

H GROUNDS OF APPEAL

If you have requested the written procedure, please provide your **FULL** grounds of appeal.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive enough to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

The refusal of planning permission is split into six separate reasons, although these can be summarised as: the effect of the development upon the character of the area; the quality of the living environment offered to prospective occupiers of the development; the impact of the development upon the retained yew tree; the adequacy of parking provision; and the arrangements made for providing financial contributions.

The proposed development has evolved through detailed discussions with the LPA and its advisors. It was preceded by an earlier application that was withdrawn prior to being refused on design grounds. The appellant considers that he has amended the proposed development to reflect the advice received from the LPA and that it would make a positive contribution to the character and appearance of the area. Indeed it is noted that the LPA does not raise an objection to the design of the proposed development, but rather to its quantum, scale, form and siting. The Design and Access Statement established that this was an area where densities and character are genuinely varied and where the core of traditional development opposite the site could be strengthened by an appropriately detailed development on the appeal site. The quantum, siting, form and scale of the proposed development are therefore considered appropriate in light of the layout, form, scale and siting of the development opposite it and indeed in light of the variety of development in the wider area.

The allegation that the proposed gardens would not be 'useable' does not bear even passing scrutiny. Firstly, the gardens are not made any less 'useable' by the presence of the retained yew tree - the area under the yew would be shaded but it would remain useable as garden area and there would still be significant areas of garden outside of its canopy. Secondly, the gardens themselves are by no means short or otherwise mean for terraced houses within a reasonably accessible location. Those affected by the yew would be the longest, at some 18 metres in length. The north-easterly of the proposed gardens would be irregularly shaped as a result of its relationship with the parking area, but that still leaves a reasonable area for amenity purposes and the irregularity of the garden shapes is part of the character of the proposed development.

As regards the retained yew tree, there is no allegation that the development itself would harm the tree. Rather, the LPA claims that the existence of the yew would lead to pressure to fell it in the future. The yew has been retained and included within the development because the appellant thought it was a pleasant feature and that it would add character and interest to the development. At the time of formulating development proposals for the site the yew was not protected and could have been felled. It was openly incorporated into the earlier scheme for development of the site and it was only at a relatively late stage that the LPA saw fit to protect it. The LPA's attitude in this respect is therefore particularly disappointing in the circumstances. But in any event the LPA is perfectly entitled to resist future applications to fell the yew, if indeed it receives any, on the grounds that the yew makes an important contribution to the amenity of the area. There is no significant potential nuisance arising out of the retained yew, which is to the north-west of the proposed dwellings and so will not have appreciable effects upon sunlight.

The appeal site lies within close proximity of local shops and services, and bus services into Ringwood town centre are also available close by. Government advice in PPG13 is clear in that parking should be controlled as maximum standards rather than minimum ones, and that developers should not be asked to provide more parking than they themselves deem necessary. In this case, 7 parking spaces are proposed for 5 dwellings. Even the proposed three bedroom dwellings contain only a small third bedroom/box room. In the circumstances, and given the proximity of shops and service nearby, it would be wrong to provide more car parking than that proposed, and would simply encourage greater car ownership and use. In any event overflow parking, if it did occur, would not be likely to take place on Linford Road itself as clearly such parking would obstruct traffic and any vehicle parked there would be at risk of damage.

The financial contributions required by the LPA have always been agreed to by the appellant, and indeed work on a bilateral agreement was well advanced prior to the refusal of planning permission. These contributions will be catered for by the completion of that agreement or through the submission of a unilateral version of it in due course.