



Appeal Decision

Site visit made on 17 September 2019

by Helen B Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2019

Appeal Ref: APP/N1730/W/19/3232066

83 Elvetham Road, Fleet, Hampshire, GU51 4HL

- 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 Simon Gruber (Vero Developments Limited) against the decision of Hart District Council.
 - The application Ref 19/00238/FUL, dated 1 February 2019, was refused by notice dated 3 May 2019.
 - The development proposed is the erection of a detached dwelling with associated surface parking and car barn and relocation of existing garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposed development on the character and appearance of the North Fleet Conservation Area;
 - the effect of the development on designated natural habitat sites, including the Thames Basin Heaths Special Protection Area (SPA)

Reasons

Character and appearance of the North Fleet Conservation Area

3. The appeal site is located within the North Fleet Conservation Area and forms part of the garden area to No.83 Elvetham Road. The existing two storey house is located within a large plot and is sited set back from the road frontage. The site benefits from a well-established mature garden which provides a sense of enclosure and screens the house from the road. The surrounding area is residential in character and comprises large detached properties set in large plots with extensive planting. There is a variety of design and architectural style.
4. The Council's North Fleet Conservation Area Character Appraisal and Management Proposals document was adopted in 2008. It describes the key characteristics of the conservation area as providing contrasting areas of residential development, developed mainly from the 1880's onwards, some of it laid out in a grid pattern and some set to either side of gently curving roads. The spacious plots with mainly detached houses are set back from the road

- behind mature trees and other planting. Buildings are detached family houses, generally two storeys in height, domestic scale, often hidden from view by planting and set in spacious plots resulting in low densities.
5. I consider that the significance of the Conservation Area lies in its sylvan appearance and its enclosed character with low density detached residential dwellings set in a heavily treed and verdant area. Unadopted roads, grass verges and footpaths add to the informality of the area. Whilst there is some variety in architectural style due to the various ages of properties in the area, there is uniformity of features, detailing and materials.
 6. The Character Appraisal subdivides the conservation area into different character areas. The appeal site is located within Area 7, Elvetham Road. This is described as a busy main road with large detached houses on the south side, set in spacious wooded plots. Boundaries are defined by hedging, often beech, often concealing the house from the road.
 7. The Appraisal goes on to identify issues which need to be addressed. These include the need to maintain the historic form of development, the need to maintain existing plot densities and resist the intensification of uses on the existing plots.
 8. Saved Policy URB18 of the Hart District Local Plan 1996-2006 sets out residential densities for the North Fleet Conservation Area, in order to retain the high quality of the residential environment and maintain the character and visual amenity. In respect of Elvetham Road, the requirement would be for dwellings on plots of more than approximately 0.2 hectares.
 9. The appellant has provided evidence of the plot sizes of dwellings in Character Area 7. This demonstrates a range of plot sizes from around 0.1 hectares up to nearly 0.5 hectares. There is clearly a range in this area with the average being around 0.17 hectares. The appeal proposal would subdivide the plot resulting in the existing dwelling and the new property being sited in plots of around 0.16 hectares. Whilst this would be below the threshold of Saved Policy URB18, it has been demonstrated that there is a range of plot sizes in Character Area 7. I therefore conclude that the appeal scheme would not therefore be out of keeping with the prevailing character of the area in terms of plot size.
 10. Plot density is however only one guiding factor to assess the effect on the character, appearance and significance of the conservation area. The appeal scheme would make use of one of the existing accesses to the site and retain the existing tree cover and planting on the site frontage. Within the site itself, the proposal results in the loss of 9 low value Category C trees to make way for the new dwelling and to facilitate the construction of the replacement garage. The remainder of the trees and shrubbery on the site are maintained preserving the wooded character of the plot.
 11. The proposed dwelling would be sited behind the existing house and would not be visible from public viewpoints. From this perspective, the proposal would not have an adverse effect on the character and appearance of the conservation area.

12. The proposal would however result in a dwelling set to the rear of an existing property. In terms of layout this would not be characteristic of the pattern of development in the area, that of detached dwellings in spacious wooded plots with access serving one property. The exception to this is No. 87 Elvetham Road which lies to the western boundary of the appeal site. This property has been subdivided to provide 2 dwellings accessed from a single drive from Elvetham Road. Whilst in terms of layout this development would be similar to the appeal proposal, it differs in that the site forms a corner plot. The property to the rear has a boundary to Calthorpe Road. Therefore, in terms of street pattern, the property has one boundary which abuts a highway. The appeal proposal, set behind the existing dwelling with no road frontage, would therefore result in a pattern of development at odds with the historic layout of the conservation area.
13. A further difference between the appeal scheme and No.87 Elvetham is the spacing between the dwellings. Nos 87 and 87a are separated by single storey garages. The dwelling proposed in this appeal would be much closer to the existing dwelling and separated by a proposed hedgerow feature. Together with the footprint of the proposed dwelling, which extends across much of the plot, the proposal would have a cramped appearance. This would be out of step with the separation distances of dwellings in the locality and the space around dwellings which gives them an attractive setting.
14. Whilst I acknowledge that the proposed dwelling is of a high-quality design, due to its siting, at odds with the existing pattern of development, it would cause harm to the character and appearance of the conservation area. Bearing in mind the position of the proposed dwelling within an existing plot, I consider that the harm to the significance of the heritage asset would be less than substantial.
15. Having regard to paragraph 193 of the National Planning Policy Framework (the Framework) and having paid special attention to the desirability of preserving or enhancing the character and appearance of the conservation area as required by the Act¹, I have given this harm considerable importance and weight in reaching my decision. In line with paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal.
16. In this case, the proposed dwelling would contribute to the supply of housing in the borough. However, as I am advised that the Council can demonstrate over 9 years supply of housing, the weight to be attributed to this benefit would be limited. Other public benefits of the scheme, such as the creation of employment during construction and the need to supply materials would also be minimal.
17. Accordingly, I conclude that the public benefits outlined above, whilst they lend support to the scheme, do not in my view outweigh the harm to the significance of the heritage asset. The appeal proposal would conflict with Section 16 of the Framework and saved Policies GEN1, GEN4, CON13 and URB18 of the Hart District Local Plan which aim to conserve and enhance the historic environment.

¹ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Designated natural habitat sites.

18. The appeal site lies within 5 km of the Thames Basin Heaths SPA, which is an internationally designated site of nature conservation importance, with special reference to ground nesting birds. It also lies within 5km of the Castle Bottom to Yateley and Hawley Commons Site of Special Scientific Interest (SSSI). The proposal, without taking account of any mitigation or avoidance measures, is likely to have a significant effect in combination with other plans and projects on the SPA through increased recreational pressure.
19. The parties agree that appropriate mitigation/avoidance measures involve the provision of Suitable Alternative Natural Green space (SANG) and a financial contribution towards the SPA Strategic Access Management and Monitoring (SAMM) project. The Council provides an area of SANG mitigation. The criteria for allocating schemes to the Council's SANG provides only for policy compliant developments. I acknowledge that the stance of the Council on this matter has created difficulties for the appellant in securing SANG. However, I note that the allocations criteria provide for proposals which have been allowed on appeal.
20. The appellant has not provided a legal undertaking under section 106 of the Town and Country Planning Act 1990 to secure appropriate mitigation and avoidance measures. In the absence of such a mechanism I cannot be assured that appropriate measures to ensure that the development does not have any adverse impacts on the SPA either alone or in combination with other projects are provided.
21. The Council has suggested the use of a Grampian style condition should the appeal be allowed to require the submission of scheme for the mitigation of effects of the development on the SPA. The condition also requires a financial contribution towards SAMM. In effect this would require a planning obligation to be entered into. Planning Practice Guidance advises that a negatively worded condition limiting the development that can take place until an obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases.
22. In the context of this appeal, the absence of details of a scheme, means that I cannot be satisfied in undertaking my duty under the Conservation of Habitats and Species Regulations 2017, that the appeal scheme would not have an adverse impact on the SPA either alone or in combination with other projects. Therefore, in this case, based on the evidence before me, a Grampian condition would not be appropriate.
23. The appellant refers me to another appeal in the North Fleet Conservation Area² where such a condition has been used. However, in that case I note that the appellant had agreed to enter into a Land Transaction Agreement in respect of SANG and a SAMM contribution through a section 106 agreement. Furthermore, the wording of the condition was not the same in that it prevented the commencement of development until an allocation of SANG capacity at the Council's site, Bramshot Farm, had been secured. The circumstances are therefore very different to this appeal.

² APP/N1730/W/18/3199797 - Redevelopment to form 14 sheltered apartments for the elderly, The Bailey, Branksomewood Road, Fleet

24. In summary I cannot be satisfied that, subject to mitigation, the proposal would not have an adverse impact on the SPA either alone or in combination with other projects. The development would therefore fail to comply with Saved Policies CON1 and CON2 of the Hart District Local Plan, Policy NRM6 of the South East Plan 2006-2026 and section 15 of the Framework. These policy documents aim to conserve and enhance the natural environment.

Conclusion

25. The appeal scheme would cause harm to the character and appearance of the North Fleet Conservation Area. Furthermore, I cannot be satisfied that the scheme would not cause harm to designated natural habitat sites including the Thames Basin Heaths SPA.
26. For the reasons given above and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR