



Appeal Decision

Site visit made on 11 February 2020

by S D Castle BSC(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2020

Appeal Ref: APP/M1710/W/19/3236634

Tweenways, Station Road, Bentley, Farnham GU10 5JZ

- 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 & Mrs V Morar against the decision of East Hampshire District Council.
 - The application Ref 26304/008, dated 30 January 2019, was refused by notice dated 08 May 2019.
 - The development proposed is demolition of existing dwelling and erection of three dwellings with associated garaging, parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the development on the character and appearance of the area; (ii) the effect of the development on protected trees on the site; (iii) the effect of the proposal on the living conditions of surrounding residents and future occupiers; and (iv) the effect of the development on the designated Wealden Heaths Special Protection Area.

Reasons

Character and Appearance

3. The appeal relates to a corner plot located at the junction of Station Road and Blacknest Road, at the western end of the settlement of Bentley Station. Bentley Station has a predominantly linear development pattern and is set within attractive rolling countryside. Open countryside extends from the western edge of Blacknest Road and the site is prominent in shared views of the settlement and its open countryside context. The existing hip-roofed bungalow style dwelling on the site is significantly set back from both Station Road and Blacknest Road. In this regard, the existing bungalow at Tweenways is consistent with the majority of dwellings, on both the eastern side of Blacknest Road and the southern side of Station Road, which are set back from the highway on relatively spacious plots.
4. The site's Station Road frontage is relatively open and includes a driveway, lawn and an attractive grouping of trees, 3 of which are protected by a Tree Preservation Order (TPO). The low profile and set back of the existing dwelling to the rear of extensive landscaping, in combination with the site's prominent corner location, provides an attractive transition between the settlement and

the wider countryside. Taking account of the generally spacious arrangement of nearby dwellings, there is a prevailing sense of openness and the settlement has a distinctly semi-rural character and feel. The transition role the site performs between the settlement and the surrounding open countryside significantly contributes to this semi-rural character.

5. Bentley Station includes a wide variety of dwelling types and ages, including both detached and semi-detached dwellings. I do not consider that the design of the dwellings proposed would be out of character with the area given the surrounding variation. Whilst the protected Wild Cherry trees would be retained and additional native species planting is proposed for the site, the development would result in a significant reduction in the existing area of landscaping and set-back of built form from the highway. Plot 1, a 2-storey dwelling, would project significantly closer to Blacknest Road than the existing bungalow. It would also be significantly closer to the highway than the existing two-storey development on Blacknest Road to the south. The increased prominence of built form on the site, combined with the overall increased density and bulk of the development, would result in harm to the positive transition role the site performs between the settlement and the surrounding open countryside.
6. Whilst the width of the proposed plots and space between dwellings is not dissimilar to surrounding development, the short depth of the plots 1 and 2 would represent a loss of spaciousness at this prominent edge of settlement location. The proposed additional driveways, in combination with the removal of the protected Silver Birch and existing mature evergreen trees on the western boundary, would increase the visibility of the proposed dwellings and the urbanising impact of the proposal would be readily perceived from public viewpoints.
7. For the reasons outlined above, the development would result in a more dominant urban edge to the settlement at a prominent corner location, detrimental to the semi-rural character of Bentley Station. As such, the proposed development would be harmful to the character and appearance of the area contrary to Policies CP 20 and CP29 of the East Hampshire District Local Plan: Joint Core Strategy (2014) (JCS) which, amongst other things, requires that development is sympathetic to its setting, contributes to local distinctiveness and respects the character, identity and context of the district's towns, villages and countryside. For similar reasons, the proposal would also be contrary to Chapter 12 of the National Planning Policy Framework (the Framework) which requires development to be sympathetic to local character.

Protected trees

8. The appellant's arboricultural report advises that the Silver Birch tree (T11) to be removed is healthy and creates an attractive feature on the frontage, especially when viewed with the surrounding trees. The Council has not submitted any substantive evidence to suggest that the protected Wild Cherry trees (T8 and T10) cannot be adequately protected through the root protection system suggested by the appellant. I also note that additional planting is proposed as part of the landscaping scheme.
9. Nevertheless, the loss of the Silver Birch has not been justified in the interests of good arboricultural practice. Due to its position in the front garden area of a corner plot, it is a very visible feature in the area. I regard it as making a significant contribution to the amenity of the area. The development would lead

to a harmful change to the character and appearance of the area and a change to the spacious garden setting of the protected trees. There is insufficient evidence to justify the removal of the protected tree and this element of the proposal is, therefore, contrary to Policy C6 of the East Hampshire Local Plan: Second Review (2006) (LP) which states planning permission will not be granted for development that would damage or destroy one or more trees protected by a TPO unless removal would be in the interests of good arboricultural practice.

Living Conditions

10. The Council states that the rear of Plot 3 would be approximately 14.5m from the shared boundary and approximately 19m from the position of the conservatory at Ley Cottage. I find that the separation distances between the first-floor rear windows of plot 3, in combination with the boundary fencing, would be sufficient to ensure acceptable levels of privacy for the occupiers of Ley Cottage. The alignment of the proposed dwellings and the separation distance to existing dwellings would be sufficient to prevent an unacceptable impact on the living conditions of surrounding occupiers by virtue of loss of light and/or overbearing.
11. Whilst the depth of the proposed rear gardens to plots 1 and 2 would be less than that of surrounding dwellings, the overall area and shape of private garden space for the proposed dwellings would provide appropriate living conditions for future occupiers. The first-floor rear windows of plot 2 would face the side elevation of plot 3 and would not, therefore, result in unacceptable overlooking of the rear garden space of plot 3.
12. I therefore conclude that the proposal would provide suitable living conditions for future occupants and would not unacceptably harm the living conditions of existing surrounding residents. Consequently, the proposal would accord with Policies CP27 and CP29 of the JCS which require that, amongst other things, that development creates places where people want to live and does not have an unacceptable effect on the amenity of the occupiers of neighbouring properties through loss of privacy or through excessive overshadowing. In this regard, the development would also accord with paragraph 127 of the Framework which requires developments to provide a high standard of amenity.

Special Protection Area

13. The proposal would result in two new dwellings within 5km of the Wealden Heaths Phase II Special Protection Area (SPA). Subsequent to the Council's issuing of the refusal, the appellant has submitted a Habitats Regulations Assessment and the Council has determined that the development is not likely to result in significant effects on the Wealden Heaths SPA. As such, the Council has removed its objection to the proposal in this regard and is not contesting the associated refusal reason.
14. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to approve planning permission.

15. Thus, given my conclusion on the other main issues, it has not been necessary for me to pursue this matter any further or to conclude against Policy CP22 of the JCS.

Other Matters

16. I have had regard to the concerns of interested parties regarding the effect of the development on the proper and safe functioning of the highway. The highways authority considers that the required visibility splays and parking provision could be appropriately secured by condition. I see no substantive reason to take a different view. I have also had regard to the concerns of interested parties regarding drainage, however, I am satisfied that this matter could also be appropriately controlled by condition. These matters do not add to my reasons for dismissing the appeal.
17. I acknowledge that the proposal would contribute to the supply of housing in a location where the principle of residential development is supported by Policy CP2 of the JCS. The identified conflicts with development plan policies, however, carry significant weight and I find the proposal contrary to the development plan when taken as a whole.

Conclusion

18. Overall, there are no material considerations, either individually or in combination, of sufficient weight to outweigh the identified conflict with the development plan, nor do they indicate that the proposal should be determined other than in accordance with the development plan.
19. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR