
Appeal Decision

Site visit made on 16 January 2017

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 13 February 2017

Appeal Ref: APP/N1730/W/16/3159196

**Cherrywood Cottage and Kandy House, Reading Road North, Fleet,
Hampshire GU51 4HT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Vincent Millen against the decision of Hart District Council.
 - The application Ref 16/01536/FUL, dated 6 June 2016, was refused by notice dated 5 August 2016.
 - The development proposed is two detached dwellings and accessway.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the appeal form refers to application ref: 15/03107/FUL, dated 22 December 2015, and determined on 5 May 2016, the appellant has confirmed that it is an error and the appeal relates to application ref: 16/01536/FUL as described above.

Main Issues

3. I consider the main issues to be the effect of the proposal on the character and appearance of the North Fleet Conservation Area and the Thames Basin Heaths Special Protection Area (SPA).

Reasons

4. There have been previous appeals in respect of both Cherrywood Cottage and the neighbouring dwelling, Kandy House. These have been dismissed due to the harm to the character and appearance of the conservation area. Whilst these previous decisions are a material consideration, I have determined the appeal proposal on its merits.

Conservation Area

5. The appeal site comprises part of the rear gardens of Cherrywood Cottage and Kandy House which are situated on the western side of Reading Road North. It comes within the North Fleet Conservation Area where s72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
6. The conservation area lies on the northern side of the town. It is made up of a contrasting pattern of streets, some of which, including Reading Road North,

are laid out in a straight line whilst others are gently curved. The area is characterised by large detached dwellings set in spacious plots surrounded by mature trees. *The North Fleet Conservation Area Character Appraisal and Management Proposals* (Conservation Area Appraisal) divides the conservation area into 8 areas, which vary in character. The appeal site lies within Character Area 1. This is recognised as having a 'very sylvan character with groups of conifers and mixed deciduous trees.'

7. Cherrywood Cottage and Kandy House are set back from the road. Along with other dwellings on this side of Reading Road North they occupy some of the largest plots within the conservation area. The sylvan character identified by the Conservation Area Appraisal is particularly evident in the locality of the appeal site. A belt of trees runs along the rear portion of the gardens of the appeal properties, as well as that of neighbouring properties, creating a pleasant semi-rural and verdant character. As noted by the previous inspectors, the extensive grounds to the rear have the character and appearance of a small woodland rather than that of a domestic garden. This quality is recognised as contributing to the special character of the conservation area by the Conservation Area Appraisal. The trees within the curtilages of the properties form part of a larger group protected by an Area Tree Preservation Order.
8. The development plan includes the *Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006*. Policy CON13 requires proposals to preserve or enhance the character or appearance of the conservation area in which they are located. Policy URB18 recognises the high quality of the residential environment in North Fleet. It specifies minimum plot sizes and states that development should not result in any demonstrable harm to the character and visual amenity of the area. Within the part of the conservation area where the appeal site is located plots should be about 0.2 ha. The Council is satisfied that the proposal complies with this provision.
9. Based on the submitted evidence, it would seem that the current scheme differs from the previous schemes in that it proposes a single dwelling in the rear garden of each property. In addition, the location of the dwellings and driveway has been optimised to limit the number of trees to be removed.
10. The proposed dwellings with their gardens would occupy about half of the existing plots at Kandy House and Cherrywood Cottage and would be served by a drive utilising the existing vehicular access adjacent to the northern boundary of Cherrywood Cottage. The proposed access would extend about half the depth of the existing garden to Cherrywood Cottage, and across its entire width and continue into the curtilage of Kandy House.
11. The dwellings on this side of Reading Road North occupy similarly sized plots. The size, spaciousness and significant tree cover that characterises these properties contribute to the special character of this part of the conservation area. The previous appeal decisions in respect of Kandy House and Cherrywood Cottage found that houses situated within a backland location would not respect the traditional and regimented layout of the area. I consider that the current appeal proposal would similarly fail to respect the established pattern of development and would therefore fail to preserve the character of the conservation area.

12. In order to accommodate the proposed driveway and houses 17 trees would need to be removed, the majority of which are covered by a TPO. Many of these are located towards the front of the site in the vicinity of the driveway and would open up views along the driveway and would fragment the existing tree cover.
13. I note that although the Highway Authority does not object to the principle of development, it is concerned that adequate visibility splays are provided at the front of the site. The appellant states that the visibility splays can be achieved within the confines of the adopted highway, however insufficient evidence has been submitted to support this view and it may be necessary to remove additional trees and shrubs in order to accommodate the necessary visibility splays.
14. The rear part of the site has a woodland character. It is proposed to remove some trees in order to provide useable amenity space for future residents. It is intended that the other trees in this area would be retained and subject to a woodland management plan. The Council consider that there will inevitably be pressure from future residents to remove additional trees. In my view there would be sufficient space around the proposed dwelling on plot 2 to meet the reasonable needs of future occupants. The area to the rear of Cherrywood Cottage has a denser woodland character and would extend closer to the proposed dwelling. Whilst some people may well view these trees as an asset, many would consider the falling debris, including pine needles and cones to be a nuisance. Having regard to the size of the proposed dwelling and the height of the trees, many of which lie to the south of the dwelling, I consider that many people would regard the trees as problematic. Some would also come to regard the trees as a potential threat to the safety of their property because of their height and physical proximity to the proposed dwelling. This uncomfortably close relationship would be likely to lead to requests for removal of the tree, which could be difficult to resist and would add to the harm identified above.
15. It is evident that there would be a reduced impact on the trees by comparison with the previous schemes. It is accepted that some of the trees to be removed may not be of particularly good quality and that others may have a limited future. Nevertheless, these trees currently contribute to the sylvan quality of the site and its special woodland character.
16. I am aware that a recent appeal decision concluded that two dwellings to the rear of Heather Hill on the opposite side of Reading Road North would not harm the character or appearance of the conservation area. This proposal differed from the appeal scheme in that the access was from an existing driveway that already served two houses. Consequently the view from Reading Road North would be unchanged. Furthermore, although Heather Hill comes within the same character area as the appeal site, the dwellings on the north eastern side of the road generally occupy much narrower, shallower plots by comparison with the south west side, where the appeal site is located, and there is other backland development. Therefore I do not consider the proposal at Heather Hill to be comparable with the appeal scheme.
17. I conclude that the proposed development would fail to preserve the character and appearance of the North Fleet Conservation Area and would fail to comply with policies GEN1, GEN 4, URB 12, URB 18 and CON 13 of the Hart District Local Plan which require that development is in keeping with the local

character, relates well to existing patterns of the settlement and neighbouring buildings, maintain the urban design qualities of the area in terms of layout, character and appearance and protect conservation areas as well as the principles within the Conservation Area Appraisal.

Effect on the Thames Basin Heaths Special Protection Area

18. The appeal site lies within 5 km of the Thames Basin Heaths Special Protection Area (the SPA), which is an internationally designated site of nature conservation importance, with special reference to ground nesting birds. The Habitats Regulations require that proposed developments do not adversely impact on the integrity of the SPA, which in this case seeks to protect a number of important bird populations and habitats. The development has the potential to increase harmful recreational visits to the SPA.
19. Local Plan policies CON1 and CON2 restrict development that would adversely impact on national or international ecological designations. South East Plan policy NRM6 requires adequate measures to avoid or mitigate any potential adverse effects on the Thames Basin Special Protection Area (SPA).
20. The Council has adopted the *Interim Avoidance Strategy for the Thames Basin Heaths Special Protection Area*. This provides mitigation measures in the form of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). It aims to ensure that the recreational pressure from additional development, both individually and cumulatively, would not have any likely significant effect on the special interest features of the SPA. Natural England has endorsed this approach.
21. The mitigation measures rely on financial contributions collected either through a Planning Obligation or else through the Community Infrastructure Levy (CIL). The appellant has not submitted a planning obligation. Moreover it would seem that the Hitches Lane SANG is fully subscribed and that a planning obligation would fail the test in CIL Regulation 123 which states that a planning obligation may not be taken into account if it would fund an infrastructure project for which there are already 5 or more obligations.
22. The appellant has not proposed any alternative mitigation measures, or provided sufficient information for me to conclude that the proposal would not have an impact on the SPA. The European legislation requires a precautionary approach when considering the impact of a proposal on a site of international importance to nature conservation. In this case it is not possible to conclude that the appeal proposal would not have a significant adverse effect on the special interest features of the SPA, in combination with other plans and projects. It would therefore fail to comply with Local Plan policy CON1 and saved Policy NMR6 in the otherwise revoked South East Plan.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR