



Appeal Decision

Site visit made on 15 October 2019

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/N1730/W/19/3235234

Elvetham Bridge House, Reading Road North, Fleet, Hampshire GU51 4HT

- 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 Dennis Wilkins of North Hants Homes Ltd against the decision of Hart District Council.
- The application Ref 19/00927/FUL, dated 22 April 2019, was refused by notice dated 20 June 2019.
- The development proposed is described as: 'Development of new detached dwelling'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity and precision, I have inserted 'Hampshire' into the address in the banner heading, as it is listed on the appeal form.
3. The Council has cited policies contained within the emerging Hart Local Plan Strategy and Sites 2016-2032 Proposed Submission Version (the emerging LP) on its decision notice. The Plan has been through Examination, main modifications have been consulted upon and the Inspectors Report is awaited. Given the stage of preparation, I attach significant weight to the emerging policies. Notwithstanding this the starting point for determining this appeal remains the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 (2009) (LP). The relevant 'saved' LP policies are broadly consistent with the Framework.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the appeal site and the North Fleet Conservation Area (NFCA), including trees protected by Tree Preservation Order (TPO); and,
 - The effect of the proposed development on the Thames Basin Heaths Special Protection Area (THBSPA).

Reasons

Character and appearance of the North Fleet Conservation Area.

5. The proposed development is to erect a 5no. bedroom detached dwelling and detached garage, following demolition of the existing pool house and shed. The site used to form part of the garden area to Elvetham Bridge House (EBH) and

currently accommodates a notable pool house. Both parties have brought to my attention planning history to EBH that has seen 6no. dwellings erected on its former grounds, including the creation of a cul-de-sac (Glendale Park) off Hitches Lane. The site is located within the NFCA and has a number of trees that are subject to TPO's¹. Additionally, all trees within a conservation area are safeguarded by its designation, under Section 211 of the Town and Country Planning Act 1990.

6. The Council's NFCA Character Appraisal and Management Proposals Approved Document 2008 (CAMP), lists the site in Character Area 1: Fitzroy Road to Reading Road North, which is characterised by its sylvan character, spacious plots, and properties with generous setbacks from the roads, amongst other things. I note reference in the Officer Report to LP Policy URB18 that indicates in the area of the NFCA dwellings should be on plots of more than 0.2 hectares, and that the site complies with this criterion, albeit marginally. Additionally, I note that the proposed dwelling is of a similar size and scale to EBH, but the other existing neighbouring properties, especially those located on Glendale Park appear to be lower in height.
7. In any event, I find that all of the other properties benefit from more open plots, whereas the site before me has a large proportion of it curtailed through tree cover. The presence and prominence of the proposed dwelling including its footprint and proportions in a confined parcel of land would, thereby, undermine the prevailing spacious characteristics of the NFCA. The close visual relationship of the proposed dwelling with the existing trees, particularly T5 (Lawson Cypress), T7 (English Oak / Silver Birch), T8 (Silver Birch) and T12 (English Oak) would also emphasise the proposed dwelling on the site as a discordant and overly cramped addition. This would cause harm to the character and appearance of the NFCA.
8. Turning to the impact on TPO'd trees, I have taken account of the evidence before me contained within the appellant's submitted Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan² (the Tree Survey) and observations during my visit. The tree protection measures suggested for the existing trees, together with the reduction of their crown spread and appropriate construction measures for any surfacing of a driveway within the Root Protection Area (RPA) would be achievable without causing a significant impact upon the health and longevity of those trees. In reaching that view, I observed that they are mature specimens with no notable defects.
9. Notwithstanding the above, the close relationship of the front and rear elevations of the proposed dwelling to trees, even following the reduction in crown spread, would emphasise the cramped nature of the plot and would inevitably lead to pressure to continue to prune the trees should they grow, or even to remove them in the future to improve the light and outlook for facing habitable rooms of the dwelling.
10. Additionally, I note the presence of 2no. sets of fully glazed bi-fold doors on the proposed rear elevation. These would likely lead on to a patio style area, which future residents would expect to enjoy. However, I find that the ability to enjoy this area would be compromised by the modest distance of T12 from the

¹ Tree Preservation Order No. HDC 245

² Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan by Martin Dobson Associates Arboricultural Consultancy dated 20 November 2018.

proposed development. Thus, for the above reasons, I consider that the future relationship of the proposed dwelling with trees that are proposed to be retained on the site, therefore, adds to my concerns with respect to the harm to the character and appearance of the NFCA that could arise.

11. Having regard to the above, I conclude that the proposed development would fail to preserve or enhance the character or appearance of the conservation area. It would, therefore, not comply with the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, concerning the desirability of preserving or enhancing the character or appearance of the conservation area. Having regard to the scale of the development, I consider that the resultant harm would be less than substantial.
12. The proposed development would add an additional dwelling to the Council's supply of homes and the site is located in an accessible location. Additionally, the proposal would result in some limited economic and social benefits through the construction phase and provision of a dwelling. However, as public benefits, these would not outweigh the less than substantial harm to the significance of the NFCA.
13. For the reasons given above, I conclude that the proposed development would result in significant harm to the character and appearance of the site and the NFCA, including a potential adverse impact upon trees protected by a TPO. The proposal, therefore, conflicts with the design, character, appearance, heritage and environmental aims of LP Policies GEN1, GEN4, CON8, CON13, URB12, the emerging LP Policies NBE3, NBE9, NBE10 and the objectives of the Framework.

Effect upon the TBHSPA

14. The site is within the 5km Buffer Zone, but outside the 400m inner exclusion zone of the Castle Bottom to Yateley and Hawthorn Commons Site of Special Scientific Interest that forms part of the TBHSPA, which qualifies for protection as a habitat for rare ground nesting birds. It is evidenced that new residential development in this location, in combination with other development elsewhere could result in a variety of effects on the TBHSPA such as visitor pressure for recreation which alone or in combination with other development could result in significant effects and cause disturbance to the protected species and habitats. An Appropriate Assessment would therefore be required.
15. The Council's 'Interim Avoidance Strategy for the TBHSPA (2010)' sets out that the effect of increased visitor pressure can be mitigated through the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring measures (SAMM). SANG may be provided by the developer subject to certain criteria or by way of a financial contribution. SAMM can only be met through a financial contribution. No mechanism has been provided by the appellant, which conflicts with the environmental aims of LP Policies CON1, CON2, the emerging LP Policy NBE4 and 'saved' Policy NRM6 of the South East Plan 2009, as supported by the Habitats Regulations and the Framework.
16. However, given my findings on the first main issue, the circumstances that could have led to the granting of planning permission are not present. Therefore, as the appeal is to be dismissed on other grounds, an Appropriate Assessment does not need to be undertaken, including consideration of the

means of delivery for any appropriate mitigation. Accordingly, further consideration of the Habitats Regulations is not required.

Other Matters

17. The Council found no harm in respect of the effect on parking, access and highway safety, drainage or living conditions to neighbouring occupiers. These form neutral matters in the overall planning balance. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
18. Whilst there would be benefits from the proposal through provision of an additional dwelling to the Council's housing stock, economic activity generated by its construction, expenditure in the local area by its future occupants, these would in each case be limited, given the scale of the proposal. Taken together these benefits would not outweigh the harm identified.

Conclusion

19. I have found that the proposal would be contrary to the development plan when taken as a whole, and there are no other considerations which outweigh this finding. It would also be at odds with the objectives of the Framework. Therefore, taking all matters into consideration, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR