The Planning Inspectorate

Appeal Decision

Site visit made on 21 January 2020

by Jonathon Parsons MSc BSc (Hons) DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th February 2020

Appeal Ref: APP/H1705/W/19/3220223
15 Copse Road, Overton RG25 3JL

- 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 Gibbins against the decision of Basingstoke & Deane Borough Council.
- The application Ref 18/02833/FUL, dated 18 September 2018, was refused by notice dated 21 November 2018.
- The development proposed is the erection of a two bedroom bungalow.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's third reason for refusal relates to inadequate details on refuse collection arrangements. Having considered the Council's evidence, the effect of this has been considered within the character and appearance, and highway safety issues set out below.

Main Issues

3. The main issues are the effects of the proposal on (a) the character and appearance of the area, having regard to trees and hedgerow, (b) the safety of highway users on Station Approach and (c) biodiversity and nature conservation.

Reasons

Character and appearance

4. The appeal site comprises the rear garden of a semi detached dwelling and it has a gradual slope up from its rear boundary to Copse Road. On one boundary, there is a mature hedgerow and towards the plot's new boundary with 15 Copse Road, there is a small group of trees. There is also a grassed track within the appeal site that leads up from Station Approach to the development plot. This is of considerable length and located behind the rear gardens of neighbouring properties along Copse Road.

5. Dwellings along Copse Road are varied in design, size and scale but there is a locally distinctive linear pattern of development, formed by frontage development set in spacious plots. There is largely an absence of backland residential development and many dwellings have long rear gardens, such as either side of 15 Copse Road. Here, the rear gardens back onto the track and

fields behind. Along much of the track, there is an attractive hedge separating it from the fields which additionally form part of the Quidhampton and Polhampton Conservation Area.

6. At the rear of 1 Copse Road, there is a property known as The Nook but this is an exception to the general and prevailing pattern of development in the area. In any case, this development has a different context in that the recent dwelling faces onto Station Approach. For all these reasons, the appeal site and surrounding area is defined by an attractive spacious, landscaped and semi-rural character and appearance.

7. The proposed bungalow would be of masonry construction with a pitched roof in plain tiles or slate. It would be low-lying by virtue of its single storey construction and being partially built into the slope of the land across the site. As a result, the height of the development would be significantly lower than neighbouring development. However, the location of the dwelling and the relatively small size of its plot would be markedly out of kilter with the general and prevailing pattern of development of the area. It would also intrude into an area that serves as an important transition between built development along Copse Road and the countryside.

8. There would be limited public views of the dwelling from Copse Road but it's impact would be seen from the occupiers of neighbouring properties and from Station Approach across the fields to the rear. The impact of the proposal would also be far greater than just the physical attributes of a dwelling. The proposal would also involve the upgrading of the access track, an access splay onto Station Approach, additional traffic up and down the track, every day domestic paraphernalia such as bins, garden furniture and clothes drying apparatus, and domestic activity within the plot itself.

9. In this regard, no details of the how the track is to be upgraded has been provided. The submitted plans also indicate that the new track would be a minimum of 3.3m and up to 3.7m wide, and that access splays of 2.4m by 43m would be provided. The track has significant native hedgerow and trees either side and in the absence of details, it can only be concluded that the roots of the track vegetation would be harmed by the highway works.

10. As to bin collection, there are strong concerns as to whether occupiers would be willing to store waste disposal bins within the rear garden of the new dwelling and move them to the end of the track where it is adjacent to the public highway, Station Approach. The distance between the two areas is in excess of 100m. In view of this, there is a distinct possibility that the bins would be left around the access/egress point onto Station Approach on days other than collection day which would add to the visual impact of the development.

11. The site is low-lying and screened in part by vegetation. However, the development would be significant in term of impact, taking into account its built form and extent, including hard surfaced areas, domestic paraphernalia and activity so limiting the screening effect of such vegetation. In any case, not all of the track is bounded by hedgerow and the vegetation observed on my site visit is mainly deciduous further exposing the dwellings in winter. There is also no guarantee that such vegetation would remain in perpetuity. Over time, trees may be removed for any number of reasons, such as weather and accidental damage, and replacement planting inevitably takes time to establish.

12. For all these reasons, the development would not be of a high quality design and would harm the character and appearance of the area. Accordingly, the proposal would be contrary to policies EM1 and EM10 of the Basingstoke and Deane Local Plan (LP) 2011-2029 and policy LBE1 of the Overton Neighbourhood Plan (NP) 2016-2029.

Biodiversity and nature conservation

13. A desktop study and walk-over study has been carried out which the appellant indicates shows no adverse effect on Biodiversity. However, the track lies in close proximity to an identified Biodiversity Action priority habitat and in the absence of access upgrade details, it can only be concluded that works would harm adjacent hedgerows and trees. On this basis, it has not been demonstrated that harm to biodiversity would not occur and therefore, the proposal would be contrary to policy EM4 of LP.

Highway safety

14. The proposed access would be the existing unmade track to the rear of the site which exits/egresses onto Station Approach. It would be upgraded, with a minimum width provided, and access visibility splays provided. The access/egress would be designed with a minimum of 2.4m by 43m visibility splays.

15. The highway authority issues standing advice for proposals, such as this, and has not raised any objection to the proposal. Having considered the proposal on the site, the access visibility splay would be acceptable given the traffic generation arising from one dwelling would not be great. Furthermore, a condition could be imposed to approve and implement appropriate works to the track given only one dwelling is proposed. Such works could harm the character and appearance of the area for the reasons indicated but in highway terms, such a condition would address safety considerations.

16. In terms of bin collection, refuse vehicles are substantial in size and noticeable. Such conspicuousness alerts road users to their presence and they only temporarily stop on the highway when bins are being collected and emptied. As such domestic servicing would not give rise to adverse safety considerations.

17. Nevertheless, for all the reasons indicated, development should not be prevented or refused on highway grounds as there would not be an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. Accordingly, the proposal would comply with policies EM10 (in respect of highway safety matters) and policy CN9 of the LP.

Other matters

18. The dwelling would boost housing supply in a borough with an absence of a 5 year housing supply. It would be fully accessible for a disabled person under building regulations and would make use of an under-used piece of land. By reason of being garden land in a built-up area, the appeal site is not previously developed land but the proposal would still make more effective use of under-utilised land. A timber frame dwelling construction would be from a renewable resource and would reduce waste. The dwelling would be sustainably

constructed and there would be sustainable drainage system measures. Landscaping would be of native species.

19. These considerations would weigh in favour of the proposal. However, the contribution of one dwelling to housing supply would be small. There would be significant harm to the character and appearance of the area for all the reasons indicated which would be permanent and almost certainly, irreversible. The National Planning Policy Framework (the Framework) states that the creation of high quality buildings and places is fundamental to what planning and development should achieve. Good design is a key aspect of sustainable development. The development would not be sympathetic to local character and history of the site, including the existing built development and landscape setting. Such design failings would be determinative for this particular proposal. Thus, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

20. The development would not harm the living conditions of neighbouring residents. Nevertheless, such a consideration would normally be expected to be satisfied in any development coming forward. As such, it does not weigh in favour of the proposal.

Conclusion

21. There would be no harm to the safety of highway users. However, there would be harm to the character and appearance of the area and to biodiversity and nature conservation interests in conflict with the identified policies of the LP. Consequently, the proposal would be in conflict with the development plan as a whole. Material considerations would not be of sufficient weight or importance to determine that the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused.

22. The development would be within the water catchment area of the River Solent and Natural England has confirmed that waste water could have potential significant effects on the internationally important interest features of the Solent and Southampton Special Protection Area and the Maritime Special Area of Conservation. As there are substantive reasons to dismiss this appeal, it is not necessary to assess the details of this any further.

23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR