
Case No:	08/00531/FUL	Ref No:	W06906/04
Case Officer	Mrs Jane Rarok		

Proposal: 1 no. detached four bedroom house and 2 no. two bedroom maisonettes with associated garage/car port following the demolition of existing garage and outbuildings and detached garage for existing house(RESUBMISSION)

Location: 121 Andover Road Winchester Hampshire SO22 6AX

Summary of Inspector's Decision

Inspector agreed with the Council that the proposal would result in overlooking of the garden area of No. 123 from rear bedroom windows of the house and first floor lounge and kitchen windows from the maisonette. Given the close proximity and lack of substantial vegetation along the boundary the Inspector considered that this would cause significant detriment to the general living environment of the adjoining residents. He did not considered that additional planting along the boundary would be sufficient to mitigate permitting the proposed design of houses or so close to the boundary.

He noted that other properties overlook the neighbours' garden area but they were further away. In the Inspector's judgement, the greatest problem was with the design of the house and maisonettes which he did not consider a low key design within this backland location. Therefore there would be a perception of direct overlooking from short distances. He also opined that the development and plot sizes would appear cramped and out of character with the more spacious setting of nearby houses. For these reasons he considered that the scheme would cause "significant detriment to the visual amenity and living environment of the adjoining neighbours and the enjoyment of the curtilage of their property."

The Inspector agreed with the Council that the Douglas Fir (TPO'd) was an imposing and significant part of the immediate landscape providing a positive and attractive feature in the area. He did not consider the removal of the tree to be justified and considered its loss would cause significant harm to visual amenity. With regard to the two TPO'd trees within the neighbours garden and along the north-west boundary, he was not satisfied that the appellant's prevention measures for damage to these tree roots would be sufficient to ensure their continued reasonable health.

Whilst accepting that residential development may be possible on this land, he considered that the design and number of dwellings would appear cramped and out of character with the area and cause significant overlooking of the adjoining property.

Date of Inspector's Decision:	6th May 2009	Inspector's Decision:	Appeal Dismissed
Case No:	08/00764/FUL	Ref No:	W04676/15
Case Officer	Mr Andrew Rushmer		
Proposal:	New access and track to serve farm holding (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY)		
Location:	Meadows Farm Ervills Road Worlds End Hambledon Hampshire		

Summary of Inspector's Decision

The Inspector considered that the construction, screening and use of the track would give the perception that the open field had more of a developed character rather than remaining as open and undeveloped pasture land and that although hedges are a part of the local landscape, they do not now extend into the field adjoining the public highway over which the access track would be constructed.

Furthermore, he considered that the removal of part of the field boundary hedge that adjoins the highway in order to create the new access would again give the impression of the land being of a developed character. In all of these circumstances, he considered the proposed access track would result in a prominent form of development that would cause significant detriment to visual amenity contrary to the Council's planning policies.

Turning to the highways issues, the Inspector noted that the Highway Engineer raised no objection to the proposed access, but considered the existing access to be substandard. However, the Inspector considered that during his site visit he was able to observe the existing access and found that although the hedges and trees on the northern side had become overgrown, there was still a reasonable visibility of traffic coming from the north; to the south, visibility is also reasonable. Furthermore, he noted that this section of highway is mostly straight, with only a small bend in the road to the south. As a contrast, the proposed access would have been close to two bends and a road junction adjoining the Chairmakers Arms Public House and the road was heavily trafficked at the time of the site visit, with some vehicles traveling at speed. The Inspector stated that he was not satisfied from the representations before him that the creation of a further vehicular access in the proposed location would avoid significant harm to the interests of highway safety.

Date of	3rd September	Inspector's	Appeal Dismissed
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Inspector's Decision:	2009	Decision:	
Case No:	08/01657/FUL	Ref No:	W14299/07
Case Officer	Nick Parker		
Proposal:	14 no. dwellings comprising of 1 no. five bedroom house, 3 no. four bedroom houses, 3 no. three bedroom houses, 2 no. two bedroom houses, 4 no. two bedroom flats, 1 no. one bedroom flat with parking, landscape and improvements to access.		
Location:	Land Adjacent To St John's Croft Blue Ball Hill Winchester Hampshire		

Summary of Inspector's Decision

The main planning issue related to the impact of the development on the living conditions of the occupiers of the neighbouring dwellings, with particular regard to privacy and whether the proposed development would appear overbearing. The Inspector agreed with the Council's decision in concluding that the development would lead to a significant loss to the privacy of the occupiers of the adjacent street at St Martin's Close due to overlooking from the proposed windows. He also concluded that the development would have an overbearing impact on the neighbouring properties at St Martin's Close. In relation to other issues the Inspector concluded that the development would not have a harmful impact on the character and appearance of the conservation area, or the settings of the listed buildings due to either the loss of trees, the design of the development itself or because of the proposed access arrangements. He also concluded that the proposal would not be prejudicial to highway safety, provided that adequate visibility splays could be provided. The Inspector concluded that the Public Open Space financial contributions were justified in accordance with Circular 05/2005 but that the highway financial contributions were not justified as no information had been provided to show what highway improvements the money would be spent on. Similarly the Inspector concluded that the financial contributions sought for education were also unjustified in relation to Circular 05/2005.

