
Appeal Decision

Site visit made on 8 August 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 6th September 2017

Appeal Ref: APP/M1710/W/17/3174219

Blacksmiths Lodge, Chase Road, Lindford, Bordon GU35 0RW

- 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 Mrs Carolina Wallace against the decision of East Hampshire District Council.
 - The application Ref 28778/006, dated 30 December 2016, was refused by notice dated 28 February 2017.
 - The development proposed is described in the application form as 'proposed development comprising one detached and terrace of three two-storey dwellings including one garage, seven parking spaces, refuse and recycling facilities and communal landscaping, following demolition of the existing former Blacksmith's Lodge and outbuilding'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposed development would safeguard (a) the living conditions of the occupiers of neighbouring properties (with particular regard to outlook and disturbance) and (b) provide for satisfactory residential living conditions for future occupiers,
 - ii) The effect upon highway safety and local highway conditions,
 - iii) The effect upon protected species, and
 - iv) The effect of the proposed development upon the character and appearance of the area.

Reasons

Living conditions

3. The two storey south east flank wall of the terrace of dwellings in the rear portion of the site would be close to the boundary of the rear gardens of nos. 23 and 24 Five Acres Close. These neighbouring properties have fairly small and narrow rear gardens. Whilst the roof of the proposed development would slope away from the boundary, the two storey flank elevation would appear as a very assertive feature which would be unacceptably overbearing when viewed

in the outlook from the rear gardens and rear windows of these properties. This would be particularly so for no.24.

4. The presence of existing boundary screening would not be sufficient to prevent such an impact, particularly given the likelihood that the development would severely impact upon the survival of an existing tree located to the rear of 24 Five Acres Close. This tree would be located very close to the wall and foundations of the proposed development and would therefore be unlikely to survive the construction of the development. I note in this respect that the submitted Arboricultural Impact Assessment relates to the layout of the previous proposal rather than the current appeal proposal. Whilst new planting could soften the impact, this is unlikely to satisfactorily mitigate the harm I have identified from the unacceptably overbearing appearance of the two storey flank elevation adjacent to the rear of properties in Five Acres Close. This would result in a significant adverse impact on the living conditions of the occupiers of these neighbouring properties.
5. There would be likely to be some overlooking of the rear gardens of the proposed units two, three and four from the rear second floor windows of the existing adjacent properties on Five Acres Close. Nevertheless, the separation distances and presence of boundary screening that would be retained would reduce the intensity of such overlooking. As such, I do not consider that any resulting overlooking would be unreasonable in this case and would be typical of what I consider to generally be acceptable within an urban residential area such as this.
6. I also consider that the separation distance from the front of units two, three and four to the rear garden of unit one to be sufficient to prevent any unreasonable impacts upon the privacy of the future occupants of unit one. Whilst this unit would have a small rear garden, it would still provide an, albeit limited, area of usable outdoor space for the occupiers. No significant harm would therefore arise in terms of the living conditions of the future occupiers of this dwelling.
7. The proposed access driveway would be located immediately adjacent to the side boundary of the site with Cordwainers. As a result it is likely that sounds of vehicles manoeuvring plus from the closing of car doors would be audible from this neighbouring property which I understand is in use as a care home. Cordwainers has two windows in its side elevation, although I noted at my site visit that these are obscure glazed and do not appear from my observations to serve principal rooms. There is also a front facing window close to the boundary with the appeal site. Nevertheless, the number of vehicle movements on the driveway in connection with the proposed development is likely to be modest. Also taking into account the presence of boundary screening, I do not consider that the levels and intensity of any noise created would be such to result in a significant impact upon the living conditions of adjacent residents at Cordwainers.
8. In conclusion, on this issue I have found that the proposed development would result in significant adverse effects upon the outlook from the rear gardens of nos. 23 and 24 Five Acres Close. This would be harmful to living conditions of the occupiers, contrary to the relevant amenity and design aims of policies CP27 and CP29 of the East Hampshire District Local Plan: Joint Core Strategy 2014 ('JCS') and the National Planning Policy Framework ('the Framework').

Highway safety

9. The proposed visibility splays shown by the appellant would pass through land outside of the appeal site's red edged boundary and consequently would appear to be outside of the control of the appellant. Therefore there is no guarantee that the proposed visibility splays would remain free of obstruction. I noted at my site visit that, whilst the road is cul-de-sac which is likely to limit the speed of vehicles, it is regularly used by traffic including vehicles accessing the business park at the end of the road. Although the road is a fairly straight one, I noted cars parked on the opposite side of it which reduces its usable width adjacent to the appeal site. I am not persuaded that the implementation of the appeal proposal would prevent such parking given that it is on the opposite side of the road.
10. In view of the concerns regarding the provision of visibility splays the Highway Authority has previously requested the submission of a Road Safety Audit Stage 1 to demonstrate that the access is safe if the required visibility cannot be provided. Such an audit has not been provided which leaves some uncertainty regarding its potential impacts.
11. I consider that the provision of eight car spaces would be sufficient for the proposed development and that the manoeuvring arrangements appear to be adequate from the information provided. I also recognise that the traffic generation from the proposed development of four dwellings would be fairly limited. Nevertheless, in view of the concerns outlined above, it has not been satisfactorily demonstrated that the proposal would safeguard highway safety and local highway conditions. Whilst the risk of harm arising is fairly limited, based on the evidence and information before me, I am not satisfied that the proposal would properly accord with the relevant highway aims of policy CP31 of the JCS.

Protected species

12. A Preliminary Ecological Assessment has been submitted with the application which concludes that, whilst the ecological value of the majority of the site and buildings is low to moderate, further ecological surveys are required for reptiles and badgers. Such surveys might possibly lead to the need for appropriate mitigation measures should protected species be identified. I also note that the submitted Ecological Appraisal is a draft version which creates some doubt as to the weight I should give to it.
13. Paragraph 99 of Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. It therefore advises that where there is a reasonable likelihood of species being present and affected by the development, surveys should be carried out before planning permission is granted. Surveys should only be required by condition in exceptional circumstances. In this case, based on the evidence before me, it appears that there is a reasonable likelihood of species being present and affected by the development. There are no exceptional circumstances applicable in this case that persuade me that this is a matter that could be resolved by conditions.

14. The Council has also disputed the queries of the bat assessment of the existing buildings, although the evidence to support the Council's position in this regard is limited.
15. From the information before me, I cannot therefore be satisfied that there would be no reasonable likelihood of protected species being present and adversely affected by the development. It would therefore be contrary to the ecological protection aims of aims of policy CP21 of the JCS and the Framework.

Character and appearance

16. The existing residential development in the vicinity of the site is mixed in character. Higher density rows of terraced housing are located to the south east of the site, whilst lower density detached dwellings are located to the south east. There are also further examples of terraced housing at nearby Weyford Close. A single storey property ('Cordwainers') with a substantial footprint neighbours the site to the north west.
17. Within the varied context described above, the proposed terrace of three two storey properties, whilst located in the rear part of the site, would not appear as being unacceptably out of character with the area. The detached dwelling proposed at the front of the site, given its forward siting and location next to an area of single storey garages, would constitute a prominent and somewhat isolated building in the streetscene. However, whilst not immediately adjacent, there are existing examples of other dwellings close to the road frontage in the vicinity, including the pair of semi-detached cottages located at the end of Chase Road. The proposed dwelling would have a modest height. Whilst noting the presence of dormer windows and the half-hipped roof, I do not consider that it would result in any significant harm to the appearance of the streetscene or the character and appearance of the area.
18. In spite of the proposed hardstanding and adjacent access drive to the rear of the site, sufficient space would be retained for some landscaping. The adjacent site at Cordwainers has a large hardstanding and, subject to appropriate landscaping details, the proposed hardstandings at the front of the site would not appear as unduly incongruous with the streetscene. Whilst the rear garden serving the proposed detached dwelling would be small, this would not be particularly visible within the streetscene and the distance between this proposed dwelling and those proposed at the rear would be sufficient to prevent a cramped appearance.
19. I therefore find that the proposed development would not result in any significant harm to the character and appearance of the area. It would satisfactorily accord with the relevant design aims of policy CP29 of the East Hampshire District Local Plan: Joint Core Strategy 2014 ('JCS') and the Framework.

Other Matters

20. Both the Council Officer's report and the appellant's Preliminary Ecological Assessment advise that the site is located within 2km of a SSSI and 5km of the Wealden Heaths Special Protection Area (SPA). No further details of any possible effects or required mitigation measures have been provided by the Council. However, in the light of my findings on the main issues, it is not

necessary in this case to consider further any effect that the proposed development would have upon the SPA.

21. The proposal would provide for new residential development for four dwellings within the urban area. However, such benefits are outweighed by the harm I have identified.
22. I note that the Council's pre-application advice letter received by the appellant. However, such advice was provided on an informal basis and without prejudice to the Council's determination of any planning application. I have considered the proposal on its merits against the relevant development plan policies.

Conclusion

23. Whilst I have found that the proposed development would not result in any significant adverse effects upon the character and appearance of the area, it would result in significant harm to the living conditions of neighbouring residents. Furthermore, I have found that further harm could potentially arise in respect of protected species along with fairly limited harm in respect of highway safety. Overall, this harm is the overriding consideration and leads me to conclude that the proposal would be contrary to the development plan when considered as a whole.
24. Consequently, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR