

Town & Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004)

The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (SI: 2000/1625) as amended.

Appeal by AJC Group against the decision of New Forest District Council to refuse permission to demolish the existing buildings and erect of 25 dwellings with associated access, landscaping and parking at:

ORCHARD GATE, NOADS WAY, DIBDEN PURLIEU, HYTHE SO45 4PD

PINS Ref: APP/B1740/W/23/3324227
LPA Ref: 22/10813

PROOF OF EVIDENCE

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Contents

- 1.0 Introduction
- 2.0 Background and scope of this proof
- 3.0 Relevant Policy
 - 3.1 Local Plan Policies
 - 3.2 Hythe and Dibden Neighbourhood Plan
 - 3.3 National Planning Policy Framework
- 4.0 Relevant Guidance
- 5.0 Contextual understanding and analysis
- 6.0 Response to context – A critique of the application in relation to context.
- 7.0 Design review in relation to refusal reasons
- 8.0 Conclusion
- Appendix A – Photographs
- Appendix B – Spatial comparison diagrams
- Appendix C – Objective assessment of contextual appropriateness – typology study

Appendix D – Compiled research information for Objective assessment

Appendix E – Online consultee response on planning application 22/10813

Appendix F – Online consultee response on planning application 21/11201 (publicly available design advice given for the previous application).

Appendix G – Association of British Insurers guidance for trees and Arboriculture Research Note 84

1.0 Introduction

- 1.1 I am a Chartered Landscape Architect and qualified Urban Design professional with over thirty years' experience of working within local authorities as Urban Designer and Landscape Architect within planning teams.
- 1.2 I hold a BSc Hons (University of Sheffield) in Landscape Design and Plant Science, an MA in Urban Design (Oxford Brookes University) as well as diplomas in both landscape design (Sheffield) and urban design (Brookes).
- 1.3 I have held the position of Urban Designer at New Forest District Council since 2000 taking on the role of team leader for the Environmental Design team in 2015.
- 1.4 During that time, I have taken a lead role in writing the councils design SPD 'Housing Design Density and Character' and the local distinctiveness SPD documents for New Milton, Lymington and Ringwood as well as negotiating and assessing the design aspects of many planning applications for large and small housing developments.
- 1.5 Prior to that, in a similar role within Leicester City Council's planning team, I also gained experience through taking joint responsibility for making, serving and administering tree preservation orders and tree works proposals during eight years as Landscape Architect.

2.0 Background and Scope

Application advice

- 2.1 My involvement in the application was as part of the planning team, to advise the case officer on Landscape and Design issues. My response to the previous application by the appellant as well as my response to this application are included as core documents (CD5-4 and CD5-5 respectively) for reference and to help the inspector to understand the depth and consistency of feedback that has been given on urban and landscape design issues.
- 2.2 In this proof I will explain, firstly, the importance placed on local distinctiveness within policies and guidance - the importance of recognising and understanding what gives a place a sense of character and of gaining an understanding of local characteristics in the design process.
- 2.3 Secondly, I will show how the scheme has not been designed with the required understanding of the baseline character and has not given the proper weight to local distinctiveness.
- 2.4 I will identify what constitutes the distinctive urban and landscape characteristics of the immediate surroundings and explain in detail, supported by evidence, why the scheme fails to respond to local character and thus fails to comply with the requirements of development plan policy, national policy as well as local and national guidance.
- 2.5 My proof of evidence shall explain why this proposal is too intensively built up to be considered as contextually appropriate. Also, why the proposal not only fails to respect the character and context of sylvan and spacious setting for houses and bungalows here, but should this development be built out, it would over time deplete the benefits of those key characteristics for the wider area.

2.6 My proof will explain why; the paucity of individual settings within the scheme, provision of significantly smaller rear gardens, the lack of meaningful front gardens, the lack of greenery between dwellings, the intensively hard surfaced courtyards and parking areas, the lack of significant tree species or space for such trees to grow; would in combination, create an external environment that is completely at odds with the context and thus fails to support local distinctiveness.

2.7 The reasons for refusal addressed in my proof of evidence are:

2.7.1 Reason for Refusal: 1

“The scheme would, due to the scale and layout of development proposed, the extent of plot coverage of built form and hard surfaces, the dominance of car parking, proximity to trees on and adjoining the site, the small plots proposed and lack of space for recreation open space and sufficient landscape setting fail to respect the spacious sylvan character of the prevailing pattern of development in the area, or deliver a well-planned high quality design that would contribute positively to the local distinctiveness, the quality of life and enhances the character and identity of the locality. It is therefore contrary to Policies STR1 & ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020, Policy D1 of the Hythe and Dibden 22/10813 Neighbourhood Plan 2019 and the Housing Design, Density and Character SPD 2006.”

In part 7, I break this down for clarity and review the appellant’s proposal against each issue

2.7.2 Reason for Refusal: 5

“The scheme has not demonstrated how it would meet the recreational and open space needs of the occupiers of the development, contrary to CS7 of the New Forest District Council Core Strategy 2009.”

In part 7, I explain why this is important in terms of design.

2.7.3 Reason for Refusal 7

“The scheme has failed to demonstrate that it can be delivered in a manner that respects the trees on and adjoining the site that make a positive contribution to the character and appearance of the area. The scheme would therefore have a detrimental impact on the landscape setting of the area and fails to deliver space and landscape proposal to mitigate the loss of trees. The scheme is contrary to Policies ENV3 and ENV4 of the New Forest District Local Plan Part 1: Planning Strategy 2020.”

This refers to the impact of the development on protected trees on and adjoining the site and the inability of the layout to accommodate space for landscape setting, commensurate with the character of the area. In part 7, in respect of the second part of this reason for refusal I will also explain how the layout of the scheme does not make sufficient provision of space for trees to be planted, of a scale to achieve a character that respects and perpetuates the quality of the existing landscape. Also, where replacement proposals are not satisfactory in terms of landscape character along Noads Way

3.0 Relevant Policy

3.0.1 The policies that are particularly relevant to my proof of evidence are:

- A. New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (adopted 6 July 2020). Especially the following: paragraph 3.4; 3.21; policy STR1 part ii; STR3 (second paragraph); paragraph 5.43; paragraph 5.45; Policy ENV3; paragraph 5.50; Policy ENV4 part i and iv; paragraph 5.51 (CD6-1).
- B. Saved Policy CS7 from the New Forest District Council Local Plan part 1: Core Strategy 2009 (CD6-3).
- C. Hythe and Dibden Neighbourhood Plan 2018-2026. Especially page 25 Aim 1; page 26 policies D1 and D3 (CD6-4).
- D. National Planning Policy Framework 2021. Especially the following: paragraph 124 parts d and e; paragraphs 130; 131; 133 and 134. (CD7-1)

3.0.2 Examining policy at its different levels, it is clear that there is a requirement to respect, protect and enhance local distinctiveness through proper understanding and response to issues of context and character. It is also clear that there is a requirement incumbent upon both Appellant and planning decision makers to ensure that schemes are well designed.

3.1 Local Plan Policies - New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (adopted 6 July 2020).

3.1.1 It is a key issue for New Forest District Council that *“the right balance between meeting development needs and aspirations within the plan area and protecting the quality of the local environment”* (paragraph 3.4) should be considered.

3.1.2 It is also a strategic objective of the NFDC local plan *“To ensure that valued local character and distinctiveness is maintained”* (paragraph 3.21). This accords with paragraph 124d of the NPPF (see below).

3.1.3 Policy STR1 part ii. States:

“All new development will be expected to make a positive social, economic and environmental contribution to community and business life in the Plan Area by..

...Taking a context led approach to the siting and design of development to deliver high quality design that maintains local distinctiveness...”

It is my contention that the appellant’s proposal does not do this.

3.1.4 Chapter 5 “Protecting our special environment” sets out the Council’s policies on “Design quality and local distinctiveness” and on “Landscape character and quality”

3.1.5 Policy ENV3: Design quality and local distinctiveness

*“All development should achieve **high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality** by creating buildings, streets, places and spaces that are:*

- *Functional: well connected to surrounding uses, and logically laid out so that different elements work well together in a manner that is safe to access, easy to navigate, convenient to use and that makes effective use of*

both developed land and open spaces;

- ***Appropriate: sympathetic to its environment and context, respecting and enhancing local distinctiveness, character and identity; and***
- ***Attractive: visually appealing and enjoyable to be in.***

New development will be required to:

- I. ***Create buildings, streets and spaces which are sympathetic to the environment and their context in terms of layout, landscape, scale, height, appearance and density and in relationship to adjoining buildings, spaces and landscape features;***
- II. *Avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on local character or residential amenity;*
- III. *Create buildings, streets and spaces which are accessible to those with disabilities or of reduced mobility, that are safe and easy to navigate, and that minimise opportunities for anti-social and criminal behaviour or other public threats;*
- IV. ***Integrate sufficient car and cycle parking spaces so that realistic needs are met in a manner that is not prejudicial to the character and quality of the street, highway safety, emergency or service access or to pedestrian convenience and comfort;***
- V. *Incorporate design measures that improve resource efficiency and climate change resilience and reduce environmental impacts wherever they are appropriate and capable of being effective, such as greywater recycling and natural heating and cooling, and the use of Sustainable Drainage Systems (SuDS);*
- VI. ***Provide appropriately designed green spaces including sufficient planting, and where applicable: provision for play, sports and natural green spaces for recreational mitigation; and***
- VII. *Enhance the sense of place by ensuring that buildings, streets and spaces are attractive to look at through good architecture, landscape and street design."*

- 3.1.6 The objective of this policy is to create high-quality places that enhance local character and distinctiveness offering a high-quality living environment with attractive green spaces and opportunities for wildlife.

I have emphasised the text of policy ENV3 where I believe the application designs fall short and where this is relevant to the refusal reasons.

- 3.1.7 The Council contends that the proposal falls short of high-quality design in several aspects and fails significantly to contribute positively to local distinctiveness not only failing to enhance local character and identity but harming it through intensity of development and lack of greenspace within the site.
- 3.1.8 The Council believes the over-intensive layout is not appropriate and in some areas within it, is not visually appealing. In paragraphs 6.4 – 6.4.9 I examine the overall harm this would create.
- 3.1.9 In relation to part i of ENV3, the streets and spaces are not sympathetic to context due to the various elements explained in Section 6 including their layout, landscape and density. Also there are poor relationships between buildings and adjoining spaces and landscape features such as trees, their settings and the gardens.

- 3.1.10 In relation to part iv, some of the parking and access to it is prejudicial to quality and the convenience and comfort of pedestrians and to the ability to establish trees and appropriate greenery (as explained in section 7).
- 3.1.11 Part v, seeks the use of SuDS. These are not intrinsic to designs, with the design failing to embrace all the relevant pillars of SuDS as set out in CIRIA guidance – Water quantity, and to a degree water quality, are each dealt with in responses by the Local Lead Flood Authority (LLFA). What I refer to is the failure to embrace the Amenity and Biodiversity objectives (or pillars) of SuDS.
- 3.1.12 In relation to part vi, I contend that the design does not provide appropriately designed greenspace or enough space and a quality of design that would provide for play within the site (as required by both this and the saved CS7 from the 2009 core strategy).
- 3.1.13 Policy ENV4: Landscape character and quality
 “Where development is proposed there is a requirement to retain and/or enhancei. Features that contribute to a green infrastructure and distinctive character....”

This supports the issues raised by ENV 3 and refusal reasons 1 and 7.

3.2 Local Plan Policies - Saved Policy CS7 from the New Forest District Council Local Plan part 1: Core Strategy 2009

- 3.2.1 The section of this policy which is relevant to this proof reads as follows:

“The improvement of play, sports and other public open space provision will be implemented in the following ways:

*(b) through **requiring all new residential developments to make provision for appropriately designed public open space, either through on site provision of new open space or by financial contribution to enhance or create off-site provision and management of public open space (based on a minimum level of provision of 3.5ha per 1000 population);***

*(c) through **requiring all new residential developments on sites of 0.5ha or over to provide appropriately designed informal public open space on site and to include the provision of designed good quality play spaces;.....***

New open space provision should contribute to wider open space objectives, including enhancing local biodiversity and healthy lifestyles.....”

- 3.2.2 The Council’s contention is that the development does not propose to deliver enough public open space on site and that the space that is provided is not well located or designed to optimise its use as Public Open Space (POS) and there is no consideration of the need for children to play here.

3.3 Hythe and Dibden neighbourhood Plan 2018-2026

- 3.3.1 Hythe and Dibden neighbourhood Development Plan 2018-2026. Shows a real commitment to the need to understand, respect and enhance sense of place. Especially notable are the following:
- 3.3.2 Aim 1 (page 25)

Objective 1.1 *“New development shall be designed and built to high standards of quality based on a clear understanding and appreciation of the unique character of the area and what is valued locally.”*

Objective 1.2 *“New development shall **respect and enhance the character and distinctiveness of the built and natural environment.**”*

Objective 1.3 *“The design of new development shall **contribute to ‘sense of place’** and support a locally appropriate balance of environmentally, economically and socially sustainable outcomes.”*

3.3.3 Policy D1 (page 26)

“All new development in Hythe and Dibden will be required to seek exemplary standards of design and architecture, to demonstrate

- **that local character and context has been fully recognised,***
- **that the proposed design responds to it, and***
- **that what is valued locally is respected.***

*The design and materials used in the development should complement, but do not necessarily need to imitate, the best examples of design and building in the local area. Innovation in design is encouraged, **provided it fully respects local context.**”*

3.3.4 Policy D3

*“Hythe and Dibden has its own unique qualities and characteristics - **all new development must demonstrate that local distinctiveness has been recognised and that the development proposals respond to this appropriately.**”*

3.3.5 These policies underpin the Local Planning Authority’s expectation that such development proposals as this should be cognisant of local character and respond to respect, retain and indeed enhance it.

3.4 National Planning Policy Framework (NPPF)

3.4.1 National Policy supports a requirement for local distinctiveness, contextually appropriate and high quality design in new developments through its policies. Starting with a social objective to foster well-designed, beautiful and safe places with open spaces that reflect current and future needs and support communities’ health and well-being as well as an environmental objective to protect and enhance natural and built environment. These aspirations are held in balance with other sustainability objectives in part 2 of the NPPF and described in paragraph 8 b) and c).

3.4.2 At paragraph 12, the NPPF explains that the development plan is the starting point for decision making and that planning applications that conflict with such a plan (including neighbourhood plans) should not usually be granted.

3.4.3 It is an important part of my proof of evidence that the application does indeed conflict with both development plan and neighbourhood plan in failing to provide a well-designed

beautiful place and failing to provide open spaces to reflect current and future need. Also, in its failure to enhance the natural aspects of the built environment in this location.

3.4.4 The NPPF contains two particularly relevant sections pertaining to issues of design and local distinctiveness - Sections 11 and 12 'Making effective use of land' and section 12 'Achieving well-designed places'.

3.4.5 In the first such section - section 11, under the heading '**Achieving appropriate densities**', paragraph 124 explains the importance of taking into account the:

"desirability of maintaining an area's prevailing character and setting (including residential gardens)" (part d), and

"the importance of securing well-designed, attractive and healthy places" (part e).

3.4.6 In other words, the NPPF seeks a balance where optimising the delivery of housing takes full account of character, distinctiveness and design quality. These are the two aspects contained within the design reason for refusal (reason 1) and are thoroughly underpinned by local policy.

3.4.7 I suggest that the Council's approach to this site, through the latest local plan process (in appraising its housing potential) and in making its decision, has been a balanced one, seeking appropriate densities, whilst taking into account the importance of local character as well as the need for good design.

3.4.8 Conversely, the Appellant has failed to seek this balance since the proposal fails to take sufficient account of the area's "prevailing character".

3.4.9 The NPPF, section 12, under the heading "**Achieving well-designed places**", two paragraphs that are particularly relevant to my proof: paragraphs 130 and 131.

3.4.10 Paragraph 130 is set out as follows (emphasis added):

"Planning policies and decisions should ensure that development:

- a) will function well and **add to the overall quality of the area, not just for the short term but over the lifetime of the development;***
- b) are **visually attractive** as a result of good architecture, **layout and appropriate and effective landscaping;***
- c) Are **sympathetic to local character** and history, including the surrounding built environment and **landscape setting**, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) **Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive welcoming and distinctive places to live, work and visit;***
- e) Optimise the potential of the site to accommodate and sustain an **appropriate amount** and mix of development (**including green and other public space**) and support local facilities and transport networks; and*
- f) 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."*

- 3.4.11 I have emphasised the text where I believe it is relevant to the refusal reasons contending that:
- 3.4.12 In relation to part a), the scheme through its intensity and lack of green space for public and private amenity and for the potential to grow trees fails to add to the overall character, especially taking into account the lifetime of the development – the perpetuation of tree cover and the dominance of greenery.
- 3.4.13 In relation to part b) through lack of space, an intensive layout and lack of appropriate landscape treatment (including in terms of play), the scheme is less attractive than opportunity offers.
- 3.4.14 In relation to part c) Through over intensive dominance of buildings and hard standing, the proposal is unsympathetic to local character and fails to offer appropriate landscape setting.
- 3.4.15 In relation to part d) For the same reasons and for reasons of standardisation (reminiscent not of here but of places that could be anywhere), fails to maintain the strong sense of place in this area and undermines the distinctiveness of the place where people already live.
- 3.4.16 In relation to part e) Fails to recognise what is an appropriate amount in terms of both building (of which there is too much) and in terms of green and public space (of which there is too little).
- 3.4.17 Paragraph 131 is as follows:

“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that **the right trees are planted in the right places**, and solutions are found that are **compatible with** highways standards and **the needs of different users**.”

- 3.4.18 Again, I have emphasised the text where I believe it relevant to the refusal reasons. This paragraph emphasises the contribution that trees make in terms of both existing tree stock and taking opportunities to plant. I contend that the application does not offer the opportunity for existing trees to thrive and for their presence to be perpetuated in longer term due to pressures from introducing different uses in close proximity to those trees. I also contend that the opportunities to improve the character of the area through well-chosen planting of new trees, is hampered by this design.

4.0 Relevant Guidance

4.1 New Forest District Council's Supplementary Planning Document - Housing Design Density and Character (adopted April 2006).

- 4.1.1 To ensure the opportunity to embrace innovative design as well as efficiency of land use, rather than setting prescriptive standards, this document sets out a process for achieving the residential development that respects local character. Initially it was intended to encourage better design of development as well as delivering efficient land use and obviated the need for prescriptive policy that might relate to just a few areas, whereas proper consideration of context and character would enable increases in density.

Whilst the policies quoted in the introduction are now outdated (page 6), the actual guidance within the document is very much still at the heart of government policy and guidance, and the document therefore remains current within the Council's suit of SPDs.

- 4.1.2 Within it, the Council's guidance sets out a four-stage process for achieving appropriate design. 'Research', 'analyse', 'respond' and 'bring it all together'.

The suggested method for analysing the context seeks to be objective (page 17).

When responding to context, the guidance asks the designer to recognise what strength there is in the existing character in deciding how closely to follow or how to draw inspiration from the typology.

- 4.1.3 In the final stage the guidance seeks a design concept and in setting densities, the document makes it clear that to create successful places, a response to that context is vital.

*"This will suggest the appropriate density (and help to assess the feasibility of including particular dwelling types and sizes); **a density that can be justified by its response to context** and its aspirations to improve the character and identity of the area."* (Page 23)

- 4.1.4 My contention is that there has been no objective analysis of context. As a result the very strong character and identity that exists has not been appropriately responded to in the design.

4.2 Planning practice guidance note

- 4.2.1 The Planning Practice Guidance Note, which is to be read alongside the National Design Guide recalls paragraph 134 of that framework pointing 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..."

- 4.2.2 The practice note sets out the role of design and access statements, explaining that they set out the narrative for the design approach and the rationale.

"They demonstrate how the local character of an area has been taken into accountThey set out concisely how the proposal is a suitable response to the site and its setting..."

4.3 National Design Guide (NDG)

4.3.1 The national design guide makes a very strong case for recognising and responding to local distinctiveness. In part 2 where it explores the ten characteristics of well-designed places:

4.3.2 Context

Under 'Context', at paragraph 39 it explains the importance of developments being well grounded in their locality. It calls for creation of a positive sense of place to foster a sense of well-being, inclusion and community cohesion. In other words, offering a reasoning as to why

"well designed places are:

- *based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;*
- *integrated into their surroundings so they relate well to them;*
- *influenced by and influence their context positively".* (paragraph 40)

4.3.3 I contend that the appellants proposal was not based upon sound understanding of the surrounding context, is not integrated into its surrounds and does not influence the context positively.

4.3.4 The guide then goes on to examine a whole range of features that may be considered (including layout, form, scale, landscape appearance – generally echoing the features listed within the NFDC's Housing design density and character SPD (p18)). These are included at paragraph 41, but it also acknowledges that as well as these physical aspects, there are also social characteristics and community aspirations that play a part. Again, just as the Council's SPD does.

4.3.5 Paragraph 43 again underpins the importance of recognising context, local character (including landscape character), distinctiveness:

*" Well-designed new development is **integrated into its wider surroundings**, physically, socially and visually. It is carefully sites and designed, and is **demonstrably based on an understanding of the existing situation**,..."*

4.3.6 Just as the Councils SPD recognises (at page 23) the need to embrace efficiency of land use, Paragraph 44 of the NDG then goes on to recognise that actually copying surroundings is not required (increased densities being a reason to compromise).

4.3.7 I contend that the appellant has not integrated this design into its surroundings and that instead of making efficient land use whilst respecting the context (as this national guidance and the Council's own SPD seek), an assumption has been made that, where the development can be set behind the main street frontage, then the it's layout and design can completely ignore the context, character - the existing situation.

4.3.8 Identity

This sets out three overarching requirements of well -designed places, buildings and spaces (paragraph 51).

It re-echoes the call for a response to local character and identity. At paragraph 53, it lists the likely elements that would influence well-designed new development. Again, we see many of the elements carried in the Council's guidance and which I refer to later in this statement. Things such as heights, scale, massing, roofscapes, scale and proportion of buildings, scale and proportion of spaces, soft landscape, setting, backdrops, light, shadows

and goes on to embrace the less tangible or measurable aspects of landscape effects and distinctiveness. It says:

“ Well-designed places appeal to all our senses. The way a place looks, feels, sounds, and even smells, affects its enduring distinctiveness, attractiveness and beauty.”
(paragraph 55)

- 4.3.9 The Council contends that the appellant in eschewing the importance of landscape and the contribution that green space, gardens, space for trees, scale, roofscapes; in ignoring the landscape settings and backdrops, the proportion of spaces and even of buildings, and the presence of light or otherwise; this proposal merely stands alone, rather than responding to its host environment. In so doing it undermines something of the enduring distinctiveness and attractiveness of the neighbourhood.

4.3.10 Nature and Public Spaces

To augment the points I make later about the shortfall in public open space and the provision of space for play within the development (Policy CS7 relevant to refusal reason 5), I would point out the importance placed here, upon play in natural environments.

(well designed places) *“provide a network of high quality, green open spaces with a variety of landscapes and activities including play” (N1 p 27) going on at paragraph 94 to seek “opportunities for formal and informal play, exercise and rest that are accessible to all”.*

- 4.3.11 The issues about spaces being picked up under the section entitled Nature, are echoed again in the following section. At page 30 it calls for well-designed places to include spaces that support a variety of activities and encourage social interaction, and that they should feel safe, secure and attractive for all to use.
- 4.3.12 The Council contends that whilst the appellant has proposed two areas of open space, one (south of plot 22) is secluded, shady and has nothing to encourage social interaction. Indeed, it may feel a little less than secure for these reasons. The other space whilst well positioned, as a centre piece for the proposal, offers a sense of being fenced-off for many, with nothing to attract playful use within it. Altogether these do not provide enough space to encourage the variety of activity; and neither have been designed to encourage, or accommodate play.

5.0 Contextual understanding and analysis

- 5.1 To make an objective analysis of what constitutes local character and context depends rather upon how far and wide one would derive the context from. The Council's Housing design density and character SPD asks for this to be ascertained early in the process (page 14 bullet 2 and pages 16,17). The Appellant does not do this in the D&AS.
- 5.2 Firstly one is asked to select some parameters from which to make an assessment of context. The relevant context can largely (but not entirely) be ascertained by examining the perimeter block enclosed by Lime Walk, North Road and Noads Way (see fig 1). The Appellant has effectively suggested this, referring to it in terms of two character types: suburban street frontage development and the backland development at Lime Close, describing the backland as being “smaller detached bungalows built at a higher density”.

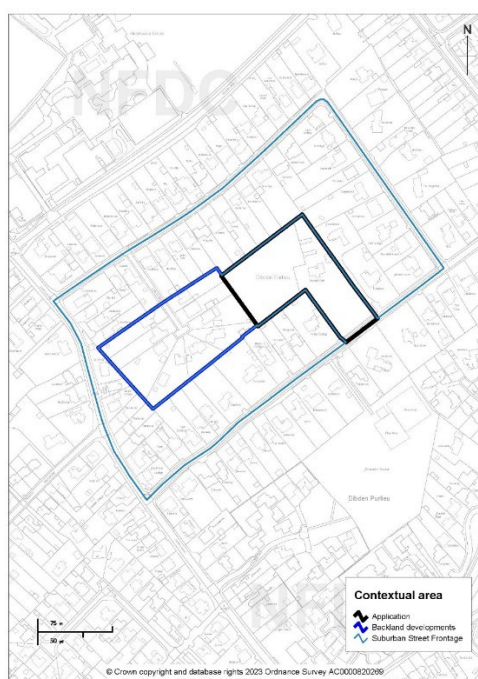


Fig 1 contextual areas for an objective analysis

- 5.3 The Appellant in their D&AS, describes the character of the area as being “informed more by the substantial tree and hedgerow planting than the buildings”. I would strongly concur with this view. I would also add to the Appellant’s description of a “mix of mainly two storey suburban houses”, that these houses give way to occasional 1 ½ storey dwelling forms and then to predominantly bungalow forms along the western half of Lime Walk and within Lime Close (see appendix D).
- 5.4 The buildings and streets are all associated with a preponderance of garden space including hedgerows, shrubs and trees as a backdrop and setting to the buildings and streetscapes. The extent to which this is so can be objectively recorded (as the Council’s Housing Design Density and Character SPD seeks) and illustrated through photographs. I have carried out just such an analysis at Appendix B.
- 5.5 Figures 2-4 demonstrates the typical character visually. In particular, the bird’s eye view (fig 2) taken from Bing maps illustrates the very sylvan nature of the area and also how the

gardens of adjoining backland development at Lime Close have allowed the perpetuation of trees in the rear of Noads Way properties, augmenting its diversity. The result is a very strong green infrastructure for the area.

At Appendix A – is a more complete set of photographs taken from the streets, which I use to help describe the character of Noads Way, Lime Walk and North Road. These clearly illustrate the very sylvan nature of the area and the green setting that garden spaces give to detached dwellings and thus underpin a locally distinctive character.



Fig 2



Fig 3



Fig 4

- 5.6 I have explained the importance given by policy to the understanding of context, character and local distinctiveness. The Council's Housing Design Density and Character SPD suggests a process for objectively analysing this and for taking an understanding of context forward through the design process.
- 5.7 The Appellant's D&AS is very light on examining these aspects. There are two pages dedicated to understanding local character. The first (page 7) consists of four lines describing extremely little. What can be gleaned from this page is that the impact of greenery is considered to be the more important aspect of local character than that of buildings.
- 5.8 Key defining elements of character.

By walking the area, and as shown by figs 1-4 and the photographs at appendix A, a broad recognition of what constitutes the locally distinctive character suggests the following as key defining elements:

- Sylvan green character (landscape setting, density and mix)
- Low rise detached domestic dwellings in green garden settings (plot widths, building forms. Scale, key dimensions).
- Green margins to streets dominated by vegetation. (set-back, front boundary and landscape setting)

- 5.8 One might therefore expect the response to this understanding to be an evolution of design based upon these over-riding aspect of local distinctiveness. However, this is not the case. Landscape is considered only in terms of planting plans and a provision of POS (which is inadequate in terms of function and policy).
- 5.9 For buildings, the D&AS relies upon a selection of photographs which are neither described nor explained other than to say that there is a mix of mainly two storey houses (which I would disagree with) and that these exhibit various materials and forms – it draws nothing in terms of how those might offer cues or inspirations for the design.
- 5.10 The second page is on landscape which, rather than attempt to analyse or even describe anything local, relies entirely upon the New Forest Landscape Character Assessment.
- 5.11 Concentrating on protecting the wider countryside (though still relevant, it predates the establishment of the National Park), this document does not cover the landscape character within settlement areas in any detail.

However, if one really wanted to use that document to discover expectations regarding the landscape here, there are references to historical underlying landscape influences and one or two comments raising concerns about local distinctiveness that are perhaps relevant to this application. Under Key Issues for instance it highlights:

“Pressures from new built development affecting the landscape are:

- *homogenous development on the fringes of existing settlements which compromise their distinctive landscape setting;*
- *the introduction of a profuse variety of building materials and styles and lack of reference to traditional rural buildings as models for siting and design;...” (paragraph 4.1.1)*

- 5.12 It also comments, seeking such things as *“use of scale, spacing, orientation and siting of existing settlement as a model for considering how new development can be fitted into the traditional pattern and grain”* (p102). It is reasonable to expect a more detailed study to have been made.
- 5.13 To inform the design and in submitting the applications, the Appellant could have used a recognised method or a combination of methods to assess the context and local character and present this in the D&AS. I would have expected this to be used to then inform the design as it evolves. However, no proper analysis has been presented at the time of the application.

- 5.14 At 4.1 above, I have pointed out the Council's recommended guidance. Given the lack of any other process, I have prepared a simple review, based upon this guidance, of what makes up the local context and compared it with how the development proposal responds.

I include an objectively recorded typology checklist (appendix C), to assess and compare response to the character and sense of identity as well as a high-level review of the other aspects of context.

6.0 Response to context

- 6.0.1 The Council's Housing design, density and character SPD seeks an analysis in three parts – 'Character and sense of identity'; 'Access, movement and permeability' and 'Activity and social expectation'.
- 6.0.2 A typology checklist is proposed, in order to make an objective assessment of the first part - the area's characteristics and its sense of identity. This process was originally drawn from the 'aspects of development form' as listed in the DETR and CABI guidance 'By Design' but is just as relevant now as the listed aspects are to be found in another form within the National Design Guide (see page 6 where layout, scale, landscape and appearance remain as main headings - form and materials also being covered in the Council's SPD within the headings of layout, scale and materials).

6.1 Character and sense of identity

- 6.1.1 The objective assessment of the character and identity, carried out in accordance with the SPD finds that there is considerable disparity between what is proposed and what is contextual. This is across four of the five areas of typology: layout, Landscape, Scale, and density. I have summarised these here but please see Appendix D for the full table.

- 6.1.2 Layout: - Plot width, set back and front boundary definitions all exhibit significant disparity from local context which affects the external environment. These are elements of layout which will not be altered by simple amendments to details. The effect is that the street character would be significantly different from that round it, offering a far more urban character.

Building format is also very different (a predominance of lower hipped roofs as compared to much longer ridges and gables, so that the way skyline and visual containment of street and space would also offer a more intensive and urban character.

- 6.1.3 Landscape: - Landscape and particularly landscape setting and the way this allows or prohibits tree cover constitute a major disparity that lies at the core of the design refusal reason 1. Diagrams at Appendix B demonstrate this visually while the calculations drawn from them (Appendix C), show the scale of disparity from what is currently locally distinctive and what can in future contribute to local distinctiveness.

The abrupt transmission from about two thirds of the land (68% and 62%) being available for planting, down to only one third is great and is even more significant when one considers the key defining element of character here – that of trees now and in future.

Not all green space is the same. The greater the proportion of space available, the more it is likely to include space that is far enough from buildings to allow trees to grow. As the proportion of available space reduces, so that space, by definition will increasingly become too close to buildings to make tree planting possible without significant compromise. I explain this principle further under paragraphs 6.4.

- 6.1.4 Scale: - The change in proportion of houses that are two-storey, as opposed to the majority (which are either bungalow form or lowered eaves as 1 ½ storey), is significant. Over 70% of

local dwellings are below full two storey in scale while the proposal offers no lower dwellings at all – they are all two-storey.

Exacerbating this disparity is the change from 100% detached to 0% detached dwellings and thus the disparity is once again quite extreme.

The effect is again on the way skyline impacts upon sense of containment of reduced views of green backdrops and impact upon sense of enclosure.

6.1.5 Appearance: - This is not a matter of contention in terms of the buildings themselves.

6.1.6 Density: - An intensive three-fold increase from the local context of 10 dph to approximately 30 - 33 dph is quite a considerable jump. While the urban grain does not appear at first site to be very severely affected (see figure-ground diagram- appendix D), it is different. The effects of such a three-fold increase in density would be impact in terms of additional hard standing, the proportions of spatial and green setting around each unit and the impact of tree locations. This is not shown on the figure ground drawing but by covering much of the setting of these buildings with hard standing and by failing to leave large enough gaps within the site for tree cover, the impact of introducing this density is quite severe. This is explored in some detail under 'Landscape' and 'Density' within the checklist at Appendix C.

6.2 Access, movement and permeability

As well as the typology, the SPD seeks an analysis of Access movement and permeability. Since this is not in question, I do not propose to research this here.

6.3 Activity and Social expectation

6.3.1 Current activity consists of neighbouring residential uses and the passing and repassing of people along a tree and hedge lined street to the front of the site. Such activity generated where residents have sufficient on-plot space to meet their needs so that enjoyment of those plots is associated with relaxing, use of quiet tranquil gardens, contact with nature (not just the pleasant green views).

6.3.2 Social expectation might have been gleaned from any community liaison exercise undertaken by the Appellant, which again I cannot find within the D&AS. Also from observation, and research.

6.3.3 The Council has expected some development here. During local plan work, it most recently used a figure of 14 (13 additional) dwellings for this site, clearly accepting a respectful (rather than an over-urbanising) approach to local distinctiveness at the same time, recognising the need to optimise dwelling numbers.

6.3.4 Simple observation will have recognised the local cultural and social importance of tranquil garden settings, trees and woodland here - the affection and value placed upon this key defining element of local character.

A simple example might even be the names of very many houses hereabouts as well as place names which are synonymous with the deeply sylvan setting.

6.3.5 Trees and greenery are therefore not only definitive of this quiet area, they are ingrained in the cultural heritage of place. The presence of garden space to allow their growth and nurture - a green setting all around dwellings here is what is locally so very distinctive.

6.3.6 Failing to respond to context in the ways described above, will impact upon the landscape characteristics that are so valued – tranquillity, contact with nature, enjoyment of the cumulative ‘rear garden islands’. It will also be manifest in the way trees are considered in future: the likelihood of pressure for pruning or removal; the reluctance for replacement; and the depletion of opportunity to plant taller stock in the further reaches of gardens away from houses.

6.4. Cumulative effects of gardens.

In this locality, it is clear that the effects of gardens and greenery is a fundamental part of local distinctiveness. In terms of the sylvan character now and in the future, the importance of ‘rear garden islands’ and the green setting can be explained as follows:

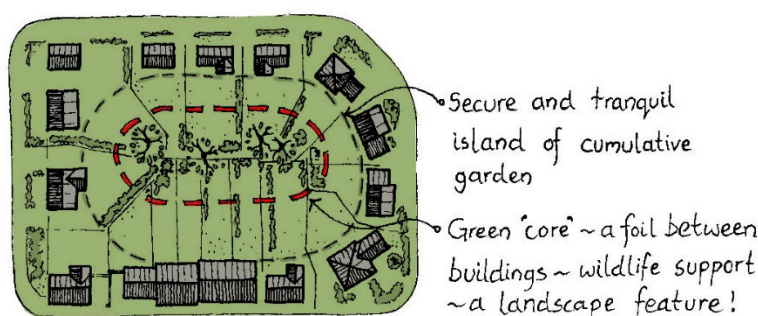


Fig 6 Suburban perimeter block, the value of cumulative space as “rear garden islands

6.4.1 It stands to reason that the further a garden reaches from the house and the more spacious the garden, the more likely it is that a tree might be planted. It is so because even though there are many advantages to trees, the nuisance aspects such as fruit, leaf and branch drop, fear of failure or unwanted shade, lead the householder to place it further away. Also, because to enjoy it properly it will need room to grow to at least a semblance of maturity and would need space as a setting so that it can be enjoyed as part of the place. There may also be very practical reasons such as avoiding interference with structures and services especially on shrinkable clays.

6.4.2 There will be pivotal points in choosing the depth of a garden at which tree planting becomes significantly more likely and when more significant species trees become more attractive.

6.4.3 Many perimeter blocks allow for smaller garden trees. Increasingly modern perimeter blocks (typically when less than about 25m back to back) do not invite good tree cover. Although there will always be exceptions, they are not long term.

6.4.4 The cumulative effect of gardens is very valuable. Where gardens adjoin each other, this suggests larger opportunities for planting as well as a combined tranquillity and setting for such planting. Planting that offers such value in terms of health, wellbeing and a character to the area which is enjoyed by all residents.

6.4.5 Infill development of backland, if not carefully designed, can easily fracture the cumulative impact of gardens in terms of not only tranquillity and enjoyment, but in terms of the potential for planting that provides the character to such places.

- 6.4.6 Within a perimeter block such as this, there is just such a cumulative effect providing room for trees. In this case, there is and has long been room for a variety of species including larger forest trees that offers a significant part of the green infrastructure and a very distinctive identity. This is not just evident at the road side but deep within the block.
- 6.4.7 If backland development includes lower roofs and reasonably significant garden spaces of its own (particularly those adjoining others) the setting for trees, the availability of light and skyline views offers opportunities for such planting to continue to play a significant part in the green infrastructure and the character of the place. Lime Close is testament to this.
- 6.4.8 The harm in terms of trees and their contribution to the character of the area is that the proposal does not offer significant enough garden sizes, combinations of building scale and form or even cumulative space of its own (the central POS) to allow such effects now or in the future.
- 6.4.9 Whilst even a more respectful approach would still have depleted the overall cumulative value that gardens grouped together give to this neighbourhood, Figure 7 below demonstrates a very severe departure from contextual design and an unmitigated fragmentation of the cumulative garden island.



Fig 6 This diagram represent the disparity of the development from its neighbours in terms of green space, gardens and setting.

7.0 Design review in relation to refusal reasons

In simple terms the task of this proof has been to explain firstly the depth and importance within relevant policy that one should place upon local distinctiveness.

Then to show how the design of this application has not been carried out with the required understanding or given the proper weight to the issue of local distinctiveness; and that as a result, the design is not good enough to approve and that over the lifetime of the development, it will harm the local character and sense of place that local distinctiveness embodies.

The disparity between the proposal and the distinctive character of its host environment is steeped in the issue of landscape, green setting and spaciousness.

The proposed design of this enclave of housing is in many ways a neat, tidy and succinct solution to placing as many houses onto the site as is possible - but reasonable only if one were to ignore the need to support local distinctiveness.

Ultimately, the proposal fails on two particular local plan policies, ENV3 and DW7

7.1 Reason for Refusal: 1

7.1.1 The following is a review of the proposal itself in terms of refusal reason 1 (see paragraph 2.7.1 above). I have broken this down into the following headings for clarity:

Failure to respect the spacious sylvan character through:

- Scale and layout
- Extent of plot coverage of built form and hard surfaces
- Dominance of car parking
- Proximity to trees
- Small plots
- Lack of space for recreation
- Lack of space for sufficient landscape setting

Failure to deliver a well-planned high quality design that would

- contribute to local distinctiveness,
- contribute to quality of life an
- enhance character and identity

Firstly regarding the first list – the failure to respect the spacious sylvan character:

7.1.2 Scale and layout

The terraces of houses would be of a markedly different scale from that which the locality suggests. This is both by reason of their lengths (as single volumes and long ridge lines) and their form and massing as two storey volumes when the majority of dwellings around them are of bungalow or with lower eaves heights and hipped roofs. In such ‘backland’ developments as this, it is normally reasonable to expect the scale of development to be subservient to more dominant street frontages. Character, as received by residents, where backland is more tranquil, typically greener and less built up than the main streets, is

important. By introducing terraced houses, and two storey houses throughout, the built form will offer a far more built-up character than is appropriate.

The scale of tree species that have been selected is mainly that of cultivars and garden type trees that do not offer long-term large-scale forest trees of the kind that define character hereabouts. In terms of layout for tree species, they are restricted to very constrained opportunities rather than afforded genuine and deliberate locations within the layout.

7.1.3 Extent of plot coverage and hard surfaces.

The proposed design shows gardens that are all relatively small in the rear and, are generally absent from the fronts of most dwellings, save for a one metre margin for personalising the frontages. Conversely, the local context, is defined very much by gardens that offer significantly greater impact both to fronts and backs around all other buildings locally. Appendix B illustrates and my contextual work at Appendix C demonstrates an objective measurement of this disparity.

The extent of hard surface and building coverage does not respect the sylvan character because it does not lend itself to potential for new planting of any significance. Gardens are almost entirely too short to invite residents to plant or keep trees or significant shrubs this close to dwellings. Residents are likely to prefer to avoid causing potential nuisance such as: shading; leaf, branch and fruit drop; and damage to paving, walls and even buildings themselves.

Example plot areas include 22 or 23 where available greenspace to rear of properties is around 30sq m whereas around 80sq m is covered by built form and hard standing and this is without considering car parking. Plots 17-20 have around 50 sq m of garden space available to plant in, however, approximately 2/3 of this is within 9m of, and directly behind the rear elevation of the home. It is thus unlikely to invite planting of any significance. 120sqm of the plot is given over to hard surface or building. These ratios are not just severely at odds with local character but they deny the likelihood that enough planting opportunities can be accommodated within the plots to respect or enhance the locally distinctive character in any way. See Appendix B diagrams.

7.1.4 Dominance of car parking.

The internal arrangements of this proposal are dominated by hard standing as a result mainly of the need to park and manoeuvre cars.

By intensifying development here to accommodate so many dwellings, proper adherence to the car parking guidance leads to considerable area of hard standing for cars – regardless of house footprint size or scale; whereas fewer houses would lead to proportionately more greenspace and far less hard standing.

If each building mass and footprint (as proposed in the appellants SOC para 1.20) is commensurate with the scale and massing of the detached properties along Noads Way, but then designed to accommodate two or more dwellings, the requirements for car parking is considerable – 1385 sq m.

Put simply, (using the Councils parking guidelines) one large house requires three spaces, two medium sized (3 bed) houses requires five spaces - a difference of 25 sq metres before one even takes into account the need for manoeuvring space.

This is not only evident through simple comparisons of hard surface as against building footprints and garden spaces but in its design.

Car spaces are mostly shown hard against side walls with no softening effects of greenery or divisions between plots. This creates significant impact in the way hard standing affects character. Examples such as the gaps between plots 01 and 02, 11 and 12, 13 and 14, 17 and 18, 19 and 20 all exhibit unadulterated hard standing of around 85 sq m immediately off streetscapes which themselves have widths of between 7½ and 12m of further hard standing.

This impact is not the only effect. By placing most cars as tandem spaces with no room on plot for manoeuvring, this will have the inevitable effect of forcing many residents to use the street and pavements to park on. Even the opportunity to create a central greenspace for trees, play and public amenity, has already been constrained by car parking for seven cars, depleting the quality of the public realm, streetscape and the opportunity to play and enjoy the amenity of such a space.

7.1.5 Proximity to trees.

Existing trees will cause issues for some residents from the start and this can only become more pronounced as trees grow. Plots 1,2,3,8, 15, 16, 17, 22 and 23 All have trees which whilst not unacceptable, will offer shading and potential for detritus dropping that leads to pressure on the owners of those trees for pruning, continual management and when they start to decline, for removal without replacement this close to dwellings, car space etc. The decision to propose an amendment to include car barn coverage to prevent such nuisance on cars parked near plot 21 is indicative of such pressures, the need to create paths with special 'no-dig' construction suggests that public space is also too constrained this close to the trees. The result of these changes has been to remove seats and a pathway, at once depleting the value of the proposed POS.

7.1.6 Small plots

There is not enough room on most of these plots to encourage residents to plant trees that could enhance the locally distinctive character of the area. Garden space is calculated at about 80 sq m (one tenth of the size of those on neighbouring plots).

7.1.7 Lack of space for recreation

Development opportunities of this size should provide public open space on site including the provision of designed play spaces (see policy CS7 part c). Space which is needed to allow the retention of trees can sometimes be considered as public open space but this usually needs to offer some recreational purpose or practical amenity for the community. Firstly, the space alongside plot 22 has a rather pointless path within it (proposed latterly for

removal along with seating) but other than as space to allow the tree to remain and the path to feel safe, there is little practical amenity value within the design of this space.

The central space on the other hand could lend itself to real public benefit. However, it is neither large enough, nor designed to invite play despite Council policy seeking such provision. An underground tank for drainage purposes does not fulfil the amenity aspirations for SuDS (set out by Ciria in the SuDS manual). It capped by a thick layer of concrete and will need access. It will be a considerable encumbrance upon the potential to plant trees shrubs or accommodate play within the space now and in future. The potential for the space to be secluded from some residents by the location of car parking and screening hedge line exacerbates the impression that the space is not available for public use (although I expect the extent of easements and the access requirements for the drainage tank will not allow the planting as suggested for practical maintenance and engineering reasons).

The path within this central area runs very close to the front doors of all the terraced houses. Front garden spaces to separate this is minimal, which makes it a somewhat unattractive route for residents beyond the two terraces. Whilst it may be an attractive centrepiece for the outlook from these terraces and plots 8-13 (when seeing over the parked cars), the area is small, detached from invitation for public use and until the drainage expectations are clear we cannot be sure that this space will work.

In terms of play, it would be practical to simply ensure that the space is designed to invite use by the youngest of children to 'play out' close to their own doorsteps, in line with recognised guidance. If instead of formal play equipment on site, a commuted sum to improve the play offer in a nearby park was to be proposed, this would not remove the need for space, designed for amenity and to invite play close to home. However, there is neither enough space, nor the quality of design offered to accord with the policy.

7.1.8 Lack of space for sufficient landscape setting

The combination of overall space (greenspace plus street and car parking etc.) offers a spatial setting that is typical of urban landscapes only. It does not reflect that of the local character. The combination of garden space and public open space that makes up the green qualities of this scheme do not offer opportunity for a landscape setting that enhances the local character in a way that adds to the overall quality of the area. This is not just for the short terms but over the lifetime of the development (NPPF para 130 a) – refer to 6.4.8 and 7.1.5 above).

7.1.9 The second half of the breakdown of reason 1 describes the failure to deliver well-planned high quality design that would:

7.1.10 Contribute to local distinctiveness

This is covered adequately above.

7.1.11 Contribute to quality of life.

For existing neighbours – this is a considerable depletion in quality of life in terms of enjoying their own rear gardens - sounds, reduced contact with wildlife, sense of

overlooking and an overall negative change to the green and sylvan setting of their spaces. This will be particularly noticeable at night when considerable number of lights would be seen in rows across the backs of all the garden spaces and rear elevations of neighbouring properties. Something which may be acceptable in places with a more distinctly urban character would not be reasonable here.

For future residents of the proposal, there would considerable shading of gardens by tree cover at 1,2,3 and 22,23 thus reducing the practical as well as the amenity value of garden spaces.

Play for younger children is not available within the development as sought by policy.

Public Open Space is detrimentally affected by underground services. The whole space is seriously encumbered by an underground infiltration tank. Meanwhile foul sewer manholes and pipe lines impinge upon planting proposals. It might be more acceptable to locate manholes within areas of hard surfaces (outside the green POS) whereas in the proposed locations they detract significantly from the beds of heather that are intended to decorate the POS.

The design does not embrace provision of SuDS as part of the amenity or biodiversity of the site. Amenity and Biodiversity are important in terms of quality of life. They make up two of the four pillars of sustainable drainage systems as described in CIREA's SuDS manual. Whereas it is the role of LLFA representative to examine the issue of 'Water quantity' (flood prevention) and 'water quality', the planning authority must also consider the amenity and biodiversity issues (and to some extent, 'water quality' - in terms of using surface vegetation for filtering) in its consideration of the design of places.

There are no surface features aimed at filtering surface water, no rain garden designs, swales scrapes or ditches. This may be as a result of proximity to trees and of the intensity of this design so that there are only very limited opportunities to accommodate such features as part of a pleasant landscape.

Outlook from plots 18-21 offer rather poor streetscapes, facing rear garden boundaries where trees and greenery, although shown on plan are unlikely to establish. It is notable that the cars have just under the required 2½ m width that is needed but have no opportunity alongside for access, if the proposed plant beds of heather are to survive. These beds will be trampled and the trees have no protection to ensure their establishment. Such things can only be resolved by detail (conditioned) if the space given to planting beds is depleted or removed. The result would inevitably offer the sort of design more synonymous with far more urban streets, requiring a greater consideration of hard landscape treatment.

7.1.12 Enhance character and identity

It would appear that the design is intended to create a place with its own identity and character, albeit a rather urban one, not suited to the locality – not contextually appropriate. However, the policy is to enhance the existing character and identity of the area. There is little recognition of existing character and the response to what was recognised is no more than cursory. The existing character and identity is steeped in the presence of trees and green garden spaces.

7.2 Reason for Refusal: 5 The following is a review of the proposal itself in terms of refusal reason 5 (see paragraph 2.7.2 above):

7.2.1 The application provides no space for play on the site. Policy ENV calls for designed green space that provides for play where applicable. This site is larger than ½ Ha in areas and so under Policy CS7 it is clear that such space is required.

7.2.2 The need to provide enough space for play, close to home for younger children and designing it to accommodate play is the policy position and accords with the guidance set out by Fields in Trust guidance. There are many reasons in terms of health and wellbeing why it is important that younger children have the opportunity to play very close to home, where they can be seen and where they get to interact with nature and with other children. That the proposal fails to provide either space for, or design to invite, play is clear from the drawings.

7.3 Reason for Refusal: 7 The following is a review of the proposal itself in terms of refusal reason 7 (see paragraph 2.7.3 above):

The scheme has failed to demonstrate that it can be delivered in a manner that respects the trees on and adjoining the site that make a positive contribution to the character and appearance of the area. The scheme would therefore have a detrimental impact on the landscape setting of the area and fails to deliver space and landscape proposal to mitigate the loss of trees. The scheme is contrary to Policies ENV3 and ENV4 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

7.3.1 This reason refers to the failure to design a scheme that allows respect for the trees. This is not confined to merely retention of trees.

7.3.2 The Council's tree officer is content that the existing trees, where proposed for retention, are, subject to amendments, not at enough of an immediate threat to raise an objection on arboricultural grounds. However, reason 7 carries aspects of landscape such that averting immediate threat to protected trees is not the only issue. My concerns are two-fold.

7.3.3 Through a failure to offer enough space for a setting for such trees, and enough space for readily acceptable replacement planting in future, as and when such trees will eventually fail, would result in a longer-term detrimental effect on the sylvan landscape character of the area.

7.3.4 The shading effect and potential for leaf and other detritus falling from canopies will render the public open space alongside plot 22 rather valueless as an amenity. It will also create issues for residents at 1,2,3, 15,16,17 and 22 for the same reasons. Whilst such issues may not require the removal or damage to such trees themselves, they will certainly lead to pressure to prune and will influence whether trees might be planted in such proximity to property in future as these trees decline over the years.

7.3.5 Already, the need to roof over car park spaces, remove a seat from the POS and provide non-dig paths – one of which no longer has a purpose, is illustrative of such pressures coming to bear. The shading effect is illustrated by the shadows seen on the aerial photograph at Appendix A

7.3.6 My second concern relates to the delivering of space and landscape proposals to mitigate this pressure and any tree loss (now and future). Referring to the planting plan there are in

fact 29 new trees proposed and this is welcome. However, they are not all likely to achieve maturity and their presence is likely to be under pressure from the start.

- 7.3.7 Apart from gardens, there are three small areas of open green space within the development: A central POS, incidental POS alongside plot 22 and the tree lined strip alongside the neighbouring property, Chilgrove. Two of these cannot readily achieve additional planting as they are provided to allow the existing trees to remain, albeit under pressure.
- 7.3.8 The central space is encumbered by a considerable drainage tank preventing location of any significant tree within the space (either now or in the future). The remaining margins of this and of the gardens and streetscapes within the site are show with restricted areas for tree planting. Tree planting is restricted to 'left over margins and gaps rather than being provided as integrally part of the layout. With only a few exceptions, each specimen as a consequence of this, is selected as a specially cultivated variety – smaller or more slender. This selection, whilst appropriate in many urban places (where tree planting is necessarily restricted), is indicative of an unsuitable lack of space in areas like this. All but the *Sorbus aria* (whitebeam), are not strictly native, thus depleting a proportion of their potential ecological value.
- *Acer campestre* 'Streetwise' is a variety cultivated for small street areas - a small version of the field maple.
 - *Arbutus unedo* (common name strawberry tree) is a large, bushy, evergreen shrub requiring about 8m space in which to grow – it is generally expected in gardens but require more space.
 - *Betula pendula* 'Fastigiata' is also a slender column – a cultivar of Birch;
 - *Carpinus betulus* 'Frans Fontaine' – a cultivar of Hornbeam with very slender columnar habit;
 - *Prunus avium* 'Plena' – a double flowering cultivar of cherry.
- 7.3.9 Many residents, do not tend to feel comfortable allowing larger shrubs and trees to grow closer than a certain distance (for trees, this is usually about 12 m from the back of their house -perhaps a little closer to the front where outdoor private amenity space is of less importance to the householder themselves). Tables published by the Association of British Insurers and by the Arboricultural Association, are appended to help illustrate the need for space and distance that will influence people's willingness to include trees in small gardens.
- 7.3.10 Planting in public areas close to garden walls, or in car parking areas will need specialist and expensive engineering solutions to allow root conditions for them to grow. It is clear from the planting plan, that the designer recognises these pressures and has therefore selected these trees because there is so little room for them. Examples include the birches in car park areas behind plots 22-25 as well as the trees close to boundary walls of 14, 22 and 25 (all within 1 m of the wall). Trees within 2 ½ m of the flank wall of plot 07. I do not expect these to all remain to establishment, let alone maturity and later replacement during the lifetime of the development.
- 7.3.11 Finally, to augment the tree loss along Noads way, I do not accept that two small field maples is adequate replacement for the lost trees. Or that the hedge line should lie within a narrow (less than 1m) strip, hard against the pavement when a small verge is visible along

the current boundary, which is typical of the street and necessary for allowing growth of the hedge between pruning intervals.

NFDC's tree officer has advised that:

"The largest impact this proposal will have on tree cover is the loss of a number of trees at the front of the site, adjacent to the current access from Noads Way. These trees have been identified in the above report as T1, T40 and G39 (the 3x eastern most trees). Due to the poor condition of these trees T40 a Beech tree has extensive decay present and T1 a Sycamore is overall poor form I cannot reasonably object to their loss. However, given the contribution these trees make the verdant character of the area I would expect to see these trees replaced with additional tree planting on the site adjacent to Noads Way."

8.0 Conclusion

- 8.1 The proposal is too intensively built up (with houses and hard-standing) to be considered as contextually appropriate. It not only fails to respect the character and context of sylvan and spacious setting for houses and bungalows here, but as a result will over time ensure that the sense of trees and greenery as a key characteristic of the setting would be depleted for an area wider than its own site.
- 8.2 **Individual settings within the scheme, lack of meaningful front gardens, lack of greenery between dwellings, intensively hard surfaced courtyards and parking areas, lack of significant tree species or space for such trees to grow, altogether would create an external environment that is completely at odds with the context and fails to support local distinctiveness.**
- 8.3 As a result, I find that the proposal does not follow policies STR1 Achieving sustainable development and ENV3: Design quality and local distinctiveness. It also fails for the same reasons to accord with similar aspirations for local distinctiveness and character held by the neighbourhood plan, through its failure to take reasonable cognisance of the Housing Design Density and Character SPD."
- 8.4 In conclusion, I suggest that my original advice to my planning colleagues (for this application CD5-5) which I stand by, is a proper assessment of the landscape and urban design failings of this application, and I therefore respectfully invite the inspector to endorse the refusal of this application for the reasons given.

Appendix A Photographs

ORCHARD GATE, NOADS WAY, DIBDEN PURLIEU, HYTHE SO45 4PD PINS Ref:
APP/B1740/W/23/3324227

PROOF OF EVIDENCE of Richard Stephen Payne CMLI MA BSc



Fig A. Aerial photograph of site and wider context illustrating the very green nature of the neighbourhood and the tree groups and lines that make up a green infrastructure of 'urban forest' – tree canopies that extend to link up areas as bot character and biotic infrastructure for the area.



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Fig B Aerial photograph of site and immediate contextual area illustrating the extent of green garden space, tree cover and shadow impacts on the site and its immediate surroundings.

Figures C to E show the typically green and sylvan views along Noads Way. Hedgerows, deep gardens and gaps between dwellings and large trees are clearly the dominant characteristic. F and G Show the site itself. H,I and J are typical plots along this section of Noads Way. Figs K and L are of dwellings opposite the site, showing both local historic character and contemporary development which supports the distinctive character.



Fig C. Typical Noads Way view (from outside Evergreens)



Fig D. Typical Noads Way view (near Rec Ground exit - looking west towards Lilacs)



Fig E. Typical Noads Way view (from outside Larkrise)



Fig F. The site from Noads Way. The tree line alongside the application access drive. Note the canopy spreads of typically ten metres into the site.



Fig G. Looking southeast across the site frontage. A somewhat unkept tree and scrub line is currently set behind a narrow verge. Opportunity for replacement with hedgerow and some larger trees close to the street. Proposals remove this tree group and verge, showing about half the width needed for native hedgerow planted hard against the back of pavement (this could be easily resolved).



Fig H. Purlieu Cottage. Neighbouring the site and bordered on two sides, this property demonstrates the epitome of what is locally distinctive for this neighbourhood. The backdrop is of trees which border the site. It is hard to see how settings like this will be enhanced by intensive development within the backland.



Fig I. Lilacs and March Cottage – typical garden settings between, behind and in front of dwellings



Fig J. Chesterton (March Cottage to the right), typical of garden settings enabling tree cover.



Fig K Edenbrook – opposite the site



Fig L Langmoor – opposite the site



Fig M. North Road is more heavily trafficked and the distinctive character starts to break down as a result (especially here where set-back is reduced). However, the gardens in the backland still allow for a backdrop of large trees and the private drives offer enough space for hedges and trees so that a proportion of garden is still evident.



Fig N. The west end of Lime Walk is low rise dwellings behind garden hedges – again deep rear gardens offer backdrops of trees.



Fig O. Looking over Limewood towards the site. Low rise, gaps and hipped roofs ensure that the Sylvan setting remains evident.



Fig P. Low rise, often hipped roofs give views of skyline and greenery



Fig Q. View south eastwards along the eastern arm of Lime Walk. Similar green character to Noads Way.

Appendix B ORCHARD GATE, NOADS WAY, DIBDEN PURLIEU, HYTHE SO45 4PD PINS Ref:
APP/B1740/W/23/3324227 PROOF OF EVIDENCE of Richard Stephen Payne CMLI MA BSc

Diagrammatic representations of green settings and proportions of built to unbuilt land for the
chosen contextual area (selecting the main groups of neighbouring properties).

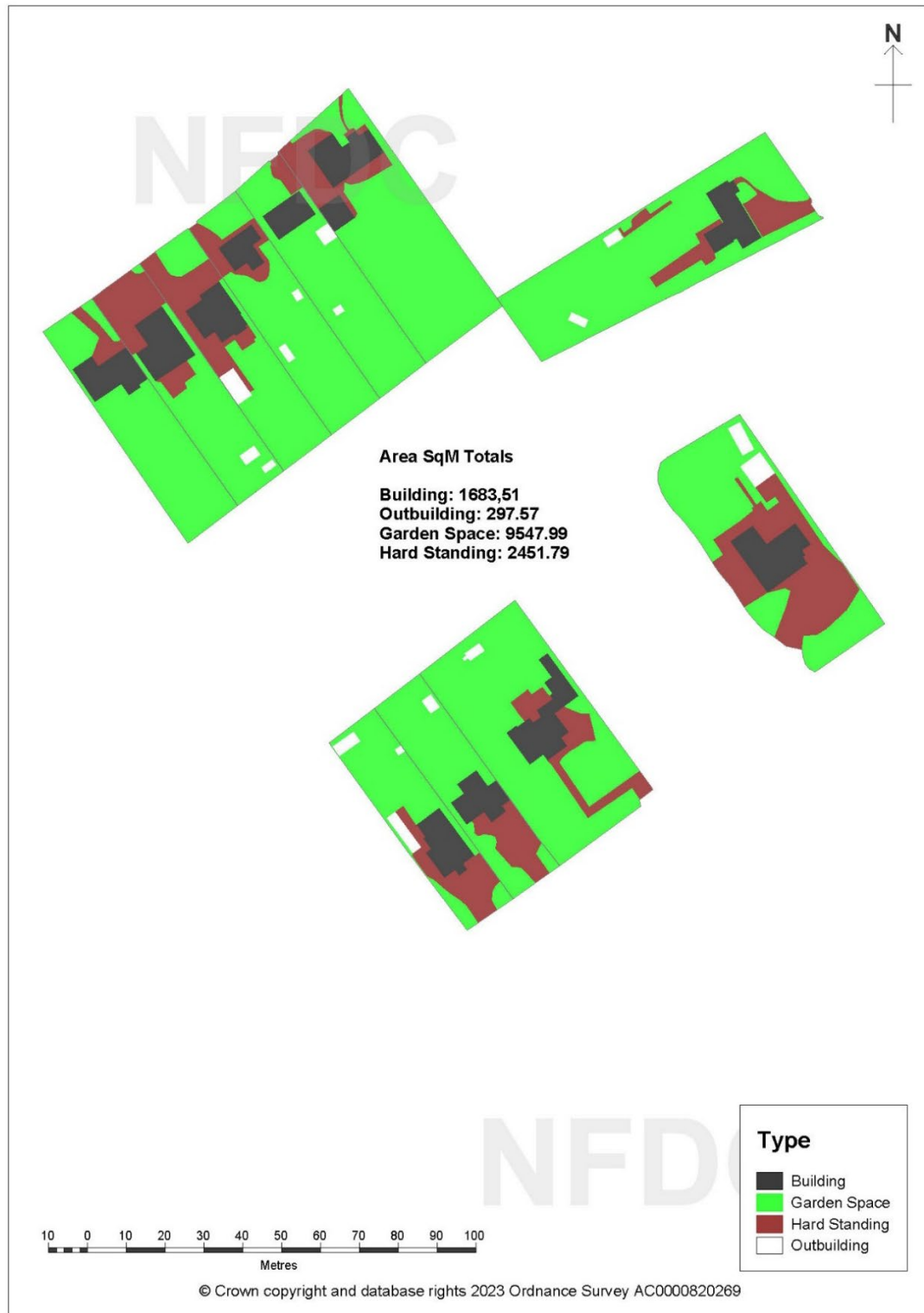


Fig R. Diagram representing neighbouring plots and groups within the contextual analysis area that can be considered as Suburban Street Frontage.

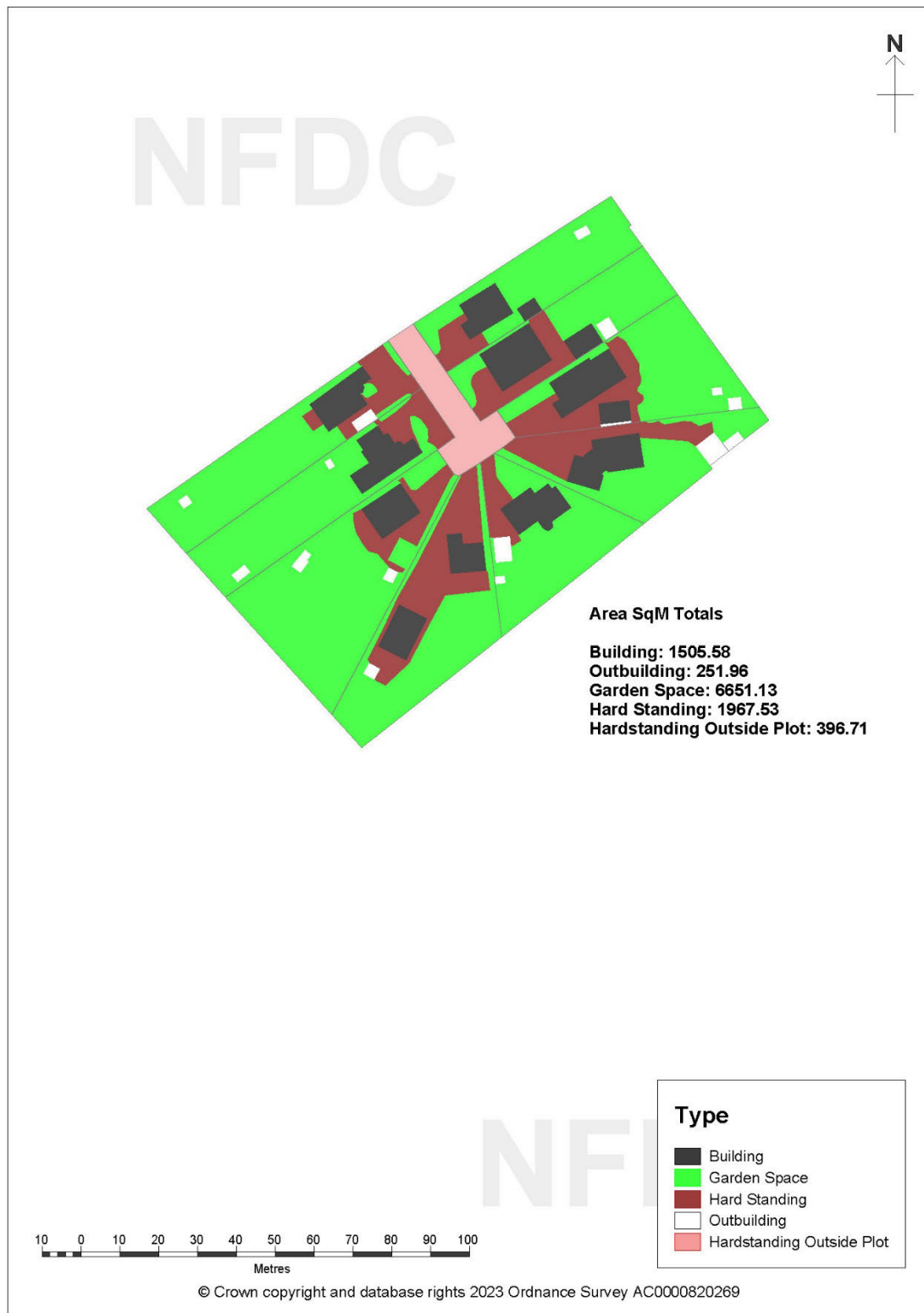


Fig S. Diagram representing neighbouring plots and groups within the contextual analysis area that can be considered as backland development (Lime Close)

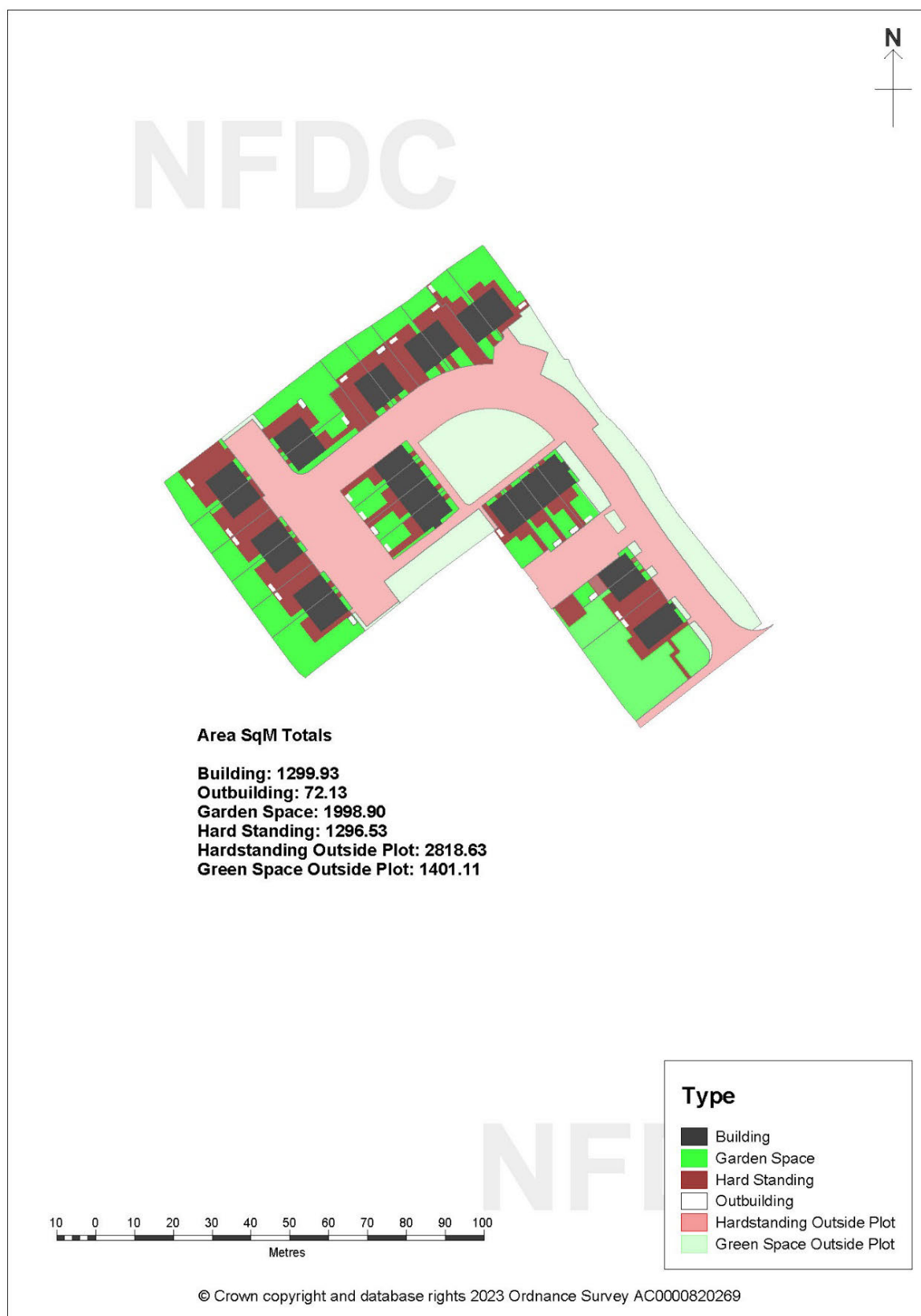


Fig T. Diagram representing the proposal site – a potential ‘backland development’



Fig U. Diagram representing the neighbouring plots as well as the proposal in situ in the analysis area, showing the stark contrast between the proportions of green space to built land on the neighbouring plots as compared with the proposal.

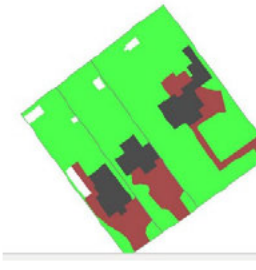
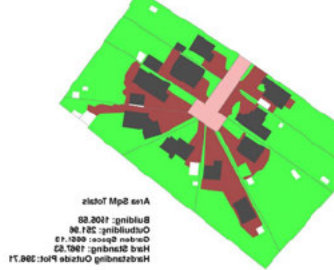
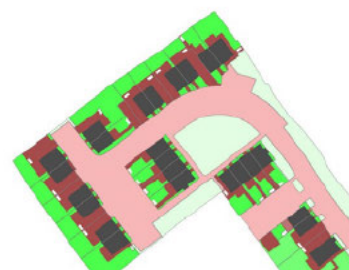
Appendix C ORCHARD GATE, NOADS WAY, DIBDEN PURLIEU, HYTHE SO45 4PD PINS Ref:
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Objective assessment of contextual appropriateness – typology study

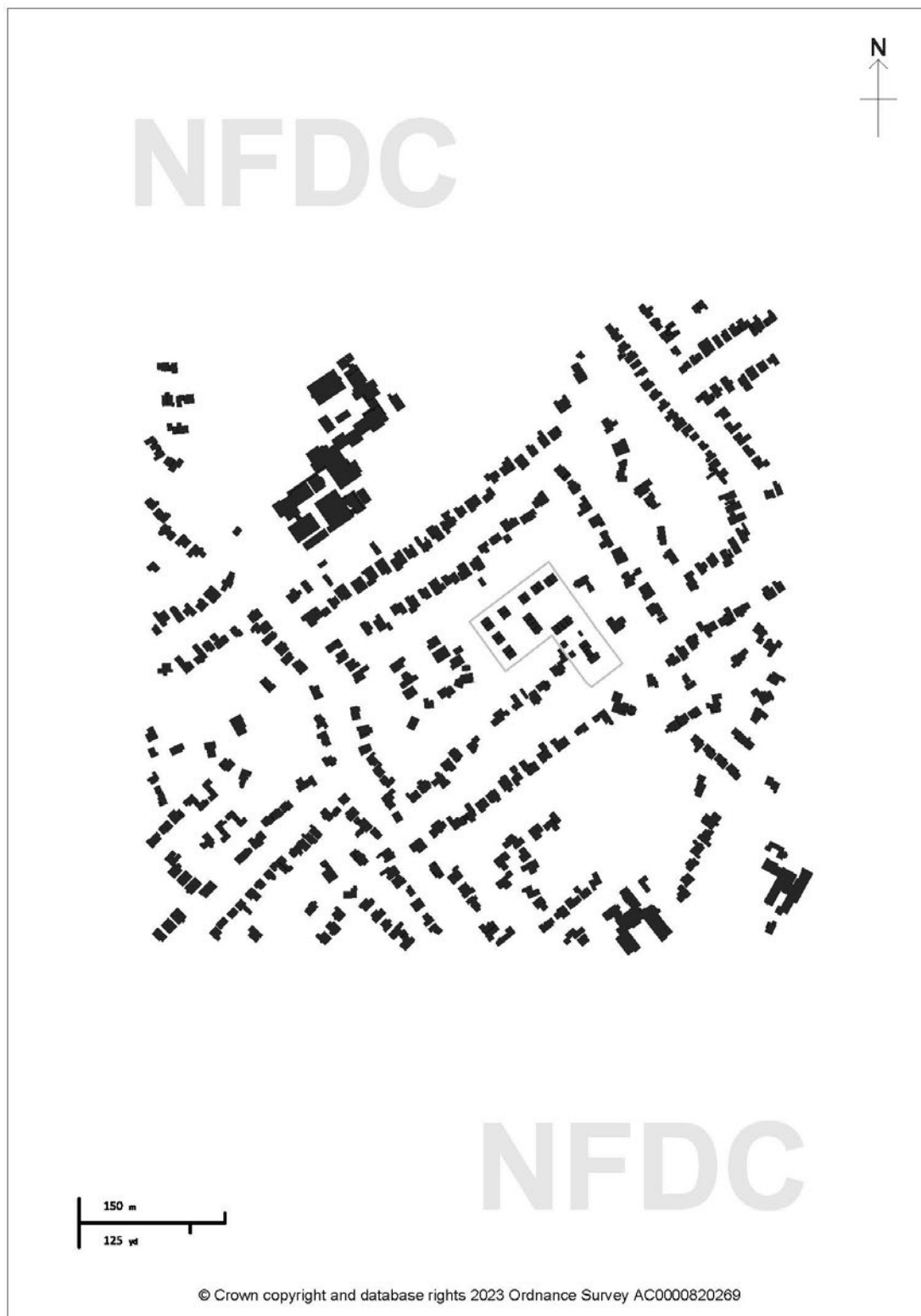
	Suburban Street frontage	Backland developments	Application proposal
Layout	- Urban Structure and Urban Grain		
Plot width – Typical width of each plot.	Noads Way 15 -20m but mean of just over 20m width Lime Walk 18m – repeatedly 15 m at the western end with more variety rising to typically well above 20m on the eastern arm. North Road most commonly 13m with some wider making a mean plot width of 17m	Lime Close regularly 15m (in terms of how this sets up a street rhythm, this is taken from the point where the building frontage is set-back to)	Within the site (24 units) a mean width of 8m. including range from 4 ½ and 13 with two typical types, eight plots at around 5m and twelve at 8-9 m width. A clear disparity Many units being less than half the typical plot width - an uncharacteristic doubling in the intensity of development. On Noads Way (1 unit). A reasonable 25m - the plot is turned sideways at an entrance.
Building Line – Defining line of front of main building volume.	A little inconsistent but typically around 15 at Noads Way and 10m at Lime Walk	NA	At 12m, somewhat forward of the building line but not unacceptably so
Build-up of building line - percentage of plot width built up (ignoring side extensions). Relationship between buildings and spaces.	North Road 60% Noads Way 58% (excluding site frontage) Lime Walk 65%	NA	63%. - Contextual
Set back – Widths of verge, pavement and the distance from the front boundary to building.	Standard pavement widths and minor verge (½ to 2m) to approx. half the area. Set back from front boundaries: and North Road 11m (median 12 ½) Noads Way 15m (evenly between 10 and 23m) Lime Walk 11m (median and mode between 10-12 mean 11.3mm)	Lime Close 13m (which is also the modal typical set back. Mean average reduces to 11½m if one includes the subservient forms jutting forward). There is no verge. Other backland is not applicable as is off private drives	Typically 1 – 1½ m front garden with a 0.8m verge along about ½ the street frontages. Disparity is significant in that frontage gardens are almost entirely lacking whereas they are a key defining element of local character.
Front boundary – description of types incl.	North Road – enclosed mixture of mid height fences, lower walls and hedge/shrub boundaries.	Lime Close – enclosed (with one open plan frontage). Predominantly hedgerows and shrub definition but	Bollard line for verge. No enclosure for front gardens. Disparity is significant in that enclosed frontage gardens are completely omitted whereas gardens

heights construction...	<p>Noads way – enclosed almost all hedges, chest height and above sometimes with fences as well</p> <p>Lime Walk – enclosed mostly low to medium hedgerows with more low walls on north eastern section</p>	with one or two augmenting low fences and walls.	typically enclosed by hedgerows are a key defining element of local character.
Building format – Patterns in relationships between building elements.	<p>All detached throughout. No very strong pattern of form – Noads Way combinations of gables with hips and ridge lines aligned along street</p> <p>Lime Walk predominantly hipped or part hipped with western half of Lime Walk dominated by low rise hip roofed bungalows.</p>	Lime Close – hip roofed bungalows (some extended into roof form)	<p>All two storey, gabled houses with ridge lines parallel to streets or public realm.</p> <p>A persistent disparity which has indirect effect on character. Hipped roofs in Lime Walk and Lime Close allow views so that the extent to which trees and greenery influence character is optimised.</p>
Landscape			
Landscape setting/features – trees avenues, hedges, green features etc.	Large rear gardens, useable front gardens. Room for trees, larger shrubs and hedgerows visible across boundaries as generally characteristic of the area. Strongly sylvan backdrop to most dwellings and streetscapes throughout and along frontages to the south and east. Green settings between most buildings	Smaller gardens but still large enough to leave room for trees and larger shrubs allowing character to remain and existing tree lines to be perpetuated. Hedgerows and green settings between most buildings	<p>Rear gardens tiny by comparison, no meaningful front gardens or green setting between buildings.</p> <p>Disparity is significant</p>
Landscape Settings (both spatial and green) are drawn from all the relevant neighbouring properties as examples (not	Suburban street frontage plots: Total unbuilt area of 12,297 sq m Building footprint of 1684 sq m offers 'spatial setting' in a proportion of 1:7	Total building footprint of 1506 Total unbuilt area 9267 and offers a 'spatial setting' of approx. 1:6	<p>Total building footprint of 1300 Total unbuilt area 7515 and offers a 'spatial setting' in a proportion of approx. 1:5½ Spatial comparisons are smaller but not significantly so. It is once the space is considered alongside the scale and mass that the disparity</p>

the full analysis area), the areas have been calculated digitally and are illustrated above at Appendix C	<p>Total building footprint of 1684 to green garden of 9548 offers and 'green setting' of approx. 1:5½</p> <p>Within plot, the total built land is 4433. The green garden is 9548 so proportion of built to unbuilt land on average plot is approx. 1:2 or 2/3 green.</p> <p>No Public realm so figures remain as above 1:2 or 2/3 green.</p> <p>68% available greenspace for planting</p>	<p>Total building footprint of 1506 to green garden of 6651 offers a 'green setting' of approx. 1:4½</p> <p>Within plot, the total built land is 3725. The green garden is 6651 so proportion of built to unbuilt land on average plot is approx. 1:2 or 2/3 green</p> <p>Across the site, the total built land is 4122. The green space is 6651 so proportion of built to unbuilt land is approx. 1: 1½: (or 2:3) 62% available greenspace for planting</p>	<p>becomes apparent. The spatial settings are a little more constrained for buildings which are twice the height (and therefore mass).</p> <p>Total building footprint of 1300 to green garden and green space of 3400 offers a 'green setting' of approx. 1:2½ Significant disparity (half the proportion!)</p> <p>Within plot, the total built land is 2669. The green garden is 1999 so proportion of built to unbuilt land on average plot is approx. 1½:1 only 1/3 green Significant disparity (the opposite of contextual proportions!)</p> <p>Across the site, the total built land is 5487. The green space is 3400 so proportion of built to unbuilt land is approx. 1½:1 (or 3:2)</p> <p>Only 38% available greenspace for planting Significant disparity (the opposite of contextual proportions!)</p>
Topography of site and surroundings	Generally level	Generally level	Generally level
Scale			
Building format	All detached	All detached	None are detached. Disparity is significant omits gaps – so important to landscape setting.
Key Dimensions – Human scale:- eaves height, ridge height, roof pitch, depth of plan	North Road 1 and 2 storey Noads Way Lime Walk – western end is predominantly 1½ and 2 storey houses	Generally single storey to eaves. Hipped bungalows, some of which have been altered to accommodate rooms in roof. 9 in all.	All two storey no bungalow forms. Whereas the contextual area has over 70% as either, bungalows, chalet bungalows or houses with

etc in relation to street width or external space dimensions and human form.	with the north western arm being almost entirely 1 and 1½ storey 23 at 2 stry 14 with lower roof eaves (1 ½ stry) and 10 at 1 stry		only partial upper storey and lowered eaves, this is a Major disparity which has a significant impact upon the way landscape and trees will influence the character.
Appearance – Detail and Materials			
Key Features – Rhythm of facades etc			These are not matters of contention.
Details –			These are not matters of contention.
Materials – Texture, colour, pattern, durability/quality.			These are not matters of contention.
Density and Mix			
Site coverage - Approximate proportion of built to unbuilt land			
Density - Approximate numbers of dwellings per hectare	Including half the street around the block, as essential infrastructure this equates to 10 DPH	Including the section of street within the site (omitting the remaining bit of access road between Fairwinds and Leaside) 10 DPH	With a discrepancy of about .02 ha between the application drawings and the OS plans it is difficult to be exact. Application site at 0.83ha shows 30.1 dph (using the OS plan would suggest only 29.4 dph) This includes a section of single sided highway within the site which I've included (although it gives a slightly false impression of a lower density). I've also included POS which is not part of the contextual density calculations. Without the POS the density is 32.9dph . I have not included the strip of land along the east side which is not to be developed. An approximate three-fold increase - Significant disparity
Use mix -	Housing only	Housing only	Housing and POS

Appendix D ORCHARD GATE, NOADS WAY, DIBDEN PURLIEU, HYTHE SO45 4PD PINS Ref:
APP/B1740/W/23/3324227PROOF OF EVIDENCE of Richard Stephen Payne CMLI MA BSc
Compiled research information for Objective assessment





Appendix G ORCHARD GATE, NOADS WAY, DIBDEN PURLIEU, HYTHE SO45 4PD PINS Ref:
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Arboricultural information

Association of British Insurers guidance for trees and Arboriculture
Research Note 84



Fig 1. Relative Subsidence Hazard of Full-grown Tree, i.e. Safe distance (metres) from tree to building.

Safe Distance (m)	
40-	
Willow	(40)
35-	
Poplar	(35)
30-	
Oak, Elm	(30)
25-	
Horse Chestnut	(23)
Plane	(22)
Ash	(21)
Cypress, Lime, Maple	(20)
Sycamore	(17)
Beech	(15)
Walnut	(14)
Hawthorn	(12)
Cherry, Plum, Rowan	(11)
10-	
Apple, Pear, Birch	(10)
Laburnum	(9)
Pine	(8)
Spruce	(7)
Holly, Laurel, Magnolia, Yew	(5)

Table 1. Typical safe distance to tree, outside which the tree is unlikely to affect subsidence of the building

Species	Normal Mature Height (m)	Safe Distance (m)
Apple/Pear	12	10
Ash	23	21
Beech	20	15
Birch	14	10
Cypress	25	20
Cherry	17	11
Damson	12	11
Elm	25	30
Hawthorn	10	12
Holly	14	6
Horse Chestnut	20	23
Laburnum	12	9
Laurel	8	6
Lime	24	20
Magnolia	9	5
Maple	21	20
Oak	24	30
Pine	29	8
Plane	30	22
Plum	12	11
Poplar	28	35
Sycamore	24	17
Spruce	18	7
Walnut	18	14
White Beam/Rowan	12	11
Willow	24	40
Yew	12	5

This list is not exhaustive and should be regarded as a **GUIDE** only



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Arboriculture Research Note 84

Issued by the Arboricultural Advisory & Information Service

THE ULTIMATE SIZE AND SPREAD OF TREES COMMONLY GROWN IN TOWNS

By S. J. Hodge, Arboriculture Researcher, and J.E.J. White, Dendrologist, Westonbirt Arboretum

Summary

Published information on the ultimate sizes of commonly planted amenity trees reflects performance in open grown positions. This Note reports sizes of trees growing in urban conditions. If the data are used when selecting trees for urban situations the need for future expensive pruning and early felling can be reduced.

Introduction

1. Arboriculturists are frequently faced with the problem of managing trees that are too big for their surroundings. This may be the result of established trees being retained and incorporated into intensive development to create a mature appearance. In other instances the problem arises because the species selected for planting was inappropriate for the space available, for example, between buildings. In either case expensive management is needed to make the tree fit man's environment rather than to improve the growth of the tree.
2. Knowledge of the maximum height a species may achieve under ideal conditions and the height and spread normally found in town plantings is therefore important for designers.

Published Data

3. Gruffyd, (1987) details normal ultimate crown spread. However these figures may have little value where the terminal shoot of a tree has been cut out in the nursery to encourage development of a bushy head (BS3936). This tends to produce a number of wide-spreading, upward sweeping branches. In addition the microclimate of a town, proximity of buildings and traffic may all influence the development of the crown.
4. Mitchell, *et al* (1994) provide the height of the tallest tree of the species recorded in Britain. These trees were generally growing in rural areas. Plantings in towns frequently utilise selected cultivars so that the maximum height may differ from the true species. This is especially true when propagation has been by budding or grafting when the root stock, the scion and the environment will all affect the development of the tree.
5. The table summarises the published data on tree sizes for the 23 species most commonly encountered in towns. In addition the table includes information based on observation of the same species growing in urban situations.

Species group	Tallest Known (Mitchell <i>et al</i>) (m)	Ultimate Spread of the Crown (Gruffydd) (m)	Normal Ultimate Height in an Urban Situation (m)
Maple	30	18	18
Cherry	13	8	9
Rowan	20	5	9
Birch	28	14	17
Whitebeam	23	10	18
Lime	44	16	30
Sycamore	37	20	28
Ash	41	18	17
Plane	48	18	30
Hawthorn	16	8	9
<i>Robinia</i>	29	14	15
Common alder	25	14	15
Hornbeam	30	16	18
Beech	46	20	30
Cypress	40	12	24
Crab apple	12	8	7
Wild cherry	31	16	18
Willow	32	14	18
Pine	36	8	20
Apple	-	9	8
Plum	12	8	8
Oak	42	20	22
Horse chestnut	37	20	28

Recommendations

- When selecting trees to plant into urban streets and other restricted positions in towns consideration should be given to the likely mature spread and height of the species so that expensive pruning does not become a requirement. In addition, use of a tree with an ultimate mature size appropriate for the surroundings should ensure that otherwise valuable trees do not have to be felled prematurely due to their size.

References

Gruffydd, B. (1987) Tree form, size and colour – a guide to selection planting and design. E and F N Spon, London.

Mitchell, A.F.; Schilling, V.E; White, J.E.J. (1994) Champion Trees in the British Isles. Forestry Commission Technical Paper 7. Forestry Commission, Edinburgh.

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