

Appeal Decision

Site visit made on 19 September 2016

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 1 November 2016

Appeal Ref: APP/N1730/W/16/3153056

Rushgrove and Little Mead, Reading Road North, Fleet, GU51 4AJ

- 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 Millen Homes Ltd against the decision of Hart District Council.
 - The application Ref 15/03099/FUL, dated 21 December 2015, was refused by notice dated 9 May 2016.
 - The development proposed is detached bungalow and access way.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Hart District Council against Millen Homes Ltd. The application is the subject of a separate decision.

Main Issues

3. The main issues of the appeal are: whether the proposal would preserve or enhance the character or appearance of the North Fleet Conservation Area; and the effect of the proposal on the integrity of the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Character and appearance

4. The appeal site is located on the south western side of Reading Road North and currently forms part of the rear curtilage of the property known as Rushgrove, although part of the proposed access driveway would link to the existing access of the neighbouring property Little Mead. The surrounding area is residential and the appeal site is located within the North Fleet Conservation Area. I observed that the overriding character of the area is of low density housing, many of which are large dwellings set within substantial plots. Extensive woodland and planting in the area gives it a distinctively sylvan environment.
 5. The North Fleet Conservation Area Character Appraisal (2008) (the Character Appraisal) divides the Conservation Area up into a number of sections to reflect the varying character and appearances of different areas within the Conservation Area. The appeal site falls within Area 1 of the Conservation Area. The Character Appraisal (Page 20) sets out that the key characteristics of Area 1 include: detached two storey houses set back from the road in
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spacious plots; and a very sylvan character with groups of conifers and mixed deciduous trees. Further, Section 9 of the Character Appraisal 'The Key Issues and Recommendations' for new development in the Conservation Area are set out and these include: the need to maintain the historical form of development, consisting of spacious plots with family houses in a well treed environment; the need to maintain existing plot densities; and resisting the intensification of uses on the existing plots, such as the replacement of one house with perhaps two or three smaller houses.

6. The proposal seeks to deliver a new bungalow to the rear of the existing property Rushgrove in a tandem form of backland development. Whilst I fully accept that there are numerous examples of such development in the area, these are generally located on the north eastern side of Reading Road North. The appeal site forms part of a long run of houses that face onto the south western side of Reading Road North, which does not accommodate such examples of backland development. All of these houses are large and are set within spacious and leafy plots. I agree with the previous Inspectors¹ for relatively similar developments on the appeal site that a tandem form of backland development in this location would be uncharacteristic and out of keeping given the local pattern of development set out above.
7. The appellant maintains that there are examples of backland development to the southern side of Reading Road North at Glendale Park and Bramblewood Place. However, Glendale Park is accessed from Hitches Lane and Bramblewood Place is a small cul-de-sac that is accessed from Tavistock Road. Consequently, neither is accessed directly from Reading Road North and both developments do not, in my view, influence the character of the area when viewed from Reading Road North.
8. I observed that there is also a notable lack of lengthy driveways along the south western side of Reading Road North, again this reinforces the lack of any backland developments along this side of the road. The proposal would utilise the existing access to Little Mead. However, it can be seen from the Proposed Site Plan that the new access would notably extend the existing access driveway back into the appeal site and in my view, it would be visible from Reading Road North, despite the curvature and planting proposed. This would add to the uncharacteristic nature of the scheme.
9. The appellant maintains that the proposal would not be visible from Reading Road North and that mature planting, including evergreen where necessary, can be added to help integrate the scheme into the surrounding area. Whilst such matters are noted, I share the views of the previous Inspector² that there should not be overreliance on screening in determining the impact of the proposal on the character of the area. Whilst changes to the scheme and its planting may mean that the proposed bungalow is largely screened from any views, this would not overcome my concerns with regard to the uncharacteristic driveway. Further, it is important to note that as part of the scheme an 8 metre high boundary of transplanted evergreen trees is proposed between the appeal site and the host dwelling. This is proposed to overcome comments made by the previous Inspector that the bungalow would be viewed from the existing property. However, I consider that this when considered with the existing large trees on the site that would be retained, would exacerbate

¹ APP/N1730/A/14/2217648, dated 18 December 2014 & APP/N1730/W/15/3032576, dated 9 November 2015.

² APP/N1730/W/15/3032576, dated 9 November 2015.

the previous Inspector's³ concerns that the proposal would result in an oppressive environment to future occupants.

10. The proposal would result in the removal of a number of trees and shrubs within the appeal site. I accept that mature planting can be transplanted into the appeal site to off-set such a loss, including the rhododendrons. However, the proposed bungalow despite its revised orientation, siting and layout, would still be located in very close proximity to several large oak trees that make an important contribution to the character and appearance of the area. I consider that due to the potential for such an oppressive environment, these oak trees could come under future pressure to be cropped or felled by future occupants, which the Council may find difficult to resist. This would be detrimental to the character and appearance of the Conservation Area and further indicates the inappropriate nature of the proposal.
11. The appeal scheme would result in the uncharacteristic subdivision of the current plot and has the potential to result in the cropping or loss of mature trees that make an important contribution to the character and appearance of the Conservation Area. This would run contrary to the key characteristics set out within the Character Appraisal for Area 1. As a result of these findings, I consider that the proposal would not preserve or enhance the character or appearance of the North Fleet Conservation Area⁴.
12. The harm caused to the North Fleet Conservation Area as a whole, would be less than substantial, therefore the public benefits of the scheme need to be weighed against the harm. The proposal would result in an additional dwelling towards the Council's housing land supply, however, in the absence of any more immediate public benefits, I am not of the view that this is sufficient to outweigh the identified harm.
13. The appellant has provided an Aerial Photographic Assessment to show how the scheme would appear within its context. However, this only shows a limited snapshot of the character and appearance of the immediate setting and does not show the development in the context of the existing pattern of development running along the south western side of Reading Road North, particularly in a north westerly direction. Further, I consider that the visualisation illustrates how the mature trees on the boundaries of the site would tower above the modest bungalow, creating a notably oppressive environment.
14. I have been provided with a copy of an appeal decision⁵ for a development that was allowed along Reading Road North, at Land to the rear of Heather Hill and I visited the site as part of the accompanied site visit. Whilst there are some notable similarities, the appeal site in that case is located some distance from this appeal site and is on the north eastern side of Reading Road North, where there is much more variation in plot sizes and densities. Further, the appeal site in that case is located in a different area (Area 6) within the Character Appraisal, although I acknowledge that the host dwelling does lie within the same area as this appeal site (Area 1). I observed that the site in that case is also accessed via an existing lengthy driveway. For all of these reasons, I am not of the view that the other scheme affects my above findings.

³ APP/N1730/W/15/3032576, dated 9 November 2015.

⁴ Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

⁵ APP/N1730/W/15/3131985, dated 30 March 2016.

15. In conclusion on this matter, for the reasons given above, the proposal would not preserve or enhance the character or appearance of the North Fleet Conservation Area and the proposal therefore fails to comply with Saved Policies GEN1, GEN4, URB12, URB18 and CON13 of the Hart District Local Plan (Replacement) 1996-2006 (the LP), the Character Appraisal and Section 7 of the National Planning Policy Framework (the Framework), which requires good design. I accept that there are no development plan policies that expressly restrict backland developments, however, the above LP policies nonetheless require new development to be in keeping with its local character.

Thames Basin Heaths SPA

16. The appeal site lies within 5 kilometres of the Thames Basin Heath SPA, which comprises a network of heathland sites that accommodate populations of ground nesting bird species (Nightjar, Woodlark and Dartford Warbler), which are of European importance and are protected by European Law (Directive 92/43/EEC). This protection is also transposed into UK law by the Habitat Regulations (2010)⁶.
17. Circular 06/2005 identifies how a development affecting such sites should be considered. The Circular sets out that if priority habitats or species on such sites would be adversely affected by a proposal and there are no imperative reasons of overriding public interest sufficient to outweigh the harm, then permission should not be granted.
18. The appellant has not contested that the scheme, either on its own or in combination with other plans and projects, has the potential to have a significant adverse effect on the SPA in the absence of any mitigation. There is also no suggestion that there are imperative reasons of overriding public interest that would outweigh such harm or no other alternatives for the delivery of one dwelling in the district.
19. The Council has produced an Interim Avoidance Strategy⁷ for the SPA, which identifies two zones, an Inner Exclusion Zone (IEZ) and a Zone of Influence (ZOI). The IEZ is the area within 400 metres of the SPA, where there is a presumption against new residential development. The ZOI is the area outside of the IEZ and within 5 kilometres of the perimeter of the SPA, where with mitigation measures new residential development may be appropriate. The Interim Avoidance Strategy sets out that schemes within the ZOI may be mitigated through the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). These are, namely, to divert future occupants away from using the SPA for recreational purposes.
20. However, I have not been provided with a legal agreement to secure such contributions. The Council has set out that there is no SANG capacity left in the district that could be used to mitigate the scheme. The appellant has suggested that capacity will be available in the future. Whilst this may be the case, I have no mechanism before me of securing appropriate mitigation.
21. In the absence of any mitigation, I cannot be certain that the proposal would not adversely affect the integrity of the SPA, having regard to its conservation objectives, which are to maintain in a favourable condition, the habitats for the

⁶ The Conservation of Habitats and Species Regulations (2010).

⁷ Hart District Council Interim Avoidance Strategy for the Thames Basin Heaths Special Protection Area (2010).

populations of bird species of European importance, with particular reference to lowland heathland. The proposal therefore runs contrary to national and local policy and guidance, namely the Habitat Regulations, the National Planning Policy Framework, Policies CON1 and CON2 of the LP, Policy NRM6 of the South East Plan and the Interim Avoidance Strategy.

Other matters

22. Interested parties have raised a number of other concerns. However, as I am dismissing the appeal on other grounds, these do not affect my overall conclusion and have therefore not had a significant bearing on my decision.

Conclusion

23. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

Jonathan Manning

INSPECTOR