

**EDWINA MOUNTBATTEN HOUSE, BROADWATER ROAD, ROMSEY,
HAMPSHIRE SO51 8GH**

PROOF OF EVIDENCE

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1.0 SUMMARY

- I.1 This evidence covers the planning matters raised in relation to reason for refusal 2 (rfr2) agreed by the Southern Area Planning Committee on 12 March 2024 in respect of the residential amenity ‘living conditions’, before examining the planning balance. This includes consideration of the development plan, the National Planning Policy Framework (NPPF) and other material considerations. My evidence relies on and refers to evidence provided by: Mr Nick Wright on heritage matters; and Mr Robert Burns on Design.
- I.2 The heritage impact of the proposal has been assessed by Mr Nick Wright and his proof will focus on establishing the significance of the designated heritage assets and quantifying the level of harm that would arise from the proposal.
- I.3 Mr Robert Burns’ proof will focus on the design aspects of the proposal in respect of the heritage impacts and impact on living conditions.
- I.4 In terms of the impact on the residential amenities of the occupants of 38-48 Palmerston Street & 30-36 Palmerston Street, the appeal proposal is not considered to meet criteria f) of paragraph 135 of the NPPF and criteria a) & c) of policy LHW4 of the Test Valley Borough Revised Local Plan DPD (RLP) 2016 as the Appellant has not succeeded with a design that avoids an overbearing impact on those occupants. It is not therefore an example of good design and does not meet the definition of sustainable development.
- I.5 With regard to reasons for refusal 3-7, which relate to the provision of on-site affordable housing, the impact on designated sites (New Forest and Solent and Southampton Water SPA’s) and the securing of Infrastructure planning obligations, these reasons may be resolved prior to the Inquiry through on-going negotiations between the appellant and the Council. The Council reserves its right to provide an explanation for why these obligations are sought and without them the development will be unacceptable.
- I.6 It is common ground that the proposal results in “less than substantial” harm to heritage assets. Accordingly, the NPPF paragraph 208 requires that for the identified harm to be

acceptable, public benefits must outweigh it. It is my view that the public benefits provided by the proposal do not outweigh the resultant harm which indicates that there is a clear reason for refusing the proposed development.

- I.7 I have undertaken an assessment of the benefits and harms of the proposal. The proposal is not considered to preserve or enhance the character or appearance of the Romsey conservation area and given both a 'medium' level and 'low level' of less than substantial harm has been identified the appeal scheme I afford moderate weight to the impact on the setting of the listed buildings however I afford substantial weight to the impact on the harm to the setting of the Romsey conservation area. I afford substantial weight to this harm identified on the impact of living conditions. Overall, the weight afforded to the benefits identified in section 10 would not outweigh the harm caused by the proposal in terms of heritage impacts and impacts on living conditions.
- I.8 In my opinion, the proposal is not in accordance with the local plan policies in the Development Plan. My assessment of material considerations demonstrates that, given the significance of the harm resulting from the proposal, the benefits of the proposal do not outweigh this harm. Therefore, planning permission should be refused, and the appeal should be dismissed.

2.0 AUTHOR BACKGROUND

- 2.1 My name is Alexandra Joy Webb. I hold a Joint (Hons) BSC Geography and Urban Planning from Birmingham University and a Masters (MSc) in Spatial Planning from Oxford Brookes University, Oxford. I have been a Member of the Royal Town Planning Institute since 2012.
- 2.2 I am a Chartered Town Planner and Associate at Southern Planning Practice Ltd. My work covers a full range of Town and Country Planning matters for both the public and private sectors.
- 2.3 Previously I worked in the public sector from 2021-2023, in development management. I have over 17 years' experience and practice in Town and Country Planning.
- 2.4 I am familiar with the appeal site as I live in the locality and have been on site on several occasions.
- 2.5 The evidence which I have prepared and provide in this Proof of Evidence is true and has been prepared and given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

3.0 INTRODUCTION

3.1 This proof of Evidence on refusal 2 (rfr2) and the planning balance has been prepared on behalf of Test Valley Borough Council (“the Council” and “the LPA”) following an appeal by Churchill Retirement Living (“the Appellant”) in relation to an application for the redevelopment for retirement living accommodation comprising 47 retirement apartments including communal facilities, access, car parking and landscaping at Edwina Mountbatten House Broadwater Road Romsey Hampshire SO51 8GH (“the Site”).

3.2 I have visited the Site and surrounding areas on numerous occasions.

3.3 The main Statement of Common Ground (SoCG) was agreed with the Appellant on 16.07.2024 and I rely on this in respect of matters which are not disputed between the parties.

Scope of Evidence

3.4 My proof covers the planning matters raised particularly in relation to reason for refusal 2 (rfr2) agreed by the Southern Area Planning Committee on 12 March 2024 in respect of the residential amenity ‘living conditions’.

3.5 It will consider whether the proposed resultant variation in height on the north east and eastern elevation compared to the existing properties; Nos 38-48 Palmerston Street & 30-36 Palmerston Street is suitable in the site context and whether the

resultant massing and bulk will have a detrimental impact on the outlook of those properties by virtue of the perceived sense of enclosure and overbearing impact.

3.6 My proof also considers the 'planning balance,' the benefits of the proposal, the harm identified to the heritage assets and their settings and the weight attached to the benefits.

4.0 DESCRIPTION OF THE SITE AND SURROUNDINGS

4.1 The description of the site is set out in the SoCG.

5.0 THE RELEVANT PLANNING HISTORY

5.1 As detailed in the SoGG, there is no relevant planning history.

Pre-application discussions

5.2 The appellant received detailed pre-application advice in a written response dated 18th April 2023.

6.0 THE APPEAL SCHEME

6.1 The changes since the appeal was made are documented in the SoCG and SoC.

7.0 PLANNING POLICY AND DEVELOPMENT PLAN CONTEXT

Introduction

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states as follows:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

7.2 Section 66 and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 are relevant. Section 66 with regard to listed buildings, require the Council to have *“special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses”* and section 71 (1) states that *“with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.

Development Plan

Test Valley Borough Council had an adopted Local Plan, the Test Valley Borough Revised Local Plan (RLP) 2016

7.3 At the time planning application 23/01700/FULLS, subject of this appeal was determined, Test Valley Borough Council had an adopted Local Plan, the Test Valley Borough Revised Local Plan 2016 (RLP), which sets out the spatial and planning strategy for development in the Borough. The Council listed the relevant policies from the RLP in Section 4 of its Statement of Case. The appeal site lies within the settlement area of Romsey for the purposes of the RLP.

7.4 Policy LHW4 is referred to in rfr2 and sets a number of criteria against which development proposals will be assessed to safeguard the amenity of existing and future

residents, particularly in terms of overlooking, loss of privacy and any adverse impact in terms of loss of daylight/sunlight (see full text of this policy listed at **Appendix I**) the three criteria a), b) and c) must be met.

7.5 The planning application, subject of this appeal, was assessed against the following policies:

- SD1 – Presumption in Favour of Sustainable Development
- COM1 – Housing Provision
- COM2 – Settlement Hierarchy
- COM7 – Affordable Housing
- COM14 – Community Services and Facilities
- COM15 - Infrastructure
- E1 – High Quality Development in the Borough
- E2 – Protect, Conserve and Enhance the Landscape Character of the Borough
- E5 – Biodiversity
- E7 – Water Management
- E8 – Pollution
- E9 – Heritage
- LHW1 – Public Open Space
- LHW4 – Amenity
- T1 – Managing Movement
- T2 – Parking Standard

7.6 The following of which are considered relevant to the reasons for refusal:

- COM2: Settlement Hierarchy
- COM7: Affordable Housing
- COM15: Infrastructure
- E1: High quality development in the Borough
- E5: Biodiversity
- E9: Heritage
- LHW1: Public Open Space

- LHW4: Amenity

7.7 It is noted that policies LE5 (Land at Bargain Farm, Nursling), LE10 (Retention of employment Land and Strategic Employment Sites), LE17 (Employment sites in the countryside) and T3 (Park and Ride at Bargain Farm, Nursling) were incorrectly referenced in the Councils Statement of Case and these policies are not considered relevant to this appeal.

National Planning Policy

National Planning Policy Framework (NPPF) 2023

7.8 The NPPF sets out the Government's policy position on development. It promotes sustainable development. This is achieved by pursuing three overarching objectives: economic, social and environmental. It applies a presumption in favour of sustainable development where it accords with the development plan. This proof references the NPPF where appropriate. In particular, it draws on references to good design. The following sections of the NPPF are considered relevant to the appeal:

- Section 2 - Achieving Sustainable Development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting Sustainable Transport
- Section 11 - Making Effective use of Land
- Section 12 - Achieving well-designed and beautiful places
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Planning Practice Guidance 2024

7.9 The PPG sets out guidance on the implementation of policy. Where appropriate this is referenced in this proof.

National Design Guide 2019 incorporating National Model Design Code 2021

7.10 The National Design Guide and National Model Design Code is discussed in this proof. The themes within it are similar to the design policies of the RLP and the adopted Romsey Town Design Statement (TDS) adopted by the Council on 10 January 2008.

Other National and Local Guidance

7.11 In addition, the following documents are material considerations that I will refer to in this Proof of Evidence:

- National Planning Policy Framework 2023
- Look At Romsey - Romsey Town Design Statement (TDS) for Romsey Town and Romsey Extra:
- Romsey Conservation Area Appraisal and Management Plan 2020
- South of Romsey Town Centre Masterplan Report September 2020

8.0 PLANNING ISSUES

8.1 In this proof I will address the following planning issues for the appeal, as set out in the Case Management Conference (CMC) note, in the following sections:

9.0: Living conditions of future occupants, with respect to scale, mass and proximity to dwellings to the detriment of the residential amenities (Reason for Refusal 2)

10.0: The planning balance and conclusion

9.0 LIVING CONDITIONS OF FUTURE OCCUPANTS, WITH RESPECT TO SCALE, MASS AND PROXIMITY TO DWELLINGS TO THE DETRIMENT OF THE RESIDENTIAL AMENITIES (Reason for Refusal 2)

Introduction

- 9.1 The SoCG clarifies that this relates to the resultant sense of enclosure and the perception of the proposals being overbearing for residents of 30-36 Palmerston Street & 38-48 Palmerston Street.
- 9.2 The wording in the reason alleges the resultant sense of enclosure and the perception of overbearing is by virtue of the size, scale, mass and proximity of the appeal proposal to 38-48 Palmerston Street & 30-36 Palmerston Street and to the detriment of the residential amenity of these dwellings.
- 9.3 It is agreed in the SoCG that there is no claim in the ground of refusal to loss of light: daylight, sunlight or overshadowing.
- 9.4 There is no definition of ‘overbearing’ or ‘enclosure’ within policy. The glossary on the Planning Portal defines ‘overbearing’ as “*A term used to describe the impact of a development or building on its surroundings, particularly a neighbouring property, in terms of its scale, massing and general dominating effect*”. This effect from the scheme, particularly on those occupying 38-48 Palmerston Street & 30-36 Palmerston Street is assessed below.

Application of Policy

- 9.5 The need to safeguard healthy living conditions is fundamental to the effective use of land as set out under paragraph 123 of the NPPF. Where applications fail to make efficient use of land through the provision of unacceptable living standards these should be refused, as set out under criteria c) of paragraph 129.
- 9.6 Paragraph 131 of the NPPF sets out how “*the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. **Good design** (author’s emphasis) is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*”. It can therefore be considered that if development is not of good design, it is not a form of sustainable development.
- 9.7 Criteria f) of Paragraph 135 of the NPPF (2023) sets out that planning decisions should ensure that developments “*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience*”. The appeal scheme is considered to have an adverse impact on the amenity for the existing users, namely the residents of 38-48 Palmerston Street & 30-36 Palmerston Street for the reasons set out below and therefore the decision to refuse application 23/01700/FULLS is justified.
- 9.8 Paragraph 27, under Components for Good Design in the National Design Guide, explains that of ‘enclosure’ is “*the relationship between the height of the buildings across a*

*space, and the dimension of the space itself. Taller building heights and a more built up building line both **increase the enclosure** (author's emphasis). Different degrees of enclosure influence how people use different spaces, by creating differences in character that suit different activities". Paragraph 67 in Section B2. Appropriate Building Types and Forms highlights how "well designed places use the right mix of building types, forms and scale of buildings and public spaces for the context and the proposed density, to create a coherent form of development that people enjoy". This enjoyment should be for all people/users and not just for the occupiers of the proposed development, I however defer to Mr Rob Burns on design matters and focus on the issue of compliance with local and national policies.*

9.9 Given the proposal would result in buildings approximately 5.25m higher than the existing two-storey dwellings on the eastern side of Palmerston Street and approximately 5.5m higher than the two-storey listed properties. This would result in a difference of 12.2m between the maximum height and the road level in closer proximity than the existing (as explained below) along part of the proposed eastern elevation, these can be considered as much taller than the existing and therefore naturally increase the sense of enclosure.

9.10 In terms of 'users', the perception of overlooking is likely to be different for the residents of 38-48 Palmerston Street & 30-36 Palmerston Street compared to pedestrians travelling northwards along Palmerston Street to reach a destination. This is due to the transient nature of such users compared to residents, who have a more permanent, long-term affiliation with this area of the Street and more regular experience of the current outlook from their properties.

- 9.11 In the absence of a Design Guide SPD for the Borough, the National Model Design Code is also relevant as it provides detailed guidance on the production of design codes, guides and policies to promote successful design and expands on the ten characteristics of good design as set out in the National Design Guide.
- 9.12 In Part 2, the Built Form Section, under B.2 iii Height considerations it is clarified that *“Building heights influence the quality of a place in terms of its identity and the environment for occupiers and users....”*. The resulting degree of variation and impact on the feel of the area and environmental conditions for the occupiers of 38-48 Palmerston Street & 30-36 Palmerston Street will therefore be considered as part of this proof.
- 9.13 Policy LHW4 Amenity sets out the importance of residential amenity as a material planning consideration. Reference to the effect of a development being overbearing is made in the policy commentary to policy LHW4 which clarifies at paragraph 8.19 that *“Residential amenity is of considerable importance to the wellbeing of the public in terms of enjoying their private open space without being overlooked or experiencing overbearing effect on their living conditions”*. The Development Control Practice Manual (DCP) highlights at section 12.236 Overbearing impact/loss of outlook that *“where a development would interfere with the outlook from a living room window, to the extent that the building would appear unduly intrusive and oppressive, there is no doubt that this is an important and legitimate consideration”* (see **Appendix 2**). Policy LHW4 advocates that development should provide for the privacy and amenity of its occupants, and there are observations in recent appeal decisions APP/C1760/W/23/3322542 at **Appendix 3** and APP/C1760/W/21/3289032 at **Appendix 4** which support this policy interpretation.

9.14 The appeal decision at **Appendix 3** also highlights that whilst there is no right to a view (paragraph 7), if a development is considered to dominate a view, this can also contribute to the sense of overbearing.

9.15 In terms of other material considerations, the South of Romsey Town Centre Masterplan Report (2020) refers to the influence of the appeal site on the design of the 'Crosfield Hall Site' to the south west in terms of the need to protect the amenities of the then occupiers of Edwina Mountbatten House. Detailed assessment and guidance for the future development of the appeal site was not included in this study. The appellant suggests the "*concept plan for the neighbouring Crosfield Hall site demonstrates the desire for additional 3-4 storey development within the curtilage of the town centre*" however, this is a mis-representation of the aims of this report as the only area for 4 storey development suggested is on the western side of the Aldi Car Park site, approximately 100m north west of the appeal site. The report, when discussing the Crosfield Hall site for the redevelopment for residential states that "*over two to three storeys*" is suitable. Even so, the Crosfield Hall site, whilst adjacent to the appeal site, has a very different relationship with the nearby heritage assets due to the distance from the nearby listed buildings and the Conservation Area. The same can be said for the Aldi Car Park site.

Assessment

9.16 The main issue is whether the proposal in terms of its mass, bulk, scale and proximity to neighbours would be so dominant it result in a perception of overbearing and sense

of enclosure on the occupiers of 38-48 Palmerston Street & 30-36 Palmerston Street. In this assessment I have had regard to the proof of evidence from Mr Rob Burns.

9.17 The Appellant claims in their Statement of Case (SoC) in response to reason for refusal 2 that “*the resultant relationship and difference between building scales, masses and heights are one of the redeeming qualities of Romsey Town Centre and the proposal is in keeping with the town*” this does not address the reason for refusal.

9.18 In the Appellant’s SoC it is stated that “*given the distance between properties and the comparative eaves height that the relationship is not an overbearing one*”, however no comparisons have been provided to demonstrate this.

9.19 The properties most affected by the proposals have been identified. In particular the rooms at ground and first floor level, facing onto Palmerston Street which provide primary living accommodation will be the most affected as these will be in closest proximity to the eastern elevation of the proposed scheme. The outlook from these properties is currently onto the eastern elevation of Edwina Mountbatten House, a single storey elevation which is set 1.75m above ground level.

9.20 The proposed eastern elevation would be located further to the east compared to the existing elevation by approximately 0.8m bringing the built form further forward in this location. This would result in a minimum separation distance of 14.1m and increase the proximity to the nearest residential property on the other side of Palmerston Street, Nos 38-48 Palmerston Street are in closer proximity to the proposed development compared to 30-36 Palmerston Street; the front elevation of No 36 Palmerston Street

is approx. 18.3m from the proposed north east corner compared to the front elevation of No 48 Palmerston Street which is 14.1m from the central eastern section.

- 9.21 The prevailing separation distances in the locality, particularly to the north of the site, are greater than or similar to the separation proposed between 38-48 Palmerston Street and the proposed development (14.1m). The separation between the existing north elevation of Edwina Mountbatten House and 1-4 Broadwater Road is 22.8m. The separation distances between properties further north along Palmerston Street are less than 14.1m, for example between No. 17 and No. 18 Palmerston Street, which are three storey and two and half storey respectively, at approximately 13.6m (see **Appendix 5**). These dwellings, however, are set at the same ground level.
- 9.22 The northern end of Palmerston Street leading to The Hundred is closer to the historic core and reflects more historic patterns and characteristics of development. It is not part of the initial gateway or entrance point to the main town from the roundabout to the south. The closer relationship between buildings is therefore more characteristic of the main High Street (in this case The Hundred) and therefore it is understandable that there would be a closer relationship between buildings (see **Appendix 6**).
- 9.23 It is noted that the proposed separation between the proposed north elevation and 1-4 Broadwater Road would be 17.3m. Whilst this is closer than the existing (by 5.5m), it is still a greater separation distance than that proposed on the eastern elevation where the ground level difference between existing and proposed is greater in combination with the closer proximity of the proposed built form. This combination would contribute to the sense of enclosure.

9.24 The maximum heights of the existing and proposed development in relation to Nos 38-48 Palmerston Street & Nos 30-36 Palmerston Street on the eastern elevation are set out below:

	Max ridge height from ground level (m)	Max eaves height from ground level (m)	Max height above Palmerston St (central section) (m)	Max height above Palmerston Street (northern section) (m)	Max height above 30-36 Palmerston St* (m)	Max Height above 38-48 Palmerston St* (m)
Existing	5.25	2.25	7.01	5.38	-0.67	0.28
Proposed	10.5	5.4	12.25	9.6	1.9	5.5
Difference	5.12	3.15	5.19	4.22	4.2	6.8

9.25 The height of the proposal is lower at 9.6m (two-storey) at the north east corner compared to the central eastern section which is 10.5m (two and a half storey). The increase in height results in a much greater variation in height compared to the existing. This level of variation is not only dynamic, but it would also have an overly dominant influence over Nos 38-48 Palmerston Street & Nos 30-36 Palmerston Street. This negative relationship between the existing and proposed is considered to be adverse and unacceptable and would not comply with the principles of policy E1 of the RLP.

9.26 As mentioned above, the appellant has not submitted any scaled street sections to illustrate the potential relationship between the proposed eastern elevation (Elevation A-A) and Nos 38-48 Palmerston Street & 30-36 Palmerston Street however the 'Bypass Road A27 Contextual Elevation' and 'Broadwater Road Contextual Elevation' illustrate the potential relationship. It demonstrates the change in height cannot be considered modest as the ridge height of the central section would be substantially higher than Nos 38-48 Palmerston Street & 30-36 Palmerston Street. It will materially increase the

dominance of the built form in this location, resulting in a streetscape where one side dominates the other and therefore is overbearing.

9.27 The effect of the size, scale, mass and proximity to dwellings may vary depending on the viewing angle and therefore the impact from one property may be different from one to another. The alleged degree of harm is likely to change as you travel northwards along Palmerston Street and the separation distances increase. However, Nos 30-36 Palmerston Street benefit from a basement level which, in all properties appears to be utilised for habitable accommodation and therefore the increase in size, scale, mass on the north east corner of the appeal site, whilst not in such close proximity compared to Nos 38-48 Palmerston Street, would likely still impact on living conditions at basement level as the outlook from these areas would change and the perceived sense of overbearing would likely remain.

9.28 The level of the site in relation to Palmerston Street was highlighted in the pre-application advice response and the notes from the meeting with the Design Review Panel meeting on 7th March 2023 were included. These notes set out the concerns in relation to scale and the overbearing impact:

“Whilst some design consideration has been given to the scale of the new development in relation to the surrounding historic buildings, it was felt that greater thought was still required. The proposed scale is much greater in places than is deemed suitable for either the site or the street. The site is already positioned at a higher level than the properties on Palmerston Street and consideration should be given to this to avoid a sense of overbearing on the existing street scene. Whilst the Panel appreciated an attempt had been made to break up the proposed

elevation by creating the appearance of a variety of building heights and types, the Panel were concerned that the scale of the proposals was not appropriate”.

9.29 It was therefore made very clear in the initial stages of the design evolution that any elevation facing Palmerston Street would need to be sensitively designed to respect the surrounding context and to avoid any resultant overbearing nature.

9.30 The consultation response to 23/01700/FULLS from the Design Review Panel (DRP) in relation to amenity read as follows:

The size and bulk of the proposal, particularly on the Palmerston Street frontage and both corners is overbearing, particularly that the site is on raised ground (no proper sections have been provided to demonstrate the relationship)..... The Palmerston Street frontage should be low in scale to relate to the row cottages opposite and the difference in level between the opposite sides of the street.

9.31 The appeal proposal does not address the concerns of the DRP in terms of scale and bulk. The latter combined with the distance from the adjacent properties means the proposed eastern elevation would have a dominant and overbearing presence. The massing, particularly in the central eastern section, would be visually dominant and oppressive in the outlook.

The changes cannot be absorbed without damaging adjacent occupiers' amenities when viewed from the primary accommodation in at ground and first floor level of 38-48 Palmerston Street & 30-36 Palmerston Street, as set out in paragraph 4.3.7 of Mr Rob Burns proof. The scale, bulk and mass and would have an unsatisfactory influence on

perceived overlooking when viewed from these windows, significantly increasing the sense of enclosure experienced by those occupants and unacceptably affect their outlook compared to the existing.

- 9.32 It should be highlighted the occupiers of Nos 34, 42 and 40 Palmerston Street object to the proposal; the occupiers of No. 40 comment that the proposal will “*dominate Palmerston Street*” and the occupier of No. 42 comments “*I do not believe anything should be allowed to be built any higher than it is now*”. The representations of these occupants highlight and echo the concerns raised in terms of the likely perception of overbearing from these properties as a result of the size, scale, mass and proximity to dwellings.
- 9.33 Whilst the Appellants have engaged with the Design Review Panel and sought pre-application advice (as promoted by paragraphs 009 Reference ID: 26-009-20191001 and 017 Reference ID: 26-017-20191001 in the PPG) it is my view they have not utilised the full set of tools available to them to ensure the design is high quality in terms of the relationship with the neighbouring properties as set out under paragraph 016 Reference ID: 26-016-20191001 of the PPG which includes the National Design Guide and National Model Design Code, for the reasons set out above.
- 9.34 Accordingly, having regard to the evidence of Mr Rob Burns, I therefore find the cumulative effect of the encroaching footprint, the higher ground level, and high ridge height of the proposed eastern elevation results in a proposal that has an overbearing impact on the residential amenity and unacceptable adverse effect on the living conditions of the occupiers of 38-48 Palmerston Street & 30-36 Palmerston Street . This resultant harm should be given significant weight as it would be contrary to policy LHW4 of the RLP and paragraph 123 of the NPPF.

10.0 IDENTIFIED HARM AND PLANNING BENEFITS

10.1 In this section I will set out the harm and benefits identified as arising from the appeal proposal and I will afford weight against each area. I will use the terms ‘little’, ‘moderate’ and ‘substantial’ in terms of the scale weight afforded.

Identified Harm

10.2 Paragraph 205 of the NPPF states that “great weight” should be given to the “conservation” of the “designated heritage asset” and in turn, the “more important the asset, the greater the weight should be”. However, this does not predetermine the appropriate weight to be given to the “conservation” of the heritage asset in each individual case. The weight to be afforded is for the decision-maker as a matter of planning judgement on the facts of each case, including Sullivan LJ’s observations regarding “considerable importance and weight” (see *Barnwell vs East Northamptonshire* [2014] EWCA Civ 137 at **Appendix 7**).

10.3 In the proof of evidence by Mr Nick Wright, it is explained how the appeal proposal would cause less than substantial harm to the designated heritage assets as identified and set out under paragraph 118 of his proof. The level of less than substantial harm caused to those identified heritage assets has also been determined in accordance with section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

10.4 The proposal is not considered to preserve or enhance the character or appearance of the Romsey conservation area due by virtue of the height, bulk and visibility in view

to, from and within the conservation area. This is exacerbated by the use of materials or architectural detail.

10.5 Given both a 'medium' level and 'low level' of less than substantial harm has been identified the appeal scheme would not therefore meet the aims of RLP policy E9 and the Romsey Conservation Area Appraisal (2020) both of which are underpinned by the statute as set out in Sections 66 and 72 (1) of the of the Planning (Listed Building and Conservation Areas) Act 1990.

10.6 As set out in section 9.0, resultant harm on the living conditions of the occupiers of 38-48 Palmerston Street & 30-36 Palmerston Street should be given significant weight as it would be contrary to policy LHW4 of the RLP and the NPPF. As informed by Mr Rob Burns, the proposal is considered to result in environmental harm to the living conditions of the residents of 30-36 Palmerston Street & 38-48 Palmerston Street and I afford substantial weight to this impact.

Planning Benefits

10.7 As set out in the SoCG, the benefits of the scheme have been identified as follows:

- Provision of 47 residential units
- Provision of 47 units of specialised accommodation for older people
- Maximum viable level of Financial Contribution to the provision of affordable housing
- Redevelopment of Previously Developed land

- Redeveloping in a Sustainable Location and securing a sustainable future for the site
- Making effective and efficient use of land
- Economic benefits to the Local Community
- Social and Health Benefits to the local Community and health infrastructure
- Environmental benefits
- Freeing up under occupied housing stock

Provision of 47 Residential Units

10.8 Paragraph 60 of the NPPF seeks to significantly boost the supply of homes by directing new development towards previously developed land within the existing built-up areas. The appeal proposal would contribute to housing supply. It is recognised under paragraph 70 of the NPPF that small sites such as this one can make an important contribution to this supply.

10.9 Under the updated NPPF and PPG, some Authorities can set out a minimum deliverable supply of four years (against the 5-year requirement), rather than a five-year minimum supply, where specific provisions as set out in paras 77 and 226 of the NPPF apply. This includes where a regulation 18 or 19 local plan is in place with site allocations.

10.10 As set out in section 9.0 above, the LPA can demonstrate a 4-year housing land supply (4YHLS). As the Regulation 18 Stage 2 Plan has now been published for consultation the LPA has also taken steps to increase housing supply and delivery.

10.11 It is my view that little weight should be attached to the benefit the contribution the proposal would make to housing land supply given the Council can meet the 4YHLS.

Provision of 47 units of specialised accommodation for older people

10.12 Council recognises the growing need for retirement living and the RLP confirms that the Borough has an increasingly ageing population, and that demand will increase over the lifetime of the plan, for sheltered, extra care and other forms of housing designed to meet the needs of older people.

10.13 It is recognised that the provision of accommodation for retirement living is a social benefit of the scheme and would meet a specific housing need however the evidence provided from the Appellant in the Planning Statement submitted as part of the planning application submission, subject of this appeal appears to be based on potential and not actual demand for such housing in Romsey. Even so, the need for greater choice, quality and security of housing for older people is recognised. It is therefore it is my view substantial weight should be afforded to this benefit.

Maximum viable level of Financial Contribution to the provision of affordable housing

10.14 This wider economic benefit would have some positive impact across the wider Borough. The contributions for public open space and NHS would be met, however, the level of contribution proposed towards affordable housing at the time of writing is much lower than the financial contribution figure, as calculated under local plan policy

COM7. The appellant argues this low figure is due to the viability of the scheme, I therefore consider moderate weight should be afforded to this benefit.

Redevelopment of Previously Developed land

10.15 The paragraphs within Chapter 11 of the NPPF set out how to positively promote and previously developed or 'brownfield' land in an effective way, without compromising the existing environment. Paragraph 124 states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. However, as set out under paragraph 123 of the NPPF, planning decisions should also promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

10.16 A balance needs to be struck between providing the specialist accommodation, respecting the character of the area, conserving and enhancing the nearby heritage assets and maintaining the living conditions of existing occupants.

10.17 It is my view that moderate weight should be afforded to the value of redeveloping suitable brownfield land within settlements for homes however, I consider that similar benefits can be achieved from a better designed scheme that would not result in the harm identified above.

Redeveloping in a sustainable location and securing a sustainable future for the site

10.18 The appeal site lies within the defined built-up area of Romsey, a designated 'Major Centre' under Policy COM2. The principle of redevelopment is therefore supported, provided that it is appropriate to the other policies of the RLP.

10.19 In terms of securing a sustainable future for this site, this is a key objective of sustainable development as set out under paragraph 7 of the NPPF.

10.20 Whilst the appeal site is within the development settlement boundary of Romsey, in a sustainable location it is not considered that the proposal would secure a sustainable future in terms of conserving and enhancing the settings of nearby heritage assets and it is my view that little weight should be afforded to this benefit.

Making effective and efficient use of land

10.21 Paragraph 128 sets out that planning decisions should support development that makes efficient use of land, taking into account: d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed and beautiful, attractive and healthy places. Paragraph 139 also sets out that "*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.*" Policy E1 of the RLP echoes this aim in relation to the design of new buildings.

10.22 The RLP sets out how the Council will seek to maximise the contribution from brownfield land and will support the approach of development of brownfield land

wherever appropriate. In terms of density this should be informed by the character of the site and its surroundings and be sympathetic to it and given the scheme is not considered to be sympathetic to the surroundings, it is my view that little weight should be attached to this benefit.

Economic benefits to the Local Community

10.23 The proposal contributes to the economy. This manifests in two ways, through both the building of the property and its future occupation.

10.24 The potential employment from construction jobs would be temporary in nature and it cannot necessarily be guaranteed that local tradesmen or professionals would be employed or that materials used in the construction of the scheme would be sourced from local suppliers. The scheme may however generate further employment to maintain the development.

10.25 In terms of the future occupiers and their potential expenditure this could be difficult to quantify however given the proximity to local services and facilities it is likely that these would be regularly utilised. The scheme would however generate Council Tax for the Local Authority. Therefore, in my view little/moderate weight should be afforded to the economic benefits in the planning balance.

Social and Health Benefits to the local Community and health infrastructure

10.26 The NPPF aims to balance various aspects of development under paragraph 8 and while the social and health benefits from the appeal scheme are important, the economic

viability and environmental impacts must also be considered. The promotion of well-being and need for housing to meet diverse needs in town centre locations is acknowledged as well as the growing concern to meet this need, however, the resulting compromise to the existing environment is considered to outweigh this gain and therefore moderate weight is afforded to this benefit.

Environmental benefits

10.27 The existing mature trees along the southern boundary would be retained and are a prominent landscape feature, visible from the A27 bypass. The trees are important in identifying the gateway characteristic of Palmerston Street. Therefore overall, the environmental benefits are minimal and are afforded a little weight in terms of the planning balance.

Releasing under occupied housing stock

10.28 The development of would allow for downsizing from unsuitable accommodation and therefore allowing for more efficient use of the existing housing stock, particularly under occupied family homes across the Borough. The proposal would alleviate some affordability pressures currently preventing people accessing the housing they need; however, this could still be achieved through the provision of smaller market/affordable units on the site therefore in my view moderate weight should be attached to this benefit in terms of the planning balance.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 This assessment must have regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Sections 66 and 72(1) of the Town and Country Planning Act 1990 (as amended) which requires applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The development plan is therefore the starting point. Where there are other material considerations, these must be taken into account and weighed into the planning balance in reaching a decision. As such, the system is designed to operate flexibly and in cases where policy conflict arises material considerations can be sufficient to override policy.
- 11.2 I have had regard to the other witnesses' Proofs of Evidence in respect of the heritage and design matters. I have had regard to appeal decisions APP/VI260/W/22/3310870 at **Appendix 8** and APP/V5570/W/20/3262199 at **Appendix 9** in terms of the approach to the weighting on Heritage impacts and the impacts on living conditions in the Planning Balance.
- 11.3 The NPPF advises at paragraph 11 that decisions should apply the presumption in favour of sustainable development where development accords with an up-to-date development plan and this should be without delay. The RLP policies are consistent with the aims of the NPPF in terms of delivering well-designed, beautiful and safe places (paragraph 8) and the promotion of the effective use of land which improves the environment and ensures healthy living conditions (paragraph 123). In view of the weighting afforded to the planning benefits, the appeal proposal is considered to comply with RLP policies COM2, COM7, COM15, E5 and LHW1. However, substantial weight should also be afforded to the conflict with RLP policies E1, E9 and LHW4. Planning

permission should not therefore be granted as there are no material considerations in this case to indicate the development plan should not be followed (paragraph 12). As the appeal proposal does not accord with an up-to-date development plan, it should not therefore be approved without delay.

11.4 In the case of *Barnwell vs East Northamptonshire* [2014] EWCA Civ 137 (see **Appendix 7**) I am bound under section 66(1) of the Listed Buildings Act 1990 to give “considerable importance and weight” to the desirability of preserving the setting of listed building when carrying out the balancing exercise, as set out in section 10. In the case of *Jones vs. Mordue* [2015] EWCA Civ 1243 (see **Appendix 10**) it is clear that if the decision maker follows the fasciculus of the relevant paragraphs in the NPPF then they will have discharged their duties under Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 (see paragraph 28 of the judgement).

11.5 In terms of the heritage balance, it has been concluded that the proposal would lead to less than substantial harm to the significance of the nearby designated heritage assets through impacts on setting. When assessed under paragraph 208 of the NPPF, the public benefits including the substantial weight afforded to the provision of specialist accommodation for older people, is not considered to outweigh the less than substantial harm to the setting of the heritage assets and the development is not considered to be in compliance with the policies in the NPPF which seek to conserve and enhance the historic environment. As set out in the proof of Mr Nick Wright the following heritage assets will be affected;

- 19-21 Palmerston Street (Old Manor House)
- 11-17 Palmerston Street

- Piers to north and south and gateway north of 9 Palmerston Street
- Palmerston Street (Park House)
- 3-7 Palmerston Street
- Railings to 5 and 7 Palmerston Street
- 1 Palmerston Street
- 51-55 The Hundred
- 38-52 Palmerston Street
- 30-36 Palmerston Street
- 20-28 Palmerston Street
- 6-18 Palmerston Street
- Palmerston Street
- Red Lodge
- Broadlands park and garden
- Romsey Conservation Area

11.6 As set out in section 10, the proposal is not considered to preserve or enhance the character or appearance of the Romsey conservation area and given both a ‘medium’ level and ‘low level’ of less than substantial harm has been identified the appeal scheme I afford weight as follows:

Heritage Asset	Mr Nick Wright’s assessment of harm according to proof	Harm afforded in the planning balance
Group 1 (comprising 12 heritage assets)	Ranging from moderate to very low	Low – moderate weight in the planning balance for each asset affected (there are 12 assets)
Old Manor House	Medium level of less than substantial harm	Moderate weight in the planning balance
Red Lodge	Very low level of less than substantial harm	Little weight in the planning balance
Broadlands RPG	Very low level of less than substantial harm	Little weight in the planning balance

Conservation area	Medium level of less than substantial harm	Substantial weight
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11.7 In regard to the proof of evidence from Mr Rob Burns, particularly in relation to his response to scale and bulk in relation to enclosure and overbearing, I concur the proposal does not comply with criteria a) of RLP policy LHW4 in terms of the effect on living conditions. The impacts identified demonstrate this scheme would not meet the fundamental requirements of sustainable development, a key aspect of which is good design as set out under paragraph 131 of the NPPF. I afford substantial weight to this harm identified.

11.8 In terms of the planning balance, the weighing is summarised as follows:

Harm	Weight
On Heritage assets	See above
Impact on Living Conditions	Significant
Benefits	Weight
Provision of 47 residential units	Little
Provision of 47 units of specialised accommodation for older people	Substantial
Maximum viable level of Financial Contribution to the provision of affordable housing	Moderate
Redevelopment of Previously Developed land	Moderate
Redeveloping in a Sustainable Location and securing a sustainable future for the site	Little
Making effective and efficient use of land	Little

Economic benefits to the Local Community	Little/Moderate
Social and Health Benefits to the local Community and health infrastructure	Moderate
Environmental	Little
Releasing under occupied housing stock	Moderate

11.9 Overall, I do not therefore consider that these considerations would outweigh (either individually or cumulatively) the harm to the living conditions of the residents of 30-36 Palmerston Street & 38-48 Palmerston Street.

11.10 I have assessed the degree of harm and conclude the appeal proposal does not comply with the RLP policies in the development plan. There are no material consideration to indicate the proposal should not be determined in accordance with the development plan and therefore it is not in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Sections 66 and 72(1) of the Town and Country Planning Act 1990 (as amended)

11.11 As such, I respectfully request that the Planning Inspectorate dismisses this appeal.