Date of Inspector's Decision:	14th May 2009	Inspector's Decision:	Appeal Allowed
Case No:	08/01521/FUL	Ref No:	W21172
Case Officer	Trish Price		
Proposal:	Two-story side extension		
Location:	3 Parkhill Farm Cottages Larkwhistle Farm Road West Stratton Winchester Hampshire SO21 3DS		

Summary of Inspector's Decision

The Inspector found that Parkhill Farm Cottages is a terrace of 3 residential properties with similar but not identical front elevations. The proposed extension is of an attractive modern design incorporating a 2 storey glazed element lighting the stair well. The eaves height would be slightly lower than the current dwelling and it would be well set back from the front elevation. It would be sufficiently set back and lower to be subservient to the current dwelling, and not affect the symmetry of the terrace as a whole. While there would be some screening from the front wall and fence the first floor would be visible and would contrast with the more traditional single storey side extension at 5 Parkhill Cottages. This would be compatible and acceptable in its context. The existing terrace includes dormer windows and roof lights in the plane of the roof and although larger the proposed dormers and velux type windows reflect those design elements and would be acceptable. Views from the road in to the rear of the appeal site are effectively screened by trees and hedging. Although in winter, with much less foliage that effect would be reduced the screening would still be adequate. While the hedge and tree screen is less dense to the side of the property adjacent to the road the width of the garden and the existing planting are sufficient to ensure that there would not be unacceptable visual intrusion. The Inspector also considered the effect on the living conditions of the occupiers of 4 Parkhill Cottages; in respect of whether there would be unacceptable overlooking from first floor windows into their rear garden. The Inspector considered that the existing single storey rear extension and chimney are sufficient to adequately screen any potential view into that garden from the west facing dormer. Two other smaller windows are proposed in the first floor of the rear gable but there is a rear facing window lighting an existing bedroom. Any potential overlooking from the proposed first floor rear facing windows would not cause unacceptable additional intrusion or loss of privacy.

Date of Inspector's Decision:	18th May 2009	Inspector's Decision:	Appeal Dismissed
Case No:	08/02126/FUL	Ref No:	W17257/06
Case Officer	Trish Price		
Proposal:	Two storey side extension and single storey rear extension		
Location:	38 Milverton Road Winchester Hampshire SO22 5AU		

Summary of Inspector's Decision

The main issue is the effect of the development on the character and appearance of the area. The appeal site is on the corner of Milverton Road and Fordington Avenue in a predominantly residential area. There are detached, semi-detached and terraced properties, of varying age, but generally traditional appearance in the area. The appeal property is a detached 1930s house of traditional appearance which has effective hedge screening along the boundary with Fordington Avenue and some similar hedge screening to the front. The proposal is to extend the dwelling over two

floors to the side with a single storey part to the rear. The design is modern with a flat roof, an overhang from the first floor above the garage door, contemporary glazing features and facing treatment. The Inspector found that the flat roof would complement the pitched roof of the existing house and, in my opinion, the strong rectangular concepts would be incompatible with the traditional 1930s design and front elevation of the property. Although there is effective screening on the boundary with Fordington Avenue the flat roof would be visible when approaching from the west along Milverton Road. The front elevation would also be visible from Milverton Road. The proposed development would appear discordant in this location as an extension to the appeal property. Although the proposal would be set back from the front elevation, the roof would be a little lower than the existing eaves, and that the glazed feature to the front is designed to ensure that the extension would be subservient to the appeal property. This is not sufficient to outweigh the fact that the proposed development would have an adverse impact on the existing house and on the character and appearance of the area. The proposed extension would unacceptably detract from the street scene and the proposal would not comply with Policies DP3 and DP4 of the Winchester District Local Plan Review in that it would not respond positively to the character and appearance of the local environment and would not maintain the townscape in this location due to its impact on the street scene.

Date of Inspector's Decision:	12th May 2009	Inspector's Decision:	Appeal Dismissed
Case No:	08/01458/FUL	Ref No:	W20901/01
Case Officer	Mr James Jenkison		
Proposal:	Incorporation of rural land into the residential curtilage of North Lodge and erection of new garage with office accommodation in roof space to the side of the property; creation of carparking forefront (AMENDED DESCRIPTION)		
Location:	North Lodge Hazelholt Bishops Waltham Southampton Hampshire SO32 1GA		

Summary of Inspector's Decision

This was an appeal against conditions imposed by a planning permission removing permitted development rights and analyses the conditions against 4 of the tests of circular 11/95, ie. necessity, enforceability, reasonableness, preciseness.

This site was a particularly attractive meadow/clearing within a woodland with a public footpath nearby and located in the AONB. The cottage and land here had a very tranquil storybook appearance and incorporation of the meadow into the residential curtilage would allow fences, outbuildings, domestic paraphernalia and other domestic structures. Inspector agreed with the Council's view that this would be visually harmful to the AONB and also agreed that the conditions were necessary, precise, reasonable and

enforceable.

Appeal also notable for dispute as to historic use of the meadow. Inspector agreed that there was no evidence of it being part of the residential garden curtilage of the cottage even if it had always been in the ownership of the appellant. Delineation of boundaries on maps and the hedge around garden were noted as evidence that the land was not residential curtilage and never had been previously.

Date of Inspector's Decision:	15th June 2009	Inspector's Decision:	Appeal Dismissed
Case No:	07/02951/FUL	Ref No:	W15971/07
Case Officer	Andrea Swain		

Proposal: Temporary occupation of detached double garage as accommodation during construction work of extensions to existing dwelling (RETROSPECTIVE)

Location: 4 Measures Gate Old Stoke Road Stoke Charity Winchester Hampshire SO21 3PH

Summary of Inspector's Decision

The Inspector considered the main issue to be the effect of the proposals on the surrounding area. The Inspector concluded that the existing garage would add no further built form and as such would preserve the character and appearance of the conservation area. However, the proposed building work is nearly finished and the temporary permission is not justified.

Date of Inspector's Decision:	15th June 2009	Inspector's Decision:	Appeal Allowed
Case No:	07/02952/FUL	Ref No:	W15971/05
Case Officer	Andrea Swain		

Proposal: Change of use of garage to detached self contained one bed annexe (RETROSPECTIVE)

Location: 4 Measures Gate Old Stoke Road Stoke Charity Winchester Hampshire SO21 3PH

Summary of Inspector's Decision

The Inspector considered the main issue to be the effect of the proposals on the surrounding area. The Inspector concluded that the existing garage would add no further built form and as such would preserve the character and appearance of the conservation area. An ancillary use related to the 'host' property would not offend the policy objectives of protecting the countryside as a separate independent dwelling is not being created. However, it would

be appropriate to ensure the continuing ancillary use of the annexe by way of planning condition

Date of Inspector's Decision:	4th June 2009	Inspector's Decision:	Appeal Dismissed
Case No:	08/02652/FUL	Ref No:	W00913/38
Case Officer	Mr James Jenkison		

Proposal: Alteration and extension to existing workshop including new pitched roof (RESUBMISSION)

Location: Three Oaks Boarding Kennels And Cattery Botley Road Bishops Waltham Southampton Hampshire SO32 1DR

Summary of Inspector's Decision

This appeal related to a field which had at one stage in the past been a greyhound racing track. There was an extensive and complex planning, appeal and enforcement history to the boarding kennels and residential property on the adjoining land owned by the appellant. Appellant had planning permission to use an old outbuilding for go-cart repairs for hobby purposes and now wanted to double the size of the building for formula one cars. The existing building at Segensworth industrial estate was visited and the Inspector noted, in dismissing the appeal, that the appellant could achieve their stated intention with a very minor addition to the existing building. It was also evident from the Segensworth site visit that the appellant could carry out their formula one aspiration from an industrial estate rather than in the countryside.

Date of Inspector's Decision:	29th July 2009	Inspector's Decision:	Appeal Refused - Costs Refused
Case No:	08/01280/FUL	Ref No:	W06784/02
Case Officer	Nick Parker		

Proposal: 3 no. detached four bed and 3 no. terraced two bed dwellings with associated parking, cycle and refuse stores; following demolition of existing dwelling.

Location: Little Orchard Winchester Road Bishops Waltham Southampton Hampshire SO32 1BW

Summary of Inspector's Decision

The main planning issues related to the effect of the proposals on the character of the area, the effect on the living conditions of neighbours, particularly in relation to outlook; and the level of parking provision.

On the first issue the Inspector concluded that by reason of the cramped

layout, lack of opportunities to soften the impact of the development within the site and their proximity to the public footpath, the development would have a detrimental impact on the character of the area.

In relation to neighbour impact the Inspector concluded that the development would have a significant impact on the occupants of no.5 Colehill Gardens through loss of outlook and the overbearing presence of the dwelling on plot 4 and that the requirement of LPR policy DP3 which seeks to ensure development would not have an unacceptable adverse impact on adjoining land, uses or property, would not be met.

In relation to parking provision the Inspector concluded that there is insufficient justification to support the provision of only 10 spaces for 6 dwellings (which include 3 four bed properties). The Inspector considered that, based on the information he was given, there is an unacceptable risk that vehicles would park on the highway or adjacent areas of grass, to the detriment of the safety of other road users.

Date of Inspector's Decision:	5th June 2009	Inspector's Decision:	Appeal Dismissed
Case No:	08/01662/FUL	Ref No:	W21194
Case Officer	Andrea Swain		
Proposal:	Erection of 1 no. four bedroom detached and 2 no. two bedroom semi-detached dwellings with associated parking, landscaping and new access		
Location:	Land Between 1 And 5 Campion Way Kings Worthy Hampshire		

Summary of Inspector's Decision

The Inspector considered the main issues for consideration to be the impact of the proposals upon the character and appearance of the surrounding area and the effect of the development upon the living conditions of nearby residents. He concluded that the two beech trees, the semi-mature trees in the garden of number 1 Campion Way and the frontage hedging were an important element in the townscape of this part of Kings Worthy. Furthermore, the site is an important open space which contributes significantly to the sylvan appearance of this part of Campion Way. The pressure to fell these trees from the future occupants of the new dwellings and the works to remove the trees and hedges and the potential danger to the long term health of the beech trees would be damaging to the townscape and contrary to policies DP4 and DP5. The Inspector agreed with the Council's view that the proposed garden areas for the 2 bedroom units were inadequate, although, this would not be a reason on its own to withhold permission. He considered that the development would project above the roof line of the dwellings next door in Nations Hill and whilst the detailed design of the new dwellings would not cause actual loss of privacy to these properties, there would be a

perception of overlooking from the second floor rear bedroom of the detached house. Finally, he concluded that the private garden areas to the front of 39 Nations Hill and the rear gardens of numbers 35 – 37 Nations Hill would be adversely affected by a sense of enclosure, with their open aspect replaced by substantial two and a half storey dwellings.

Date of Inspector's Decision:	22nd June 2009	Inspector's Decision:	Application Withdrawn
Case No:	08/02352/FUL	Ref No:	W14097/61
Case Officer	Mr Dave Dimon		

Proposal: (AMENDED DESCRIPTION & AMENDED PLANS)
Development of 67 dwellings comprising; 6 no. one bed flats, 34 no. two bed flats, 2 no. two bed houses, 20 no. three bed houses, 5 no. four bed houses with associated access, parking and landscaping

Location: Knowle Village Knowle Avenue Knowle Hampshire

Summary of Inspector's Decision

WITHDRAWN

Date of Inspector's Decision:	4th September 2009	Inspector's Decision:	Appeal Dismissed
Case No:	08/02766/FUL	Ref No:	W19463/06
Case Officer	Mr Dave Dimon		

Proposal: Residential development consisting of 7 no. three bedroom and 10 no. two bedroom dwelling with associated garaging/parking and landscaping

Location: Land At Buena Vista And Rear Of Oakleigh And Meadowsweet Hambledon Road Denmead Hampshire

Summary of Inspector's Decision

The inspector identified the main issues as follows:

1. The effect of the proposal on (i) the living conditions of future occupiers, in respect of the provision of outdoor on-site amenity space and the spatial quality of the development and (ii) the character and appearance of the area.
2. Whether the proposal includes sufficient parking.
3. Whether Open Space and transport contributions were a reasonable and necessary requirement.
4. Whether the proposal secured affordable housing in line with the requirements of the local plan policy and local need.

On the first issue he found that the proposal failed to make on site play

provision in accord with policy RT.4 WDLPR and that all the play areas mentioned in the Winchester District Open Space Strategy (WDOSS) were somewhat remote from the application site and accessible only by walking along relatively well trafficked roads. The Inspector thus was of the view they would not provide an adequate alternative in terms of accessibility, particularly for younger children, and that the proposed development would be deficient in the provision of children's play space and that the distance to alternative existing spaces precluded the possibility of contributions overcoming this deficiency.

In terms of the on site amenity space the Inspector found that the development would be dominated by cars and hard surfacing with front gardens inadequate to allow planting to soften such impact. He therefore considered that the proposal did not meet local plan objectives to achieve a high quality design and would result in a limited and poor quality outdoor environment for future occupiers. The design of the dwellings however, he considered were not, in architectural terms, at odds with adjacent development and would not be out of keeping with the overall character and appearance of the area and thus would not conflict with relevant development plan policies.

With regard to parking arrangements the Inspector commented that had he otherwise been minded to allow the appeal he would have substituted a revised drawing that the appellant submitted for his consideration showing 29 spaces, which he considered adequate to serve the development. Nevertheless he pointed out that he had previously found that the arrangement of the parking spaces would be to the detriment of the living conditions of the future occupiers.

On the matter of contributions the Inspector commented that he had already concluded that Open Space contributions would not overcome the lack of children's play space within the development. In regard to transport contributions however he commented that he had been provided with outline details of projects that the highway authority wishes to progress. These schemes are in Denmead and would relate well to the proposed development, and would be of benefit to future occupiers. He thus found that such contribution would be in accordance with the principles outlined in circular 05/2005 and that they were adequately facilitated through the provisions of a Unilateral Undertaking.

On the matter of affordable housing the Inspector noted that the proposal was for a scheme of all affordable housing and that it formed part of the Unilateral Undertaking submitted by the appellant. The proposal would thus fulfill the requirements of policy H5.

The Inspector concluded that the harm identified in respect of main issue of living conditions outweighed the lack of harm from the other main issues.

Date of 17th August 2009 **Inspector's** Appeal Allowed

Inspector's**Decision:**

Case No: 07/03111/FUL
Case Officer: Mr Simon Avery

Decision:

Ref No: W13551/05

Proposal: 1 no. detached three bed dwelling for equestrian workers
Location: Little Stocks Stables Stocks Lane Meonstoke Southampton
 Hampshire SO32 3NQ

Summary of Inspector's Decision

A carriage hire business operates at this site. The Inspector found that the nature of this enterprise and its reliance on particular animals for its financial wellbeing, coupled with the impracticality of remote monitoring, created a functional need for someone to be on site day and night. The Inspector considered that the Council's concerns that the enterprise might not continue to be financially viable due to the lack of security of tenure were unfounded. Profits had risen steadily, there has been no drop off in bookings, and it was concluded that the financial test has been satisfied. Although there were a number of alternative properties for sale and for rent in the area, these were not considered suitable due to the distance from the site. The dwelling would not be prominent or visually intrusive and would have little material impact on the character and appearance of the AONB and National Park.

Date of 16th June 2009
Inspector's

Decision:

Case No: 08/01899/FUL
Case Officer: Mr Andrew Rushmer

Inspector's **Appeal Allowed**
Decision:

Ref No: W20243/02

Proposal: Equestrian use of land and construction of access track
 (RESUBMISSION)
Location: Fields Off Harrow Gate Lane Denmead Hampshire

Summary of Inspector's Decision

The Inspector noted the policies contained within the South Downs Planning Guidelines rejecting the principle of the subdivision of fields, however, he considered that give the inclusion of this land within the recent designation of a new National Park, with its greater emphasis on the encouragement of recreational opportunities appropriate to the Park, he could see no objection in principle to use of the land for the keeping of horses.

Furthermore, the Inspector referred to the appellant's willingness to plant additional hedging, and he considered that this could well meet one of the other objectives of national and Development Plan policy to conserve and enhance the natural beauty of the landscape.

He considered that concerns about use of the site and the precedent which

would be set would be adequately dealt with by the way of conditions.

Date of Inspector's Decision:	24th September 2009	Inspector's Decision:	Appeal Dismissed
Case No:	08/01707/FUL	Ref No:	W01473/28
Case Officer	Mr Andrew Rushmer		

Proposal: Extension of unit 3 mill court to provide additional floorspace and relocation of 10 no. parking spaces

Location: 3 Mill Court The Sawmills Durley Southampton Hampshire SO32 2EJ

Summary of Inspector's Decision

The Inspector was concerned about the lack of information submitted by the appellant in order to justify permitting the proposal. In particular, he was concerned about the lack of information concerning the intended occupant and long term usage of the proposed additional accommodation.

Furthermore, he noted the requirement in PPG13 to ensure that employment generating uses should be in highly sustainable locations, which are accessible by public transport, and that this site does not fulfil that requirement.

Therefore, the Inspector concluded that the proposal would result in increased traffic levels, which would be contrary to the requirements of PPG13, and policy CE18 of the Winchester District Local Plan Review 2006. In addition, he concluded that the level of information submitted to justify the proposal was insufficient in order to comply with the requirements of policy CE18 of the Winchester District Local Plan Review 2006.

Finally, the inspector also concluded that the increase in traffic levels would be contrary to the provisions of policy DP3 of the Winchester District Local Plan Review 2006 in term of impact on neighbouring dwellings.

Date of Inspector's Decision:	4th September 2009	Inspector's Decision:	Appeal Dismissed
Case No:	08/00677/FUL	Ref No:	W06437/06
Case Officer	Andrea Swain		

Proposal: Residential development for 24 no. dwellings with associated parking, landscaping and new access from Bridge Road; re-profiling of parts of former railway cutting

Location: Land East Of New Farm Road New Farm Road Alresford Hampshire

Summary of Inspector's Decision

The main issues considered by the Inspector were the effect of the proposed development on the character and appearance of the area; the living conditions of the occupiers of neighbouring dwellings, with particular regard to privacy and outlook; the living conditions of the future occupiers, with particular regard to the sufficiency of private and public amenity space; and whether the proposed development secures the provision of Affordable Housing and off site sports facilities.

The Inspector concluded that the removal of most of the existing vegetation towards the bottom of the railway cutting would not be to the detriment of the character and appearance of the area. However, he was not persuaded, from the evidence submitted, that the development would not result in the removal of some sizeable and stable trees from the upper parts of the sides of the cutting, the loss of which would have a significant impact on the character and appearance of the area. As such the proposal would conflict with policy DP.4. The Inspector considered that the proposed detached and semi-detached houses and the proposed townhouses would not significantly affect the character and appearance of the area, given their size and setting. However, he was concerned that the side elevations of the proposed apartment block, designed to ensure the privacy of neighbouring properties, were unrecognisable as belonging to a residential development, and were completely out of character with the surrounding properties. As such the proposal would conflict with policy DP.3.

Given the level of the proposed dwellings, the high level windows and the separation distance from existing properties, the Inspector concluded that there would be no overlooking from the proposed houses to neighbouring properties. However, he acknowledged the potential for the overlooking of properties of New Farm Road from the proposed apartment balconies, but noted that the proposed side screens would overcome this. Notwithstanding this, given his concerns with regard to the side elevations of the proposed apartment block and its close proximity to the residential property, Glenholm, and the proposed impact from the loss of the upper level trees along the embankment, he concluded that the outlook of the neighbouring dwellings would also be harmed, contrary to policy DP.3.

In respect of the provision of public open space for the new development, the Inspector concluded that there was a shortfall in the central amenity area, and the smaller area at the Bridge Road end would not form a pleasant or suitable amenity area. As such the development would not have the necessary open space provision and a contribution for open space provision off site would not be appropriate. However, he judged the proposed private amenity space for the new dwellings to be adequate. With regard to the provision of off site sports provision, the Inspector was not satisfied with the details of the location or type of required sports provision. As such the off site provision was not deemed to be directly related to the proposed development contrary to Circular 05/2005.

The Inspector had been supplied with a signed and dated Unilateral Undertaking which would ensure the provision of Affordable Housing conforming to the requirements of policy H.5. This matter was not, therefore pursued.

Date of Inspector's Decision:	7th September 2009	Inspector's Decision:	Appeal Dismissed
Case No:	08/01998/FUL	Ref No:	W21058/01
Case Officer	Lorna Hutchings		

Proposal: Demolition of no.16 Fox Lane & no.1 Chatham Road. Erection of 2no. 2 bedroom houses, 2no. 2 bedroom flats and 2no. 1 bedroom flats in two storey building (RESUBMISSION)

Location: 16 Fox Lane Winchester Hampshire SO22 4DY

Summary of Inspector's Decision

The proposed replacement structure would have significantly greater diversity in its built form and is a substantially larger building. The footprint and amenity space would be sympathetic to its context and appropriate in location making more efficient use of the land. The building responds to the topographical changes across the site and mature frontage planting will reduce the visual impact of the building. There are hipped roofed buildings in the area and this would provide a context for this feature as with the chimneys. Brick provides a link also to the existing properties on this very prominent corner.

The appeal was dismissed as the proportions of the proposed double front and rear gable features would have a more relaxed pitch, failing to reflect a strong characteristic of the street scene, preventing it successfully integrating with its context.

The appeal was also dismissed as it was not demonstrated that the development could proceed without harming a protected species.

Date of Inspector's Decision:	4th September 2009	Inspector's Decision:	Appeal Allowed
Case No:	08/02379/FUL	Ref No:	W07585/05
Case Officer	Megan Birkett		

Proposal: Replacement 1 no.five bed dwelling following demolition of existing bungalow (RESUBMISSION)

Location: Baytrees Durley Brook Road Durley Southampton Hampshire SO32 2AR

Summary of Inspector's Decision

The inspector considered that the proposed development would not result in an intrusive form of development detrimental to the visual amenities of the countryside. The proposed development would not conflict with policy CE23 as, in the inspector's view, no harm would result from its replacement with the proposed property and would not in itself result in detriment to the character and appearance of the area. The proposed replacement dwelling is allowed as it is considered a justifiable departure from the requirement of policy CE23.

Date of Inspector's Decision:	23rd September 2009	Inspector's Decision:	Appeal Allowed
Case No:	08/01438/FUL	Ref No:	W08645/37
Case Officer	Mr Neil Mackintosh		
Proposal:	Removal of condition no. 2 of planning permission W08645 ; agricultural occupancy condition		
Location:	Typhoon Cottage Silkstead Lane Hursley Winchester Hampshire SO21 2LG		

Summary of Inspector's Decision

Typhoon Farmhouse was built in the late 1980's to serve as a manager's house for a 348 hectare farm. Its occupation was limited to a person solely, or mainly, employed, or last employed, in the locality in agriculture. In refusing permission to remove this condition the Council argued that this would be contrary to Policy CE21 of the Winchester District Local Plan Review, in that "the Local Planning Authority has not been satisfied that the dwelling will not be required for the holding in the foreseeable future nor that it is no longer required for workers in the surrounding area".

At the Informal Hearing the Council argued that the dwelling had been marketed at too high a price, that the future requirements of the farm had not been taken into account and that it had not been demonstrated that the dwelling was no longer required for workers in the surrounding area.

However, the Inspector stated that "the asking price sought was sufficiently realistic to have attracted interest from potential purchasers, but none were forthcoming" and that rural houses should not be kept vacant when an agricultural occupancy condition is no longer required. He concluded that this agricultural dwelling is not currently required for agricultural workers at Silkstead Farm or elsewhere in the surrounding area. Nor has it been demonstrated that such accommodation would be needed in the foreseeable future.

Date of	3rd August 2009	Inspector's	Appeal Dismissed
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Inspector's Decision:		Decision:	
Case No:	08/02386/FUL	Ref No:	W07418/14
Case Officer	Mr Neil Mackintosh		

Proposal: Demolition of redundant store buildings and erection of 1 no. detached three bedroom dwelling and 4 no. three bedroom semi-detached dwellings with associated garaging and landscaping, access from Biddenfield Lane

Location: Grig Ranch Titchfield Lane Wickham Fareham Hampshire PO17 5NT

Summary of Inspector's Decision

The application site is in the countryside, well outside the settlement boundary of Wickham. The Inspector noted that the adopted Winchester District Local Plan Review aims to strictly control the provision of new housing and to ensure that development is sustainable and respects the character of the locality. He concluded that this site could not reasonably be regarded as contributing to a sustainable pattern of development. He also considered that the proposed dwellings would have an unacceptable visual impact in a form and layout alien to the locality.

The application was also refused because the Highway Engineer advised that there are inadequate visibility splays at the access and at the junction of Biddenfield Lane with Titchfield Lane. The Inspector agreed with this and concluded that the proposed dwellings would add materially to the risk to highway safety.

The Inspector also agreed with two further reasons for refusal ie. the lack of small or affordable dwellings in the proposal and the precedent that might be set by permitting residential development in this location.

Date of Inspector's Decision:	29th July 2009	Inspector's Decision:	Appeal Refused - Costs Refused
Case No:	09/00071/FUL	Ref No:	W06784/03
Case Officer	Nick Parker		

Proposal: 3 no. two bed dwellings, 2 no. semi detached four bed dwellings and 1 no. three bed detached dwelling with associated car parking spaces, access cycle and refuse stores following demolition of existing dwelling (RESUBMISSION)

Location: Little Orchard Winchester Road Bishops Waltham Southampton Hampshire SO32 1BW

Summary of Inspector's Decision

Summary of Inspector's Decision

The Inspector considered that the main planning issues related to the effect of the proposals on the character of the area and the effect on the living conditions of neighbours, particularly in relation to outlook.

On the first issue the Inspector concluded that by reason of the cramped layout, lack of opportunities to soften the impact of the development within the site and their proximity to the public footpath, the development would have a detrimental impact on the character of the area.

In relation to neighbour impact the Inspector concluded that the development would have a significant impact on the occupants of no.5 Colehill Gardens through loss of outlook and the overbearing presence of the dwelling on plot 4 and that the requirement of LPR policy DP3 which seeks to ensure development would not have an unacceptable adverse impact on adjoining land, uses or property, would not be met.

Summary of Inspector's Cost Decision:

The Inspector summarises the main grounds for the cost application by the appellant who claimed that the Council acted unreasonably as the main reasons for refusal do not stand up to scrutiny. The Inspector considered that the officer's delegated report, the Council's Appeal Statement and the case presented by the Council at the Appeal Hearing all provide sufficient justification for the first reason for refusal. The Inspector considered that the reason for refusal was based upon the professional opinions of Council Officers, including that of the Landscape Officer and that there is no conclusive evidence that the judgment of the Council was clouded by the comments of the residents. The Inspector concluded that the first reason for refusal was justified and stands up to scrutiny and therefore unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been satisfactorily demonstrated and that the application fails and no award of costs is made.

Date of Inspector's Decision:	31st July 2009	Inspector's Decision:	Appeal Withdrawn
Case No:	09/00141/FUL	Ref No:	W08375/06
Case Officer	Mr Simon Avery		
Proposal:	Temporary siting for 3 years of a mobile home for an agricultural worker (RESUBMISSION)		
Location:	Scatterbrook Farm Maybush Lane Soberton Southampton Hampshire SO32 3QF		

Summary of Inspector's Decision

WITHDRAWN

Date of Inspector's Decision:	13th August 2009	Inspector's Decision:	Application Withdrawn
Case No:	08/01949/FUL	Ref No:	W02814/05
Case Officer	Mr Nick Fisher		
Proposal:	Removal of condition 2 of permission no. W20685/1; agricultural occupancy condition		
Location:	Tarrenz Mill Lane Bishops Sutton Alresford Hampshire SO24 0AA		

Summary of Inspector's Decision

WITHDRAWN

Date of Inspector's Decision:	13th August 2009	Inspector's Decision:	Appeal Refused - Costs Refused
Case No:	08/02079/FUL	Ref No:	W11391/05
Case Officer	Andrea Swain		
Proposal:	Demolition of existing dwelling and erection of 3 no. two bedroom terraced dwellings with cycle stores associated parking and landscaping		
Location:	39 Spring Lane Colden Common Winchester Hampshire SO21 1SB		

Summary of Inspector's Decision

The Inspector considered the main issues in the appeal to be the effect of the proposed development on the character and appearance of the street scene, and the effect on the living conditions of the new occupiers with respect of private outdoor amenity space. With regard to the first issue he concluded that the proposed terrace would not be harmful to the character and appearance of the street scene subject to satisfactory landscaping. However, the proposed garden areas for the two bedroom units would be inappropriately small and as such harmful to the living conditions of the future occupiers.

The applicants sought an award of costs from the Council. The Inspector concluded that the Council had shown reasonable grounds for the refusal of planning permission and that an award of costs was not justified.

Date of	30th July 2009	Inspector's	Appeal Dismissed
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Inspector's**Decision:****Decision:**

Case No: 08/02004/FUL
Case Officer: Mr James Jenkison

Ref No: W16260/04

Proposal: Demolition of existing garage and erection of detached two bedroom dwelling to the rear of 47 Monks Road (RESUBMISSION)

Location: 47 Monks Road Winchester Hampshire SO23 7EQ

Summary of Inspector's Decision

This was a back garden infill dwelling at a corner site in an historic area of terraced housing with narrow back gardens. Whilst the Inspector found that PPG15 allowed for modern buildings in historic areas, this specific proposal was found to visually detract from the conservation area by being unharmonious with the existing group of buildings due to the projecting balcony and lack of refinement.

The Inspector also agreed that the proposed dwelling would have an overbearing impact on the neighbouring house as well as the existing house on the appeal site (ie. living conditions of dwelling on the appeal site a material planning consideration). However, the Inspector agreed with the appellants that the size of the amenity area (18 square metres) for the appeal proposal was acceptable due to proximity to parkland and leisure centre.

Date of Inspector's Decision: 25th September 2009

Inspector's Appeal Dismissed Decision:

Case No: 08/00954/FUL
Case Officer: Mr Ian Cousins

Ref No: W21259

Proposal: Roof alterations to provide additional accommodation including dormer windows front and rear and conversion of existing building into 3no. three bed terraced dwellings

Location: Upper Curdrige Post Office Gordon Road Curdrige Southampton Hampshire SO32 2BE

Summary of Inspector's Decision

The Inspector considered that the scale and design of the proposal would result in a form of development that would create a large and unsightly building which would therefore harm the character and appearance of the area. It was also considered that development would be unduly dominating and restrictive of the outlook to the neighbouring property.

The proposal was considered not to satisfy policy H4 as the highway network was not safe and the bus service was too infrequent.

The failure to contribute to open space and highway facilities have been used as reasons for refusal however, if the application was satisfactory in all other respects, the Inspector considered that the Council did not present any justification for the request for contributions and therefore the failure of the applicant committing to such payments would not have justified a refusal on this issue alone.

Date of Inspector's Decision:	10th September 2009	Inspector's Decision:	Appeal Dismissed
Case No:	09/00372/AVC	Ref No:	W05505/06
Case Officer	Mrs Jane Rarok		

Proposal: Erections of internally illuminated free standing double sided display unit (RETROSPECTIVE)
Location: One Stop 108 Battery Hill Winchester Hampshire SO22 4BH

Summary of Inspector's Decision

The Inspector considered that the main issue was the effect the display unit (already erected) had on the character and appearance of the surrounding area. He commented that the unit was set on a small forecourt of the adjacent shop front, at right angles to the road, and that it was seen in approaching views from Battery Hill, from the east and west against the residential aspects immediately beyond the forecourt. As a result he considered that the impact of this fairly bulky unit intrusive on the forecourt. He also considered that seen in context of other existing signage at the premises, that it over-emphasised the commercial nature of the shop within the residential surroundings, and that it would have an adverse impact after dark as a result of its full internal illumination.

The Inspector that the proximity of the appeal sign to the existing illuminated fascia sign resulted in the impression of advertising clutter, which further impacts on the character and appearance of the surrounding area.

Date of Inspector's Decision:	1st September 2009	Inspector's Decision:	Appeal Withdrawn
Case No:	09/00480/FUL	Ref No:	W03893/05
Case Officer	Mrs Jill Lee		

Proposal: Erection of a barn
Location: Habens Stables Habens Lane Hambledon PO7 4AD

Summary of Inspector's Decision

WITHDRAWN

Date of	1st September	Inspector's	Application Withdrawn
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Inspector's Decision:	2009	Decision:	
Case No:	09/00479/FUL	Ref No:	W03893/04
Case Officer	Mrs Jill Lee		

Proposal: Erection of a block of stables
Location: Habens Stables Habens Lane Hambledon Waterlooville
 Hampshire PO7 4AD

Summary of Inspector's Decision

WITHDRAWN

Date of Inspector's Decision:	26th August 2009	Inspector's Decision:	Appeal Dismissed
Case No:	09/00873/FUL	Ref No:	W21441
Case Officer	Trish Price		

Proposal: Two storey rear extension and extension to rear of existing garage
Location: Hillcrest 29 Wrights Close South Wonston Winchester
 Hampshire SO21 3HD

Summary of Inspector's Decision

The main issues in this case were the effect that the proposed development would have upon the character and appearance of the existing dwelling and the surrounding area, and upon the living conditions of neighbouring occupiers, with particular regard to potential overlooking and loss of light.

The Inspector considered the raised and hipped appearance of the central section of the roof would be an incongruous alteration to the straightforward form and proportions of the existing roof and would overwhelm the simple bungalow, and undermine the harmony of the street scene conflicting with the objectives of DP3. He did not however, consider the proposal would result in significant harm to the living conditions of neighbouring occupiers.