



Appeal Decision

Site visit made on 13 November 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 4 December 2017

Appeal Ref: APP/H1705/W/17/3181220

Land to the rear of 29 and 30 Farriers Close, Bramley RG26 5AX

- 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 Russell Blackburn & Mr Matthew Warner against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 17/00449/RET, dated 7 February 2017, was refused by notice dated 19 June 2017.
 - The development proposed is the change of use of open space land to residential curtilage.
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Decision

1. The appeal is allowed and permission is granted for the change of use of open space land to residential curtilage at Land to the rear of 29 and 30 Farriers Close, Bramley RG26 5AX, in accordance with the terms of the application, Ref 17/00449/RET, dated 7 February 2017, subject to the attached condition.

Preliminary Matter

2. The change of use has already taken place.

Main Issues

3. The main issues are:
 - the effect of the scheme on the living conditions of the occupiers of New Cottage in relation to noise/disturbance and privacy; and
 - the effect of the scheme on ecological interests.

Reasons

Living conditions

4. The proposal is for the change of use of a narrow strip of trees and shrubs into the rear gardens of Nos 29 and 30, two detached houses on the southern side of Farriers Close. The site forms part of a long wooded strip extending both east and west between Farriers Close/The Smithy to the north and Lane End to the south. The land was incorporated into the rear gardens in late 2016 by repositioning the close boarded fence along the rear boundary of the gardens between 5m and 7m into the strip. This still leaves a wooded strip, albeit much narrower, between the rear gardens and New Cottage, a detached house on Lane End sited immediately adjacent to the strip.

5. Extending the rear gardens in this way allows domestic activity closer to New Cottage, potentially causing additional noise and disturbance to the occupiers. However, the rear gardens were previously only slightly further away and in any event some incidental noise and disturbance is to be expected from outside amenity spaces in a residential housing estate.
6. In relation to privacy, the focus of the Council's objection, the scheme retains a tall close boarded fence along the rear boundary of the gardens. It is not clear whether any trees or other planting within the strip have been removed but some at least remain retaining screening between Nos 29/30 and New Cottage. The distance between the windows of the respective houses has obviously not changed. The existing trees and other vegetation might be threatened by their incorporation into private gardens but there is a mutual interest in protecting privacy so the likelihood of a significant reduction in the intervening screening is low.
7. For these reasons the scheme does not cause significant harm to the living conditions of the occupiers of New Cottage in relation to noise/disturbance or privacy. This complies with Policy EM10 of the Basingstoke and Deane Local Plan 2016 (BDLP) which requires a high quality of amenity for the occupants of neighbouring properties.

Ecology

8. The Council's Biodiversity Officer raised no objection to the application noting that the main interest of the site relates to nesting birds which would not be affected by a change in the designation of the land. However, a second reason for refusal suggests that in the absence of evidence to the contrary there may be an impact on dormice, a protected species. This appears to be speculative, and as approximately half of the depth of the original strip would be retained as a wildlife corridor the impact on dormice, if present at all, is likely to be marginal. The Council suggest a condition should be imposed requiring a survey and, if dormice are found, additional planting to strengthen the woodland strip within the two residential gardens. This would be a suitable mechanism to address any potential impacts and complies with BDLP Policy EM4 which requires adequate mitigation of any harm to biodiversity.

Other matters

9. The ownership of the land concerned is not a planning issue and is not changed by this decision in any way.

Conclusion

10. Having regard to the above the appeal should be allowed subject to a condition requiring a dormice survey and potentially a planting scheme to mitigate the ecological impact of the proposal.

David Reed

INSPECTOR

Condition

- 1) Within 3 months of the date of this decision, or by a date otherwise agreed in writing by the local planning authority, a dormice survey shall be undertaken in the woodland strip to the east, west and behind the gardens of Nos 29 & 30 Farriers Close in order to determine if dormice are present and the results submitted to and approved in writing by the local planning authority. If dormice are found to be present, then within 3 months of the survey date details of a planting scheme to provide similar species to those within the woodland strip to thicken the strip within the gardens of Nos 29 & 30 Farriers Close to a width of at least 5 metres shall be submitted to and approved in writing by the local planning authority. This planting shall then be carried out in the next available planting season in accordance with the approved details and any plants which die, are removed or become seriously damaged or diseased within five years of planting shall be replaced in the next available planting season with others of a similar size and species unless otherwise agreed in writing by the local planning authority.