
Appeal Decision

Site visit made on 17 February 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/N1730/D/19/3240531

Ferney Close, Thackhams Lane, Hartley Wintney, Hook RG27 8JG

- 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 Aadinall (AHD Homes) against the decision of Hart District Council.
 - The application Ref 19/01655/HOU dated 25 July 2019, was refused by notice dated 1 October 2019.
 - The development proposed is new timber electric gates and fence.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) the setting of the West Green Conservation Area

Reasons

Character and Appearance

3. The appeal site lies in open countryside outside the settlement of Hartley Wintney. It is accessed via Thackhams Lane, which is a narrow lane with no pavements. The road has a soft-landscaped, rural character. Residential properties are dispersed along it, often set back from the road within large plots with frontage landscaping. The road edges are dominated by grass verges, banks, trees and hedging. Hard frontage boundary treatment typically comprises timber post and rail or post and wire fencing or low boundary walls, which are visually subservient to the landscaping. Timber bar field access gates are also a typical feature of the lane.
4. The site lies immediately adjacent to the West Green Conservation Area (WGCA), whose boundary abuts the site frontage, so that the existing access gates, site boundary with Thackhams Lane, grass verge to the front of the site and the part of the vehicular access outside the existing gate, all lie within the conservation area.
5. The West Green Conservation Area Proposal Statement 2002 (CAPS) confirms that the first essential characteristic of West Green is its very rural nature, set in midst of countryside, with no pavements, street lighting, or hard kerbs to

the edges of the carriageway. The CAPS conservation area appraisal notes that "the use of rural hedgerows for boundaries with timber five bar gates is an important feature of the conservation area". The appraisal states that the "timber fencing to roadside boundaries is rarely seen in the area and should be avoided as out of character" and that "any that does exist needs to be replaced with indigenous species hedging as soon as practical to avoid it becoming a permanent feature". Particular reference is made to the need to remove the timber boundary fencing to The Homestead, directly opposite the appeal site, and replace it with traditional species hedging. During my site inspection I observed that this appears to have been carried out.

6. The CAPS confirms that "traditional timber gates are a feature of the whole conservation area ...and these need to be retained" and that "five bar timber field gates and simple timber personnel gates are the norm, with some framed and boarded gates to larger houses and some ornate heavy metal gates to the grand West Green House mansion". The conservation area is covered by an Article 4 Direction which removes permitted development rights in respect of the erection, alteration or demolition of a gate, wall or other means of enclosure within the curtilage of dwelling houses.
7. The appeal property is a locally listed, detached, two-storey house which is visible from the street, due to its elevated position in relation to the road and the low height of the five bar field gate, post and rail fencing and hedging that exists around the vehicular access. This boundary treatment, together with mature hedging and trees along the remainder of the frontage, is characteristic of the aforementioned sylvan character of the lane. As such, it makes a positive contribution to the rural character and appearance of the conservation area.
8. The proposal would introduce a solid, more urban, and formal type of frontage treatment, wrapping around the existing access, and appearing out of keeping with the prevailing soft-landscaped nature of Thackhams Lane. Notwithstanding the curved nature of the road, the proximity of the proposal to the lane, and the combined height and length of the resulting stretch of gates and fencing, would amount to a large, visually obtrusive and incongruous feature in the street scene. This would be at odds with the rural character of the lane. Although set back behind the existing hedge, the proposed fencing would be visible above it, due to its greater height. There is no assurance that the hedge would be retained in the future, or that it would grow to an appropriate height to screen the fence.
9. The appellant has drawn my attention to other solid timber gates in Thackhams Lane within the vicinity of the appeal site. However, I do not find the circumstances of these gates to be directly comparable with the appeal proposal. They tend to be positioned further back from the road frontage and within more maturely landscaped surroundings, which soften their visual impact within the street scene. Also, they do not have solid timber fencing to the sides. In particular, I have been provided with the planning history of West Green Lodge, which confirms that these gates are set back about 12 metres from the highway and that hedging is retained either side. In any event, I must determine the appeal on the basis of the particular circumstances of the appeal site and the merits of the scheme before me.

10. I therefore conclude that the development would harm the character and appearance of the area. It would conflict with Saved Policies GEN1, GEN4, RUR2 and RUR3 of the Hart District Local Plan (Replacement) 1996-2006 (2009) (HDLP). These policies, amongst other aims, seek to ensure that new development is in keeping with the local character, and that it does not have a detrimental effect on the character and setting of the countryside by virtue of its siting, size and prominence in the landscape. For similar reasons, the proposal would also be contrary to chapter 12 of the National Planning Policy Framework 2019 (the Framework) which seeks to ensure high quality design.

Setting of the Conservation Area

11. Whilst the proposed gates and fencing would be set back around one metre outside the WGCAs boundary, their proximity to the conservation area boundary and to the edge of Thackhams Lane, means that the proposal would be apparent in views which also encompass the conservation area and it would be clearly visible from within the conservation area from the road. As such, it would impact on the immediate setting of the conservation area.
12. Paragraph 194 of the Framework advises that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Therefore, having regard to the aforementioned significant features of the conservation area in respect of the landscaped, rural nature of Thackhams Lane and the prevalent types of roadside edge and frontage boundary treatments, in light of my reasoning set out in respect of the character and appearance main issue above, I find that the appeal proposal would harm the setting of the WGCAs.
13. In terms of the advice in Paragraph 196 of the Framework, the harm to the WGCAs would be '*less than substantial*'. Consequently, the Framework sets out the need to address the '*less than substantial harm*' in a balanced manner against the public benefits associated with the proposal. In doing so, however, paragraph 193 of the Framework also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of the degree of harm that might be caused to its significance.
14. No public benefits have been put forward in respect of the development to outweigh the identified harm that would be caused to the setting of the conservation area. Therefore, the proposal would not accord with Saved Policy CON13 of the HDLP, which seeks to ensure that new development conserves or enhances the character or appearance of conservation areas, and that boundary treatments are sympathetic to the character and appearance of conservation areas in respect of materials and massing. For similar reasons, the proposal would also be contrary to chapter 16 of the Framework, which requires the conservation and enhancement of the historic environment.

Other Matter

15. I have noted that the proposal represents an amended scheme from that refused under planning application Ref 19/01079/HOU. Whilst the changes to the scheme have been noted, this does not alter my findings with respect to the current proposal.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR