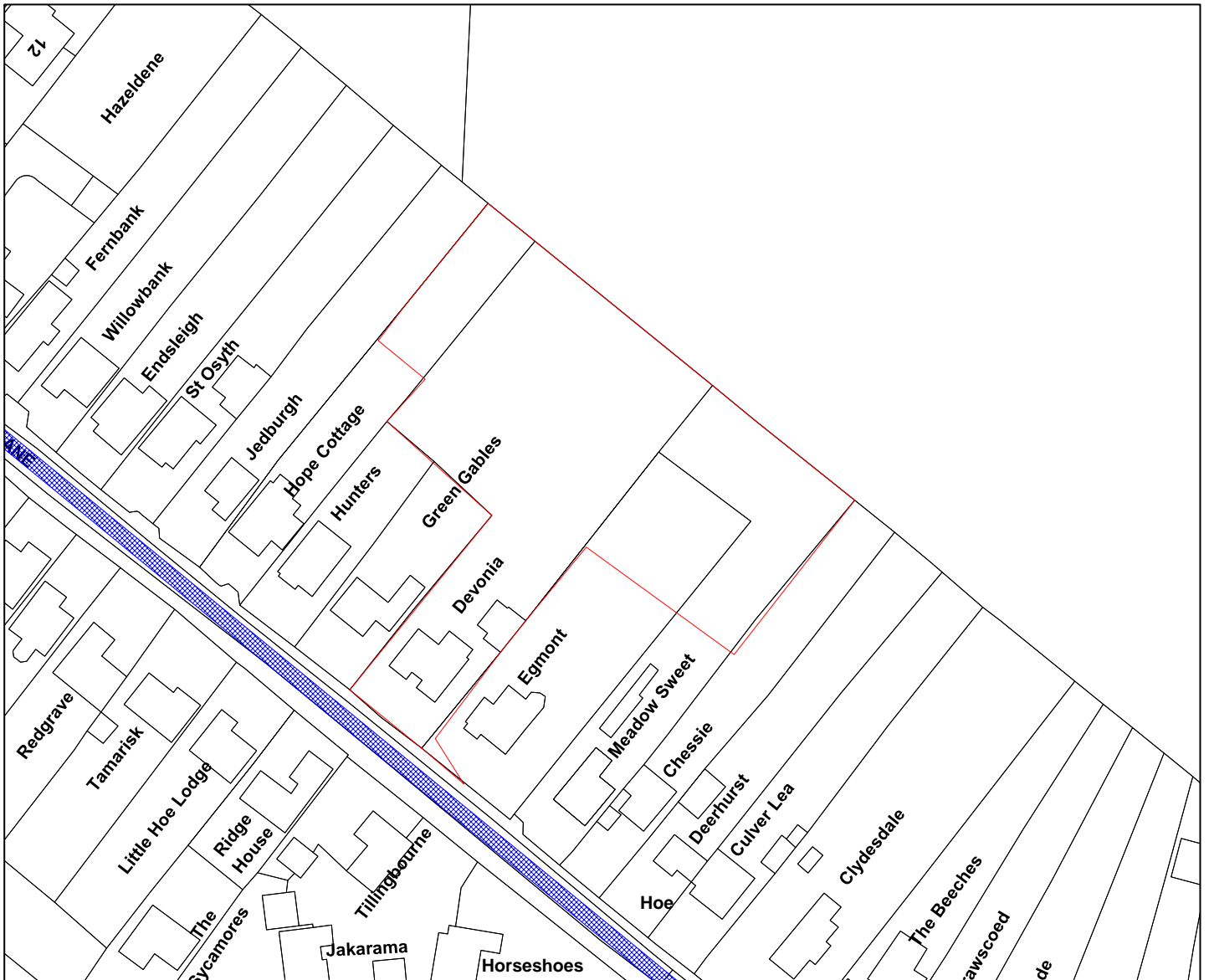


# Devonia, Rareridge Lane, Bishops Waltham

11/00057/FUL



## Legend



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Winchester City Council © 2007.

<b>Organisation</b>	Winchester City Council
<b>Department</b>	Development Services
<b>Comments</b>	
<b>Date</b>	11 May 2011
<b>SLA Number</b>	00018301

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 26 May 2011

**Item No:** 1  
**Case No:** 11/00057/FUL / W12810/04  
**Proposal Description:** Erection of 5 no. two bedroom and 4 no. four bedroom dwellings with associated parking, garages and bicycle sheds (RESUBMISSION) (AMENDED DESCRIPTION)  
**Address:** Devonia Rareridge Lane Bishops Waltham Southampton Hampshire  
**Parish, or Ward if within Winchester City:** Bishops Waltham  
**Applicants Name:** Burton Property Ventures Ltd  
**Case Officer:** Nick Parker  
**Date Valid:** 12 January 2011  
**Recommendation:** Application Refused

### General Comments

This application is reported to Committee because of the number of letters of support received which are contrary to the officer's recommendation.

Additional plans received 6<sup>th</sup> May 2011 showing 3D imagery of the proposed development and surrounding area.

Sustainability Statement submitted 10<sup>th</sup> May 2011.

The current proposals for 9 dwellings effectively represent a resubmission of an earlier scheme ref. 10/01597/FUL for 12 dwellings which was refused and subsequently dismissed at appeal on 28<sup>th</sup> February 2011. A copy of the appeal decision letter is attached as an appendix to this report. The main differences between the schemes include:

- Reduction in numbers of dwellings from 12 to 9
- Retention of the existing dwelling of Devonia
- Alteration to layout of the development.

### Site Description

The site comprises the curtilage of the detached dwelling Devonia and parts of the rear gardens of three other detached properties. These dwellings and other neighbouring properties along the north side of Rareridge Lane have long rear gardens. The dwellings are located within, but on the edge of, the settlement of Bishops Waltham. The land to the north of the site, and the rear gardens of the neighbouring properties, is open countryside. The site measures 0.49ha in total and is roughly shaped in the form of a T.

The property of Devonia is a two storey building with attached single storey garage (to be demolished as part of these proposals) and is located at the front of the site, following the existing building line of other properties on the north side of Rareridge Lane. The existing rear garden is mainly laid to lawn and is bounded on most sides with existing mature trees and hedging. The tall Cypress trees located on the boundary with Green Gables and the trees on the existing boundary with Egmont are the subject of Tree Preservation Orders ref. 00015-2003-TPO.

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 26 May 2011

The development of 8 houses on land to the north west of the site at Hazledene (ref. 09/02474/FUL) is almost complete. The application site is separated from the Hazledene development by the rear garden of Jedburgh.

### **Proposal**

The proposals relate to the redevelopment of the site for the erection of 9 new dwellings. The property of Devonian would be retained and its attached garage demolished. Access to the site would be from the existing access off Rareridge Lane and a driveway provided running alongside Devonian to access the new development behind. The proposed new dwellings would be arranged in a cul-de-sac layout with plots 1 and 9 and garage structures located at the front next to the garden boundaries of the existing dwellings and plots 2 – 8 located parallel to the sites rear boundary. The mix of dwelling sizes relate to five 2-bed dwellings and four 4-bed dwellings.

### **Relevant Planning History**

96/02043/OUT – Construction of 11 new dwellings. Refused 19<sup>th</sup> August 1996.

02/03040/OUT – Construction of 7 new dwellings. Refused 6<sup>th</sup> February 2003. Reasons included:

- Did not represent comprehensive development of site and adjacent land
- Additional development would cumulatively adversely affect highway safety
- Inadequate highway visibility
- Adverse impact on residential amenity
- Unacceptable mix of housing
- No provision of Public Open Space

10/01597/FUL - Demolition of existing dwelling and erection of 6 no. two bedroom, 1 no. three bedroom and 5 no. four bedroom dwellings with associated parking, garages and bicycle sheds. Refused 9<sup>th</sup> November 2011. Subsequent appeal dismissed on 1<sup>st</sup> February 2011. The application was refused for the reasons outlined below:

01. The proposals represent the overdevelopment of the site introducing an unacceptable intensity of development and built mass and leaving limited amenity space available to integrate the development successfully into the surrounding area. Furthermore the spread of more intense development further east along the northern side of Rareridge Lane is considered detrimental to the character and appearance of the area. The development is therefore contrary to policy DP3 of the adopted Winchester District Local Plan Review and PPS3 – Housing, in that it causes harm to the character and appearance of the area.
02. The development of the site in the manner proposed leaves many of the proposed houses with very limited private amenity space that is not commensurate with the size of the houses proposed. Therefore insufficient private amenity space is proposed to adequately serve the needs of the residents which would adversely affect residential amenity. The development is therefore contrary to policy DP3 of the adopted Winchester District Local Plan Review.
03. By virtue of the close proximity of the development to neighbouring properties it

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 26 May 2011

will lead to an unacceptable relationship with its neighbours resulting in an overbearing impact and also loss of privacy through increased overlooking. The development is therefore contrary to policy DP3 of the adopted Winchester District Local Plan Review.

04. In the absence of a completed legal agreement, or equivalent legal mechanism, the development fails to make adequate provision for financial contributions towards off-site public open space and sustainable transport measures thereby having an unmitigated harmful impact on existing infrastructure in the area. The development is therefore contrary to policies RT4 and T5 of the adopted Winchester District Local Plan Review.

In dismissing the appeal the Inspector concluded that the proposed development would have a harmful effect on the character and appearance of the surrounding area and that it would conflict with LP policy DP3 (ii). The Inspector also concluded that the proposed development would have a harmful effect on the living conditions of neighbouring residents in terms of overlooking and loss of privacy and would conflict with criterion (vii) of LP policy DP3. The Inspector was satisfied that sufficient outdoor private amenity space would be provided for the proposed dwellings. The Inspector also accepted that the completed Unilateral Undertaking was sufficient to overcome reason for refusal 04 in relation to the provision for contributions to be made towards public open space and sustainable transport measures. A copy of the appeal decision is appended to this report.

### **Consultations**

WCC Engineers: Drainage: No objection subject to sustainable drainage condition

WCC Engineers: Highways: No objection subject to conditions. Although comments that proposed drive located hard against the existing property of Devonian, which may cause amenity issues.

WCC Environmental Protection: No objection subject to land contamination condition.

WCC Landscape: Based on appeal decision cannot recommend approval

WCC Landscape (trees): No objection subject to tree protection conditions

HCC Ecology: No objection

### **Representations:**

Bishop Waltham Parish Council – Objection. Contrary to policy H7 in that the proposals do not accommodate dwellings known to be in short supply in the locality i.e. 3 bed dwellings.

Comment that tree protection for all trees on and off site is required should permission be granted.

George Hollingbery MP – Endorses objection letter written by Mrs Osbourne of Green Gables.

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 26 May 2011

28 letters from 18 households received objecting to the application for the following reasons:

- Loss of character to area
- Inappropriate development in terms of density and character
- Inspector and Council's decision to reject the previous proposal remains substantially valid with current scheme
- Involves garden grabbing which is contrary to the advice given by Central Government
- Does not represent a co-ordinated plan to manage housing growth in Bishops Waltham
- Represents piecemeal development which is contrary to WCC Blue Print exercise in which Bishops Waltham required of new housing schemes to provide: 2-3 bed properties; affordable housing and sheltered accommodation.
- Increased traffic crossing pavement used by school children creating traffic hazard
- Single width driveway would lead to highway safety concerns leading to cars parking on Rareridge Lane
- Strong negative effect on neighbours
- Loss of privacy to neighbours
- Ground higher on site and concerns over effect of finished floor levels on the amenity of neighbours
- Dormer window in north west elevation of plot 9 would overlook "Chessie"
- Concerns over maintenance and responsibility of new boundaries leading to security issues
- Concern over building timetable and construction traffic. If construction stalled then incomplete site would be an eye-sore
- Loss of large garden and existing trees/vegetation would be harmful to wildlife and ecology in area
- Lack of adequate drainage facilities
- Insufficient leisure infrastructure in locality to serve development

11 letters from 8 households received supporting the application for the following reasons:

- Development releases housing land for others to benefit from
- Need for more housing in the locality
- Well designed, while offering privacy to old and new residents
- Results in minimal change to area

**Relevant Planning Policy:**

South East Plan 2009:

Policies SP3 (urban focus for development)

Winchester District Local Plan Review

Policies DP3 (general design criteria), DP9 (social and physical infrastructure), H3 (defined housing boundaries), H7 (density and housing mix), RT4 (provision of open space), T1 (public transport, cycling and walking), T2 (access), T4 (parking standards), T5 (off-site contributions).

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 26 May 2011

PPS 3 Housing (amended 2010)  
PPS 9 Biodiversity and Geological Conservation  
PPG13 – Transport

Supplementary Planning Guidance  
Winchester Residential Car Parking Standards

## **Planning Considerations**

The main planning considerations relate to:

- The principle of development
- Whether the proposed layout and design responds positively to the character and appearance of the surrounding area
- Highway matters
- Residential amenity
- Biodiversity
- Sustainability

### Principle of development

The site lies within the settlement boundary of Bishops Waltham as defined in the adopted WDLPR. The settlement boundary runs along the northern boundary of the site and beyond this line there are agricultural fields. In 2010 the Coalition Government amended its PPS3 guidance on housing. The amendments related to removing domestic gardens from the definition of “previously developed land” and also removing the minimum density requirement of 30 units per hectare. By removing the minimum density requirement greater emphasis can now be placed on factors such as maintaining the prevailing character and appearance of an area, when assessing planning applications for housing developments, rather than adhering strictly to a minimum density figure. However PPS3 does continue to advise that effective and efficient use of sites for housing should be achieved.

In relation to the application site the removal of garden land from the definition of previously developed land does not prevent it from being developed for residential purposes, as it falls within the defined boundary of the settlement for wherein policy H3 of the adopted WDLPR allows new housing schemes. Therefore the principle of development is accepted in this case. The change in Central Government policy in relation to housing densities is relevant to this case, as the change represents a significant shift in planning policy away from higher density, urban forms of development and places greater weight on considering factors such as character and appearance in respect of the context of the surrounding environment. This is particularly relevant to village locations, such as Bishops Waltham, where lower density housing development is generally a characteristic of the area. The impact of the proposed development on the character and appearance of the surrounding area is considered in subsequent paragraphs taking into consideration the Inspector’s comments on the recently dismissed scheme.

### Whether the proposed layout and design responds positively the character and appearance of the surrounding area

The site is located within an established residential area on the north east outskirts of

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 26 May 2011

the village of Bishops Waltham. Rareridge Lane is a long and well established residential street that has undergone change in the last 25 years including the subdivision of residential plots and the introduction of cul-de-sac type developments that extend back further from the road and has introduced a more intensive form of development to the road. This is predominantly the case for plots to the north of the road located further west than the application site. The properties located further east on the northern side of the road (including the application site) predominantly retain their original characteristics which consist of plots one deep that front the road and many retain their substantial rear gardens creating a spacious environment. The trees and mature vegetation in the gardens of these properties also combine with the space to the rear of the houses to provide a soft edge to this part of Bishops Waltham and a feeling of transition between the settlement and the countryside and this is considered a defining characteristic of this part of Bishops Waltham.

The housing densities in the immediate area are very low in comparison to the more intense development towards the west of Rareridge Lane. However it is recognised that the spread of more intensively developed plots towards the east of the road has occurred in recent times including the construction of 8 new houses at Hazeldene to the west of the site. However the application site adjoins similar spacious development to the east and is separated from the Hazeldene development by the rear garden of Jedburgh. There are also differences between the site area, plot sizes, the size of dwellings and space between buildings in comparison to Hazeldene. It is considered that the individual circumstances for the development at Hazeldene can be differentiated from the current application at Devonia and does not provide justification for further residential development to the west of this site in the form proposed. This view is endorsed by the Inspector who rejected the earlier scheme on the grounds that the scheme represented piecemeal development which would not achieve an effective synthesis between the respective patterns of development to the west or the east.

It is recognised that the current scheme reduces the number, density and amount of built form contained within the application site when compared to the rejected scheme and thus provides greater space for gardens and open spaces within the site, particularly towards the front section of the development. However the plot sizes and resulting garden areas are still uncharacteristically smaller than the surrounding dwellings and will appear so from views between buildings along this part of Rareridge Lane.

It is considered that the proposed development of these rear gardens still marks a significant change to the existing characteristics of this part of Rareridge Lane, introducing a much more intensely developed built form that is distinct from the prevailing spacious character of the area and does not achieve an effective synthesis between the respective patterns of development to the west or the east. The proposed landscaping scheme would aid in softening the appearance of the new development but is considered insufficient to overcome the harm caused by the development of this site in the manner proposed.

On the above basis it is considered that the proposed development would have a harmful effect on the character and appearance of the surrounding area as it would introduce a more intensive form of development into an area that is defined by its spacious and verdant character. Furthermore, when viewed alongside the adjoining dwellings on all sides of the site, the proposed development would not integrate with or

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 26 May 2011

respond positively to the character and appearance of the surrounding area in terms of layout or scale and in that respect it would conflict with policy DP3 (ii) of the Winchester District Local Plan Review.

The design of the buildings is considered inoffensive in relation to the surrounding area and the proposed materials are not objectionable in themselves. However the acceptability of the design of the buildings is not considered to resolve the main objections to the scheme in relation to its harmful impact on the area for the reasons explained above.

Highway matters

The proposed development has been assessed by the WCC Highways Officer who considers that the proposals would have an acceptable impact on highway safety and provide sufficient visibility at the site entrance not to cause harm to other road and footway users. On this basis the proposals are considered acceptable in highway terms.

Concern has been raised in relation to the increase in traffic using the site and the implications that this may have on pedestrian safety on the adjoining footway along Rareridge Lane and in particular the impact on school children's safety as this relates to the pedestrian route to school. This has not been raised as an issue of concern by the Highways Officer and the implications for pedestrian safety are considered minimal and not sufficient to warrant the refusal of planning permission.

Residential amenity

The previous scheme for 12 houses involved the positioning of 5 properties adjacent to the rear boundaries of properties along Rareridge Lane and the Inspector agreed with the Council that the layout and relationship of facing elevations would result in an unacceptable impact on the residential amenity of adjoining properties through an increase in overlooking and loss of privacy.

The current scheme reduces the number of houses adjacent to the neighbouring gardens along this section of the site to 2 (plots 1 and 9). The proposed property at Plot 1 would be located behind the garden areas serving Devonia and Green Gables and does not include first floor windows that would unduly overlook the neighbours. Plot 9 is positioned with its side elevation facing the rear garden of Egmont and does not include facing first floor windows. Other buildings proposed along this side of the site include a row of three single storey garages located in the south east corner of the site. The garages would be located adjacent the rear boundary of Meadow Sweet, but given the limited height of the buildings, intervening vegetation and separation distance, it is considered that the garages would not have an adverse effect on neighbouring residential amenity. The proposed development would clearly alter the outlook of the residents that back on to the site but not to the extent of creating an unacceptable overbearing effect.

The revised proposal involves the retention of Devonia to the front of the site and it is proposed to locate the drive serving the development alongside the side boundary of this property and its front and rear gardens. The width of the driveway is narrowed alongside Devonia's side elevation to approximately 3m and it is proposed to provide a narrow belt of shrubs/groundcover and a hedge between the drive and the building. The driveway would be actively used by the new residents of the development and given its proximity to



WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 26 May 2011

the boundary of Devonia it is considered that the noise and disturbance caused by vehicles using the driveway would be detrimental to the amenity of Devonia. On this basis the proposed development is considered unacceptable from a residential amenity perspective and is contrary to policy DP3 (vii) of the Winchester District Local Plan Review.

### Ecology

It is recognised that the development may have an impact on protected species within the site and the applicant has commissioned an ecological report to assess the likely impact. This report has been assessed by the County Ecologist who is satisfied that the development would not have a harmful impact on protected species but would wish to secure conditions for mitigation measures, should the application be successful. On the above basis it is considered that the proposal is acceptable in terms of its impact on ecology.

### Sustainability

The application was submitted prior to the Council making its decision to adopt aspirational policies relating to sustainability on 12<sup>th</sup> January 2011 and as such these requirements are not sought in relation to the proposed scheme. Nevertheless the application is supported with a Sustainability Statement which highlights the environmental sustainability credentials of the development and states:

- The homes will be constructed in an energy efficient manner and U-values for the building elements, the air tightness standards and thermal detailing will all exceed the standards required by the Building Regulations.
- As a result of the enhanced energy efficiency the reduction in energy demand equates to a reduction of 10.2% with a consequential reduction in carbon dioxide emissions of 7.7%
- The installation of air source heat pumps is considered appropriate and may be installed to a number of homes. As an example of the impact of this type of installation a heat pump installed into two of the two bedroom units (Plots 7 & 8) will reduce energy demand by 9,029 kWh p.a with a consequential reduction in CO2 emissions of 478 kg p.a. This equates to a reduction in overall site energy demand and CO2 emissions of 7.6% and 1.5% respectively.

The requirement to implement these measures could be secured through condition if the Council is minded to grant permission but these factors do not alter the principle objections to the current proposal.

### Provision of public open space and highway infrastructure

In accordance with policies RT4 and T5 of the WDLPR the development would necessitate financial contributions towards off-site public open space provision and improvements to sustainable transport infrastructure in the area. In the absence of a completed S106 or equivalent legal mechanism to secure these funds the development would not provide the necessary infrastructure to meet recreational and sustainability requirements and is therefore contrary to these policies.

### Conclusion

Despite the changes to the layout and density resulting from a reduction in the number of units it is considered that the proposed development would still have a materially

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 26 May 2011

harmful effect on the character and appearance of the surrounding area as it would introduce a more intensive form of development into an area that is defined by its spacious and verdant character. Furthermore when viewed alongside the adjoining dwellings on all sides of the site, the proposed development would not integrate with, or respond positively, to the character and appearance of the surrounding area in terms of layout or scale and in that respect it would conflict with policy DP3 (ii) of the Winchester District Local Plan Review.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for open space and highways, the Local Planning Authority has had regard to the tests laid down in Circular 05/2005 which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

**Recommendation**

Application Refused for the following reasons:

- 1 The proposed development would have a harmful effect on the character and appearance of the surrounding area as it would introduce a more intensive form of development into an area that is defined by its spacious and verdant character. Furthermore when viewed alongside the adjoining dwellings on all sides of the site, the proposed development would not integrate with, or respond positively to, the character and appearance of the surrounding area in terms of layout or scale and in that respect it would conflict with policy DP3 (ii) of the Winchester District Local Plan Review.
- 2 Given the proximity of the proposed driveway to the boundary of Devonian it is considered that the noise and disturbance caused by vehicles using the driveway associated with the proposed development would be detrimental to the amenity of Devonian. On this basis the proposed development is considered unacceptable from a residential amenity perspective and is contrary to policy DP3 (vii) of the Winchester District Local Plan Review.
- 3 In the absence of a completed legal agreement, or equivalent legal mechanism, the development fails to make adequate provision for financial contributions towards off-site public open space and sustainable transport measures thereby having an unmitigated harmful impact on existing infrastructure in the area. The development is therefore contrary to policies RT4 and T5 of the adopted Winchester District Local Plan Review.

**Informatives:**

- 1 The Local Planning Authority has taken account of the following development plan policies and proposals:-

South East Plan 2009:

Policies SP3 (urban focus for development)

Winchester District Local Plan Review

Policies DP3 (general design criteria), DP9 (social and physical infrastructure), H3 (defined housing boundaries), H7 (density and housing mix), RT4 (provision of open space), T1 (public transport, cycling and walking), T2 (access), T4 (parking standards),

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 26 May 2011

T5 (off-site contributions).



