
Appeal Decision

Site visit made on Wednesday 6th February 2019

by Martin S. Lee, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2019

Appeal Ref: APP/A1720/W/18/3209212
30 Fern Way, Fareham, PO15 5RP

- 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 P Robinson against the decision of Fareham Borough Council.
 - The application Ref P/18/0122/FP, dated 5 February 2018, was refused by notice dated 22 March 2018.
 - The development proposed is Erection of Detached 3-Bed Dwelling within Landscape Buffer.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has acknowledged in their statement that the fourth and final component of the single reason for refusal has been addressed by the receipt of a payment from the appellant in accordance with the requirement of Policy DSP15 (Recreational Disturbance on the Solent Protection Areas) of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies, Effectively providing a mechanism to provide mitigation of 'in combination' effects which a 3 bed dwelling is assessed to be likely to cause through increased recreational disturbance on the Solent Coastal Special Protection Areas. I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal upon the:
 - (a) visual character of the area, and;
 - (b) quality of living conditions for future occupants, with particular regard to sunlight and daylight.

Reasons

Visual Character

4. The site comprises an open, gently sloping grassed area (following the gradient of the adjoining shared residential estate driveway) together with a landscape bank. To the rear lies an industrial estate beyond a closed board, timber fence.

5. The site provides physical separation and space between existing dwellings and this industrial estate but also forms a component of the strategic landscaping for the residential estate. Trees of varying maturity, size and species in association with grass and varied underplanting, provide a green corridor and sense of openness evident as a consistent, repeating theme throughout different parts of the estate.
6. The narrow form of the dwelling proposed bears some similarity in appearance to the nearest dwelling opposite but has substantial differences to this and other dwellings on the estate. The proposed dwelling would introduce a substantial multi-storey structure within the landscape area where only a single storey utility structure is presently evident adjacent the upper end of the site, introducing a new dwelling of comparatively diminutive footprint, cramped against the landscape bank.
7. The proposed building, in conjunction with the boundary screening required to create the associated private domestic curtilage/garden, would irrevocably transform the site removing the current sense of open and soft edge to the estate. A hard, man-made, visual barrier would be created along the edge of the existing carriageway. Alternative options for screening boundary treatment would be incapable of sufficiently softening and mitigating this loss of openness and the positive contribution that it makes to the landscaping within the estate. The proposal would therefore be substandard and accordingly fail to meet the relevant requirements of Fareham Borough Core Strategy Policy CS17 and the Fareham Design Guidance SPD in relation to landscape protection and provision of green infrastructure.

Trees

8. Those specimens of trees within the site vary in form, species, age and scale, from clusters of thin multi-stem examples akin to hedging/coppice planting to more mature examples of more imposing stature. Larger examples include an Oak tree at the lower end of the site and possess substantial height and canopy spread extending over substantial portions of the site.
9. The dwelling's erection would involve excavation of the landscape bank and the construction of a retaining structure encroaching into the bank, reducing the ground available for plant growth above ground and root structure below, potentially endangering healthy trees which make a positive contribution to the sylvan qualities of the landscape buffer. The appellants comments in relation to the health of existing Ash specimens is noted but the proposals would leave insufficient space would remain for meaningful replanting to be capable of achieving maturity uninhibited by the retaining structure and dwelling.
10. The dwelling's proximity to existing trees and the proposed domestic garden/curtilage beneath and around them would require more rigorous maintenance and pruning, introducing increased pressure for removal and/or replacement with smaller specimens, contrary to the principal of Tree Preservation Order designation. The proposal would therefore be substandard and accordingly fail to meet the relevant requirements of Fareham Borough Core Strategy Policy CS17 and the Fareham Design Guidance SPD in relation to landscape protection and provision of green infrastructure.

Living Conditions

11. The landscape bank comprises a substantial part of the site, reducing available open, level or gently sloping space within the site for building and usable garden amenity space. The proposed dwelling has a narrow linear form with its broadest (front and rear) elevations facing to the highway and the industrial estate. The gabled ends of the dwelling respectively face up towards a single storey, utilities building and down to the proposed private domestic garden/curtilage.
12. The relationship of the proposed dwelling and its intended domestic garden/curtilage to the existing landscape bank and associated trees will result in both primary living room windows and exterior amenity space being subject to filtered sunlight and shade throughout substantial times of the year and day, reducing the quality of living conditions both in and outside to below that reasonably to be expected for a new residential property. Even with the prospect of certain Ash specimens dying without replacement the remaining trees would still have a substantial effect. The proposal would therefore be substandard and accordingly fail to meet the relevant requirements of Fareham Borough Core Strategy Policy CS17 and the Fareham Design Guidance SPD.

Other Matters

13. I have taken in to account the mechanism put in place (post refusal of planning permission) to secure the mitigation required under Policy DSP15, the modest contribution to housing supply and economic benefits from the construction and occupation of the dwelling, but do not find these factors to be of sufficient weight as to outweigh the other issues set out above.

Conditions

14. I have had regard to whether the identified harm and low quality of living conditions could be effectively mitigated by conditions addressing matters of detailed finishes and landscaping, but consider the concerns/objections/harm set out above are too substantial to be capable of being effectively addressed in such a manner.

Conclusion

15. For the reasons give above, having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Martin S. Lee

INSPECTOR