

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

### **Summary of PROOF OF EVIDENCE**

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#### **Summary**

- 1.0 I am a Chartered Landscape Architect and a qualified urban designer.
- 2.0 My role within the council's planning team, is as design advisor. I start by setting out the scope of my proof.
- 2.1 The scope includes issues of **Design, character and open space** and I have set it out:
  - to show the importance of local distinctiveness in policy and guidance;
  - to show that the appellant's understanding of baseline character is not adequate;
  - to identify what constitutes local character;
  - in so doing, I set out where the proposal conflicts with this character and fails to respond positively to local distinctiveness; and finally
  - to 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 that, should this development be built out, why it would deplete the benefits of those key characteristics for the wider area now and in future.
- 2.2 My proof addresses refusal reasons 1, 5 and 7 all of which have design aspects to them for which I have supplied advice to the planning case officer during the application process and also for a previous application by the appellant (CD5-4 and CD5-5).

Failure to contribute positively to local distinctiveness and enhance the character and identity of the locality underpins much of the Council's concern in terms of design. I therefore focus foremost upon this broad issue.

- 2.3 Tied up amongst this are other aspects of design which might be considered but which are intrinsically bound up in this main issue. I have therefore also carried out a detailed critique of the design proposals, set out against a breakdown of each refusal reason.
- 3.0 In part 3, I have set out the policies that are particularly relevant in respect of my proof. These 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.
  - B. Saved Policy CS7 from the New Forest District Council Local Plan part 1: Core Strategy 2009.
  - C. Hythe and Dibden Neighbourhood Plan 2018-2026. Especially page 25 Aim 1; page 26 policies D1 and D3.
  - D. National Planning Policy Framework 2023. Especially the following: paragraph 124 parts d and e; paragraphs 130; 131; and 134.
- 3.1 Examining policy at its different levels, it is clear that there is a requirement to respect, protect and enhance local distinctiveness through a proper understanding and positive 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.
- 4.0 In part 4 of this proof, I have explained the importance placed upon local distinctiveness within both national and local guidance. I have shown through this, that the basis for good design lies within a clear understanding of context and an appropriate respect given to it in carrying out designs. I have noted against each area of guidance where the proposal fails to accord with these guidance documents.
- 4.1 The design guidance I refer to, includes:
- New Forest District Council's Supplementary Planning Document - Housing Design Density and Character (adopted April 2006).
  - Planning practice guidance note
  - National Design Guide (NDG)
- 5.0 In part 5, I have examined the broad characteristics of the place and reviewed, where relevant, the appellant's design and access Statement (D&AS).
- 5.1 I agree with the appellant that the overriding aspect of local character is the landscape and greenery but in examining the appellants design and access statement (D&AS), I have demonstrated that the appellant has not expressed an appropriate response to this or an adequate understanding of context overall.
- 5.2 I explain that the key defining elements of character can be summarised as being:
- Sylvan green character (from: landscape setting, density and mix)
  - Low rise (1-2 storey) detached domestic dwellings, each in green garden settings (from: plot widths, building forms. Scale, key dimensions).
  - Green margins to streets dominated by vegetation. (from: set-back, front boundary and landscape setting).

- 5.3 I have then explained how the Council's SPD outlines an objective process for analysing and responding to context and I have explained how it remains relevant under current government guidance.
- 5.4 Whilst alternative objective considerations of context and a responsive design process could have been made clear in the D&AS, in the absence of such a process being evident, I have referred in particular to the council's own SPD to make my assessments.
- 5.5 This SPD suggests a process which breaks down the context into three sub-headings for consideration:
- Character and sense of identity;
  - Access movement and permeability; and
  - Activity and social expectations
- 6.0 In part 6, I have made a more detailed assessment of the context, and particularly of local character picking out what is locally distinctive about the area. In so doing, I have also presented a detailed critique of the disparity between the application proposal and local character.
- 6.1 I summarise the analytical work concluding that the proposal shows a failure to respond adequately to the key defining elements of character shown above at 5.2. In this summary I refer to the appendixes that demonstrate in some detail that there is a significant disparity between the proposal and many of the aspects of development form which make up the '*character and sense of identity*' and define the local distinctiveness. These include disparity in terms of:
- layout (plot widths, set back and front boundary definitions relating to significant difference in street character;
  - landscape (particularly landscape setting and its impact upon current and future growth of trees and shrubs);
  - scale (the proportion of dwellings with lowered eaves, lower roofs); and
  - density (the way this manifests itself in terms of surface treatments of spatial settings).
- 6.2 I have taken no issue with the aspects of '*access movement and permeability*' here but have explained that there is a lack of care and understanding of the current '*activity and social expectations*' for the area.
- 6.3 Whilst acknowledging that there is no expectation that the proposal should necessarily copy all characteristics, I have demonstrated that policy does seek adequate respect and response to local character, by "*Taking a context led approach to the siting and design of development to deliver high quality design that maintains local distinctiveness...*" (NFDC Local Plan Policy STR1 part ii) and that the proposal signally fails to accomplish this and is thus not policy compliant.
- 6.4 The importance of landscape setting and of the space afforded to it through a design is an issue which overlaps all three refusal reasons and is borne of all three key defining elements of character. I have included a section at the end of part 6 to explain the importance of gardens in groups and individually, in allowing the sylvan character to be protected, augmented and perpetuated.

- 7.0 In section 7, I refer more directly to the refusal reasons.
- 7.1 I have broken reason 1 down for ease of reference and take the reader through various elements of the proposal to conclude that there is indeed a:
- 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 and
  - enhance character and identity.
- 7.2 I look briefly at reason 5 where policy clearly calls for space to be provided for play within the site. There seems to be no claim that it is provided.
- 7.3 I have then explained why the application has been refused in terms of reason 7 where it is not just an issue of protecting existing trees but one of protecting, enhancing and perpetuating the sylvan character of the area.
- 8.0 In section 8, I have drawn the conclusion that 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.
- 8.1 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.**
- 8.2 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.”