---

# Appeal Decision

Site visit made on 1 February 2011

by **D G T Isaac LLB**

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

Decision date: 28 February 2011

---

**Appeal Ref: APP/L1765/A/10/2140745**

**Land rear of Devonian, Hope Cottage, Egmont and Meadowsweet, Rareridge Lane, Bishops Waltham, Hampshire, SO32 1DX**

- 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 Burton Property Ventures Ltd against the decision of Winchester City Council.
  - The application Ref. 10/01597/FUL, dated 21 June 2010, was refused by notice dated 9 November 2010.
  - The development proposed is demolition of existing dwelling and erection of 12 number dwellings with associated parking and landscaping.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. From all that I have read and seen, I consider that the main issues in this appeal are:
  - the effect of the proposed development on the character and appearance of the surrounding area;
  - the effect of the proposed development on the living conditions of neighbouring residents;
  - whether the proposed new dwellings would have sufficient outdoor amenity space to provide future residents with acceptable living conditions; and
  - whether the proposed development has made adequate provision in relation to public open space and sustainable transport measures.

## Reasons

*Effect on the character and appearance of the area*

3. The appeal site comprises the curtilage of the detached dwelling Devonian and parts of the gardens of three other detached properties. These dwellings and other neighbouring properties on the north side of Rareridge Lane have long rear gardens. The dwellings are located within but on the edge of the settlement of Bishops Waltham. The land to the north of the appeal site and the rear gardens of the neighbouring properties is open countryside.

4. The space between and to the rear of the dwellings gives this part of the north side of Rareridge Lane a feeling of spaciousness. The trees and mature vegetation in the gardens of the properties also combine with the space to the rear of the houses to provide a soft edge to this part of Bishops Waltham and a feeling of transition between the settlement and the countryside. Although the area has not been designated as having any special character in the Local Plan, the feeling of spaciousness, the soft edge and the sense of transition between the settlement and the countryside are among the defining characteristics of this part of Bishops Waltham.
5. The dwellings on the opposite side of Rareridge Lane do not back on to the countryside and there is much less of a feeling of transition here as you move away from the edge of the settlement. To the west of the appeal site the street scene on the north side of Rareridge Lane is also quite different with higher density more modern estate housing arranged in cul-de-sacs extending further back from the road. The development for which planning permission was granted in March 2010 (Ref: 09/02474/FUL) on land to the rear of Hazeldene and other properties on the north side of Rareridge Lane has also recently brought this different character closer to the appeal site.
6. In a similar way to the new dwellings on the land to the rear of Hazeldene, most of the new dwellings in the current proposal would be located to the rear of houses that front onto Rareridge Lane. Access to the dwellings at the rear of the site would be provided from Rareridge Lane by the creation of a drive running to the side of the new dwelling at the front of the site which would replace the existing dwelling Devonia.
7. In the appeal decision (Appeal Ref: APP/L1765/A/08/2081946) which preceded the grant of planning permission for the development on land to the rear of Hazeldene, the Inspector considered that an effective synthesis between the respective patterns of development to the east and west of the site had been achieved in that case. However, whereas the development to the rear of Hazeldene is immediately adjacent to properties in Byron Close, an existing cul-de-sac to the west, in the current proposal the long rear garden of the detached property Jedburgh separates the appeal site from the new development to the rear of Hazeldene.
8. With the long rear garden of Jedburgh separating the appeal site from the development to the rear of Hazeldene, the proposed development in this appeal would fail to integrate with the development to the rear of Hazeldene and the pattern of development further to the west. The gap between the appeal site and the development to the rear of Hazeldene would also give the proposed development the appearance of a piecemeal development which would not achieve an effective synthesis between the respective patterns of development to the west or to the east.
9. When viewed alongside the plots of the adjoining dwellings immediately in front of the main part of the site and those immediately to the east and the west, the plot sizes of the proposed new dwellings would be uncharacteristically small in the context of their surroundings. The long rear gardens of Jedburgh to the west of the site and those of the neighbouring properties to the east in particular would serve to highlight the smaller plot sizes of the proposed new dwellings in the context of their surroundings.
10. Having regard to the difference between the character of the part of Rareridge Lane where the appeal site is located and that of the development further to

the west, and the gap between the appeal site and the development to the rear of Hazeldene, the current proposal is not directly comparable with the development to the rear of Hazeldene. Moreover, although the overall density of the proposed development would be less than that of the development to the rear of Hazeldene, it would nevertheless introduce a significantly more intense form of development to the site which would give this part of Bishops Waltham a much harder edge than it has at present.

11. I have considered the landscape statement and plan submitted by the appellant and noted the number and position of the trees, shrubs and other vegetation that would be planted on the site. I also acknowledge the use that would be made of existing trees and hedgerows on and around the site. However, the extensive landscaping scheme that has been designed to soften the proposed development would not entirely hide the buildings that would be constructed on the site from view. Whilst the eye would be drawn to the landscaped area at the end of the drive on viewing the site from the entrance on Rareridge Lane, the new buildings would still be seen in views that are available from the road in the gaps between the houses on Rareridge Lane to the detriment of the spacious character of the area and the soft edge that the gardens currently give this part of the settlement. The new access drive would also serve to highlight the existence of the new dwellings to the rear of those fronting onto Rareridge Lane.
12. When viewed alongside the adjoining plots of the existing dwellings on this part of Rareridge Lane, the overall proximity of the proposed new buildings to one another and to the road providing access to them would also highlight the greater intensity of the proposed development in the context of its immediate surroundings. The greater intensity of the proposed development in the context of its surroundings would detract from the feeling of spaciousness which is one of the defining characteristics of the area. It would also serve to highlight the unduly hard edge that the proposed development would introduce to a part of Bishops Waltham where the soft edge and feeling of transition at the edge of the settlement are among the defining characteristics of the area.
13. When viewed alongside the adjoining dwellings on all sides of the appeal site, the proposed development would not integrate with or respond positively to the character and appearance of the surrounding area in terms of layout or scale and in that respect it would conflict with policy DP.3 (ii) of the Winchester District Local Plan Review (LP). Moreover, when viewed in the context of the location of the site at the edge of the settlement, the proposed development would introduce a significantly more intense form of development than is characteristic of the immediately surrounding area and give this part of the settlement an unduly hard edge which would unacceptably detract from the soft edge and the feeling of transition at the edge of the settlement that are among the defining characteristics of this part of Bishops Waltham.
14. On the first main issue therefore, I conclude that the proposed development would have a harmful effect on the character and appearance of the surrounding area and that it would conflict with LP policy DP.3 (ii).

*Effect on living conditions of neighbouring residents*

15. The dwellings on Plots 2, 3, 10, 11 and 12 would all have windows at first floor level facing towards the rear gardens and windows of existing dwellings on Rareridge Lane. The separation distance between the proposed new dwellings and the existing dwellings would be well in excess of typical separation

distances found in many suburban locations. However, the residents of the existing dwellings on Rareridge Lane enjoy significantly higher standards of privacy to the rear of their dwellings than is typical of most suburban areas. The higher ground level and the proximity of the proposed new dwellings on Plots 2, 3, 10, 11 and 12 to the boundary of the site with the existing dwellings would also add to their impact on the existing dwellings.

16. I have considered what the appellant has said about the comparison between the separation distances in this case and those in the Hazeldene development. However, each case has to be considered on its individual merits and from all that I have read and seen, it does not appear that the relationship between the new buildings and the retained properties in the Hazeldene development is directly comparable with that in the case of the current proposal.
17. On some parts of the boundary between the existing and retained dwellings in the current proposal, the existing trees and vegetation on the boundary would be sufficient to prevent overlooking and an undue loss of privacy for neighbouring residents. However, parts of the boundary of the site with some neighbouring properties are not so well screened. In particular, much of the boundary with the adjoining dwelling Green Gables is open above the level of a fence, and the rear windows and garden of this dwelling would be overlooked from first floor windows in the dwellings on Plots 2 and 3. In my opinion, the relationship between some of the first floor windows in the dwellings on Plots 2 and 3 and the adjoining dwelling Green Gables would also be such as to lead to levels of overlooking that would be unduly intrusive and would result in an unacceptable loss of privacy to the residents of Green Gables.
18. In view of the time that it would take to become established, I am not satisfied that a condition requiring the provision of further landscaping on this boundary could be relied upon to prevent overlooking and an undue loss of privacy to the residents of Green Gables. Moreover, whilst I have noted what the appellant has said about providing the first floor window above the garage in Plot 3 with obscure glazing, this would be less than ideal for a bedroom even though it is served by another window. In any event the adjoining property would still be overlooked at first floor level from the dwelling on Plot 2.
19. The boundary of the site with the adjoining dwelling Meadowsweet also lacks sufficient vegetation to prevent overlooking of that property from first floor windows in the dwelling on Plot 10. In addition the conservatory of the neighbouring dwelling Chessie extends significantly further back in its plot than the adjoining dwelling Meadowsweet and the conservatory and much of the rear garden of Chessie would also be overlooked from first floor windows in the dwelling on Plot 10.
20. The close proximity of the dwelling on Plot 10 to the boundary of the site with the neighbouring dwelling Chessie and the higher ground level of the site would add to its impact on the residents of that neighbouring dwelling. In my opinion, the relationship between the dwelling on Plot 10 and Chessie would also be such that the conservatory and parts of the rear garden of that neighbouring dwelling would be overlooked from the proposed new dwelling at first floor level in such a way as to result in an unacceptable loss of privacy for the residents of Chessie. Furthermore, I am not satisfied that a condition requiring further landscaping could be relied upon to prevent the residents of Chessie from being overlooked in such a way as to result in an unacceptable loss of privacy.

21. In view of the distances between the respective buildings, the proposed new dwellings should not be unacceptably overbearing to the residents of any of the existing dwellings. However, this is not sufficient to outweigh my conclusion that the proposed development would result in unacceptable levels of overlooking and an undue loss of privacy to the residents of some neighbouring properties and that it would have a harmful effect on their living conditions in terms of overlooking and loss of privacy.
22. On the second main issue therefore, I conclude that the proposed development would have a harmful effect on the living conditions of neighbouring residents in terms of overlooking and loss of privacy and that in this respect it would conflict with criterion (vii) of LP policy DP.3.

*Outdoor amenity space*

23. When viewed alongside the gardens of the adjoining dwellings on all sides of the appeal site, the amount of outdoor amenity space provided for most of the proposed new dwellings would be uncharacteristically small in the context of their immediate surroundings. Nevertheless, I consider that the outdoor amenity space provided for the respective dwellings would be adequate in terms of size and quality to serve the needs of future residents and provide them with acceptable living conditions.
24. On the third main issue therefore, I conclude that the proposed new dwellings would have sufficient outdoor amenity space to provide future residents with acceptable living conditions and that the proposal would not conflict with LP policy DP.3 (viii).

*Public open space and sustainable transport measures*

25. The Council's fourth reason for refusal related to the proposed development having not made adequate provision for financial contributions towards public open space and sustainable transport measures in accordance with the requirements of LP policies RT.4 and T.5. However, since the refusal of the application, the appellant has submitted a Unilateral Undertaking made pursuant to section 106 of the Town and Country Planning Act 1990 which incorporates obligations to make contributions towards public open space and sustainable transport measures.
26. The appellant has indicated that the Unilateral Undertaking was produced following discussions with the Council and the Council has confirmed that it considers the open space and transport contributions incorporated in the Unilateral Undertaking to be acceptable. I am also satisfied that the Unilateral Undertaking makes adequate provision for contributions towards public open space and sustainable transport measures in accordance with the requirements of LP policies RT.4 and T.5 and that the submission of the Unilateral Undertaking has adequately addressed and overcome the Council's fourth reason for refusal.
27. On the fourth main issue therefore, I conclude that the proposed development has made adequate provision in relation to public open space and sustainable transport measures and that it would not conflict with LP policies RT.4 or T.5.

*Other matters*

28. I have also considered all of the other matters raised in the representations that have been made about the proposed development. Some local residents



have expressed concerns about the effect of the scheme on wildlife and biodiversity. However, in the light of the ecological report and further information submitted by the appellant and the response of the County Ecologist to that report and additional information, I am satisfied that with a suitable condition in place the proposed development would not have an unacceptable impact in terms of ecological considerations. Having considered the Arboricultural Impact Appraisal and Method Statement submitted by the appellant and the response of the Council's Tree Officer to that document, I am also satisfied that any concerns regarding protected trees could be dealt with by a suitable condition.

29. One neighbouring resident has submitted a map which suggests that the appeal site is located in an area that has been designated as an area of important tree cover by the Council. However, the appellant has indicated that this map pre-dates the current Local Plan and that the site is not within an area that is given any such designation in the current Local Plan. I also have no doubt that if the site had been within an area that was given any specific designation in the current Local Plan the Council would have made this clear in their representations and there is nothing before me to show that the map that has been submitted forms part of the current Local Plan. I have therefore approached the appeal on the basis that the area in question is not designated as an area of important tree cover in the current Local Plan.
30. I have considered the report of the Head of Strategic Planning regarding the effect of the recent revisions to Planning Policy Statement 3: *Housing* (PPS3) to which the appellant has referred. I have also had due regard to all relevant government advice including that in PPS3 which still encourages the more efficient use of land. However, the more efficient use of land should not be at the expense of the character and quality of the area as I consider would be the case here. I have taken into account the representations that have been made in support of the proposed development by some local residents. I accept that the appeal site is in a sustainable location within the settlement boundary of Bishops Waltham. I acknowledge that the scheme would include a mixture of properties including smaller houses and that it would comply with the requirements of local policy in that respect. However, none of these or any of the other matters raised are sufficient to outweigh my conclusions on the first and second main issues in this appeal.

*Overall conclusion*

31. Although I have concluded on the third main issue that the proposed development would have sufficient amenity space to provide future residents with acceptable living conditions and on the fourth main issue that adequate provision has been made in relation to public open space and sustainable transport measures, those conclusions are not sufficient to outweigh my conclusions on the first and second main issues which in themselves provide sufficiently compelling reasons to dismiss the appeal.
32. For the reasons given above and having regard to all other matters raised therefore, my overall conclusion is that the appeal should be dismissed.

*D G T Isaac*

INSPECTOR