

Appeal Decision

Site visit made on 11 October 2016

by J Dowling BA(Hons) MPhil MRTPI

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

Decision date: 25 October 2016

Appeal Ref: APP/N1730/W/16/3148358

Sandy Lodge, Avenue Road, Fleet, Hampshire GU51 4NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Malcolm Midgley against the decision of Hart District Council.
 - The application Ref 15/03081/FUL, dated 22 December 2015, was refused by notice dated 16 February 2016.
 - The development proposed is construction of a new dwelling in the grounds of Sandy Lodge.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the North Fleet Conservation Area; and
 - the effect of the proposal on the Thames Basin Heaths Special Protection Area (the SPA).

Reasons

Effect on the character and appearance of the North Fleet Conservation Area

3. The North Fleet Conservation Area covers a sizeable area to the north of the town centre. It consists of a number of contrasting areas of residential development, although an abundance of trees and the low density of development provide a rural quality which is characteristic of the area as a whole. The appeal site falls within character area 8 which is characterised by detached family houses with large gardens. These features contribute positively to the character and appearance of the North Fleet Conservation Area as a whole and its significance as a designated heritage asset.
 4. Sandy Lodge is a large detached house set in substantial landscaped grounds with a variety of mature trees around the boundary which result in limited views into the site. The existing building is set some distance into the plot which contributes to the semi-rural setting of both the site and the wider area. The proposal would result in a tandem development with the erection of a new house to the rear of Sandy Lodge and the sub-division of the plot albeit with the existing single access arrangements maintained for use by both the properties.
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5. The new house has been designed through the proposed palette of materials and architectural detailing to reflect and respect the design of the original house and the local vernacular. It has been designed so that both the proposed and the existing units would have sufficient amenity space and the new house would be sited in such a way that it would not affect the living conditions of the occupants of neighbouring properties, including Hazeley House and Sandy Lodge, due to the distances from these properties and the intervening boundary treatment.
6. However, the proposal would result in the densification and subdivision of the plot which in turn would alter the character of the existing dwelling and the plot as a whole. The key characteristic of this part of the North Fleet Conservation Area is family houses in large gardens which are open in nature and relatively free from development. The proposal would result in the erosion of this character by introducing not only an additional house but the additional external paraphernalia and activity that would be associated with a residential use and as a result I consider that the appeal proposal causes a degree of harm to the significance of the designated heritage asset, albeit that such harm would be less than substantial.
7. The appellant advocates that the proposal would deliver a public benefit by the provision of an additional house in accordance with the National Planning Policy Framework's (the Framework) aim of significantly boosting the supply of housing in an area where the Council acknowledge that they do not have 5 year's worth of Housing land supply. While I agree that the proposal would boost the supply of housing in accordance with the Framework the additional one house that would be generated by the scheme would provide a very limited contribution to meeting this need and in any event this very limited public benefit would be significantly and demonstrably outweighed by the harm to the North Fleet Conservation Area that I have identified above.
8. In coming to this conclusion I have taken account of the earlier appeal decision¹ for the property that is now referred to as Hazeley House and the recent planning permission for two houses adjacent to Haglehurst, 59 Elvethem Road² that are currently under construction. Hazeley House and the proposed new units, unlike the appeal proposal, are orientated towards and accessed via Elvethem Road. Elvethem Road is characterised by a tighter urban grain than Avenue Road and has a number of in-fill and backland developments and as such I consider that these sites are materially different to the appeal site.
9. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. This is reinforced by section 12 of the Framework and policy CON13 of the Hart District Local Plan (Replacement) 1996-2006 and the First Alterations to the Hart District Local Plan (Replacement) 1996-2006 – saved policies (the Local Plan).
10. Policies GEN1, GEN4 and URB12 of the Local Plan require all proposals to be of a high quality design in keeping with local character. These are consistent with the Framework which advocates that development which fails to take the

¹ PINS reference: APP/N1730/A/02/1088549

² LPA reference: 15/02236/FUL

opportunities available for improving the character and quality of an area should be refused.

11. Policy URB18 sets out appropriate densities for specific areas within North Fleet and whilst I acknowledge that the proposal would achieve these densities the policy advocates that the densities are only appropriate as long as they don't harm the character and visual amenity of that area.
12. The Framework advocates that there are three dimensions to sustainable development and I agree with the appellant that the proposal would contribute to the economic and social roles by delivering some employment through construction and providing housing. However, in addition to the economic and social roles there is an environmental role which amongst other things advocates protecting and enhancing the built and historic environment.
13. The appellant has drawn my attention to paragraph 137 of the Framework which advocates that the Council should look for new development opportunities within Conservation Areas. However, this is only when the proposal would preserve those elements of the setting that make a positive contribution to or better reveal the significance of the heritage asset. For the reasons I have already outlined I consider that the proposal would not achieve either of these objectives.
14. I therefore conclude that the proposal by increasing the density and subdividing the plot would adversely affect the character of Avenue Road and the setting of Sandy Lodge and thus would fail to preserve the character and appearance of the North Fleet Conservation Area contrary to the requirements of the Framework and policies GEN1, GEN4, CON13, URB12 and URB18 of the Local Plan.

The effect of the proposal on the SPA

15. In relation to the concerns regarding the effect of the proposal on the Thames Basin Heaths SPA the appellant has submitted an executed Unilateral Undertaking which would provide a contribution to a Council Sites of Alternative Natural Green Space (SANG) to mitigate the recreational pressure on the SPA. However, the Council in their statement advocate that there is no longer any capacity within their SANGs and therefore the appellant would need to make alternative arrangements which would need to meet Natural England's requirements. The appellant has submitted evidence that alternative arrangements, albeit that some of these are not in the Council's ownership, are available towards which a contribution could be made to mitigate any adverse impact from the development on the SPA. Had I been minded to allow the appeal I would have sought the view of the Council with regards to the alternative proposal prior to issuing a decision. However, as I intend to dismiss the appeal for other reasons, I have not pursued this matter further with the parties.

Other matters

16. The Council raised a concern that in allowing planning permission for this site that it would set a precedent for the potential future development on other plots in Avenue Road. However, I disagree. The Planning Act requires development to be considered against the development plan and any other material considerations. As a result each application for planning permission

would have to be treated on its own merits and each site will have its own site specific characteristics and therefore I have given this concern very limited weight.

17. A concern was raised regarding highway safety given that the drive would be shared between both Sandy Lodge and the new unit. However, the Council's Highways specialist has advised that the existing access is sufficient.
18. Local residents were concerned that there would be pressure in the future to fell additional trees at the site which if removed could adversely affect the character and appearance of the area. The trees are protected by virtue of being within the North Fleet Conservation Area and as a consequence consent would be required to remove them and the impact of their loss would be considered at that time.

Conclusion

19. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jo Dowling

INSPECTOR