
Appeal Decision

Site visit made on 20 June 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 30 June 2017

Appeal Ref: APP/N1730/W/17/3169077

Whinrood Victoria Hill Road, Fleet GU51 4LG

- 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 Mark Sheppard against the decision of Hart District Council.
 - The application Ref 16/02604/FUL, dated 26 September 2016, was refused by notice dated 22 December 2016.
 - The development proposed is erection of one detached dwelling.
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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 Mr Mark Sheppard. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the North Fleet Conservation Area.

Reasons

4. The appeal site forms part of the garden of Whinrood a large detached dwelling set in a large plot on the corner of Victoria Hill Road and Hagley Road within the North Fleet Conservation Area (CA).
5. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The CA is characterised by large traditional detached dwellings of a variety of styles mainly set back from the road in large plots with mature planting and trees. In my view, the significance of the CA is derived from its spacious and verdant character and appearance.

7. An appeal was dismissed in 2010¹ for a single dwelling and detached garage on the appeal site accessed from Hagley Road. The Inspector in 2010 took account of an appeal decision made in 2000² relating to a similar scheme also accessed from Hagley Road and found harm to the character and appearance of the area mainly arising from the loss of vegetation and views of the proposed development from Hagley Road. In the 2010 decision the Inspector found the appeal proposal would erode the green and spacious character and appearance of the CA.
8. Even though the scheme before me would be accessed from Victoria Hill Road and would not include a detached garage, the proposed development would introduce a large two storey detached dwelling into an open area of garden enclosed by vegetation and fencing in a prominent corner position of the CA.
9. I acknowledge the proposed hipped roof adjacent to Whinrood affords a degree of space and would match the neighbouring dwelling. However, the proposed dwelling would be visible from Victoria Hill Road through the proposed access and positioned relatively close to Whinrood.
10. I note the vegetation along the appeal site boundary would have grown since 2010 and would be retained. However, the proposed dwelling would sit significantly closer to Hagley Road than the front elevation of The Red House. When viewed from Hagley Road, there would be glimpses of the proposed dwelling particularly its large roof and the gable end of the south west elevation through gaps in the vegetation.
11. I acknowledge that the scale of the proposed development has been reduced from that previously proposed. I also note the modern Thurlston House nearby and the less spacious pattern of development on the south west side of Hagley Road. I also acknowledge that the proposed dwelling would be finished materials prevalent in the area.
12. However, the introduction of a significant bulk of development, significantly closer to Hagley Road than The Red House and close to Whinrood would be at odds with spacious pattern of the development on the north east side of Hagley Road and the north west side of Victoria Hill Road. It would therefore erode the overall spacious character of this part of the CA. Thus, the proposal would harm the significance of the CA and fail to preserve its character or appearance.
13. In reaching these conclusions I have considered the appeal decision relating to Victoria Hill House³. However, the proposed dwelling forming the subject of that decision would not be as prominently located as the appeal proposal before me which would be on the corner of Hagley Road and Victoria Hill Road. In any event I have considered the appeal on its merits.
14. For the reasons given, I find proposal would be contrary to the provisions of the respective sections of the Act and would fail to accord with paragraph 132 of the Framework, which attaches great weight to the conservation of designated heritage assets. For the same reasons the proposal would not accord with saved Policies GEN1, GEN4, URB12 and CON13 of the Hart District

¹ Appeal Reference APP/N1730/A/10/2127047

² Appeal Reference APP/N1730/A/00/1053017

³ Appeal Reference APP/N1730/A/13/2190292

Local Plan (2006) which among other things seek to achieve good design and ensure that new development does not harm designated heritage assets.

15. That said, in the context of the significance of the heritage asset as a whole, I would calibrate the harm arising from the proposed development, in accordance with paragraphs 133 and 134 of the Framework, as less than substantial. In these circumstances, the Framework requires the degree of harm to be balanced against any public benefits the development may bring.
16. There would indeed be some benefits, such as one more dwelling thus contributing to housing supply. The proposed dwelling would be close to services and facilities such that they could be easily accessed through walking and cycling and the area has good public transport connections. The occupants might work locally and support local services and there may also be employment opportunities associated with construction. However, the combined benefits are modest, and do not outweigh the harm identified to the designated heritage asset.

Other Matters

17. I acknowledge the appeal site is within 5 kilometres of a Site of Special Scientific Interest which forms part of the Thames Heaths Special Protection Area and note the Council's concerns regarding such. However, even if I were to accept the appellants proposed contributions towards mitigation measures the harm I have identified to the designated heritage asset would remain. Therefore as I dismissing the appeal for that reason I have not addressed this matter any further.
18. I have also noted the appellant's comments with regard to the Council's handing of the planning application and previous applications. However, I confirm that I have assessed the appeal on its planning merits.

Conclusion

19. For the reasons given above, on balance the proposal would not accord with the development plan and therefore having had regard to all other matters raised I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR