



Appeal Decision

Site visit made on 9 June 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2020

Appeal Ref: APP/N1730/W/20/3245411

Land rear of Reedfield and Chequers End, Chequers Lane, Eversley, Hook, Hampshire RG27 0NT

- 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 A Girdler and R Collard against the decision of Hart District Council.
 - The application Ref: 19/01082/FUL, dated 13 May 2019, was refused by notice dated 23 July 2019.
 - The development proposed is the redevelopment of the site following the demolition of existing single storey garage building and erection of 2no. four bed dwellings with associated landscaping and parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the appeal, the Council adopted the Hart Local Plan (Strategy and Sites) 2032 (2020) (the Local Plan), which replaced some of the policies of the Hart District Local Plan (Replacement) 1996-2006 Saved Policies (the Saved Policies). Consequently, the Local Plan forms part of the development plan pertinent to the determination of this appeal. The Council has directed me towards relevant policies, and I have given the appellant an opportunity to make any comments. I have therefore proceeded on this basis.

Main Issues

3. The main issues are:
 - the effect of the development upon the Thames Basin Heaths Special Protection Area (the SPA).
 - the effect on the character and appearance of the surrounding area; and
 - the effect of the development upon the living conditions of the occupiers of neighbouring properties

Reasons

Effect of the development upon the Thames Basin Heaths Special Protection Area

4. The appeal site is located within the Thames Basin Heaths Special Protection Area (the SPA). The SPA is an area of notable heathland of particular sensitivity, that support a number of significant species of ground nesting birds. In consequence, the undertaking of recreation activity within the SPA has the potential to disrupt the special significance of this area.
5. The proposed development would result in the erection of two additional dwellings. In consequence, it has the potential to increase the local population. Whilst the development features private gardens, these are unlikely to meet the needs of all occupiers of the proposed dwellings in terms of recreation. In turn this would result in an increase in the demand for recreation activity within the SPA, which would not be desirable. This could be overcome through the provision of a Suitable Alternative Natural Greenspace (SANG), which would provide a venue for outdoors recreation to take place.
6. A Unilateral Undertaking (UU) has been submitted as part of the appeal documentation, which secures the payment of a sum of money to the Council, which could then be utilised to fund enhancements to SANGs within its control. However, the UU does not include a mechanism to compel the Council to utilise the offered financial contribution to invest in SANGs that would serve the proposed development. In consequence, I cannot be certain that the appropriate mitigation will be actually put in place.
7. A further concern is that the evidence before me indicates that the Council is unwilling to provide access to its own SANGs, unless the proposed development is of strategic importance. Given that the appeal scheme is for two dwellings only and that the Council can demonstrate the existence of a five-year housing land supply, it appears that the appeal proposal cannot be considered to be of strategic importance. Furthermore, the UU does not include a provision by which access to a SANG not within the control of the Council could be secured, or additional land transferred to the Council.
8. Whilst it would appear that the Council's criteria for providing access to SANGs does not have any formal status, the fact that it summarises the approach taken by the Council in practice creates concerns as to whether residents of the development would have suitable access to a SANG.
9. In addition, the Council has also confirmed that the SANGs at Hitches Lane, Hawley Meadow, and Black Water do not have sufficient capacity to accommodate the needs arising from the occupation of the proposed development.
10. As I do not have suitable assurances that the appropriate level of mitigation could be secured throughout the life of the development, I do not have certainty that the UU would secure an appropriate level of mitigation for the proposed development. As such, I am unable to conclude that access to an appropriate SANG would be available for the future occupiers of the development, throughout its life.

11. My attention has been drawn to a previous appeal decision¹. I do not have the full information regarding the circumstances of this development before me. However, I note that, at the time the appeal was being considered, there was capacity within some of the nearby SANGs to meet the needs of the proposed development. This differs from the scheme before me and, in consequence, a divergent approach is justified.
12. I therefore conclude that the proposed development would have an adverse effect upon the SPA, which would not be mitigated through an appropriate legal agreement. The development, in this regard, would fail to accord with the requirements of Policies SD1, SS1 and NBE3 of the Local Plan. These, amongst other matters, seek to ensure that new developments have regard to the need to assess, and where appropriate, mitigate against, the likelihood of a significant effect on the SPA; that new homes are planned for, subject to the availability of deliverable avoidance and mitigation measures in respect of the SPA; and that adequate measures will be put in place to avoid or mitigate any potential adverse effects on the SPA.

Character and appearance

13. The appeal site consists of a predominantly grassed site that also contains a relatively small amount of hardstanding and a garage building. It is accessed from a track, which also forms part of a footpath. The site is located to the rear of a number of dwellings, which are arranged in a predominantly linear form. Beyond the appeal site, is open countryside.
14. Whilst the bulk of the site is located within the settlement boundary, the site does form a transitional space between the linear form of residential development that characterises the settlement, and the open countryside beyond the site. The development that has been carried out on site is small-scale and consistent with this particular characteristic.
15. In addition, the character of the surrounding area can be summarised as being one where dwellings are set back from the highway edge with landscaping in front of dwellings. Dwellings also have large gardens. In contrast, the proposed dwellings would be set back from the track by a relatively small distance, with the space between the dwellings and track, in the main, being given over to car parking. In consequence, this would erode the prevailing character of more open, verdant plots. This is of particular concern owing to the fact that the site is prominent due to its proximity to the footpath.
16. The surrounding area features a predominance of bungalows with hipped roofs. The eaves of the hipped roofs are generally located immediately above the ground floor windows. Any rooms within the roofs feature roof lights or dormer windows. Conversely, the appeal scheme features a notably higher eaves height and a much smaller hipped roof than many of the other dwellings within the surrounding area. In consequence, the proposed development would appear incongruous.
17. Given that the development would be viewable from the footpath that runs adjacent to the front boundary of the site and the gap between the nearby dwellings of Reed Field and Meadow Croft, the proposed development would

¹ APP/N1730/W/19/3231930

have a notable degree of prominence. In result, it would appear to be an unduly strident form of development.

18. Whilst the appeal site has been the subject of some development, including the erection of a garage building, and installation of some hardstanding, these are relatively small scale and do not detract from the general verdant character of the site. This contrasts with the proposed development. In result, the presence of existing developments on the site does not require me to disregard my previous concerns.
19. I therefore conclude that the proposed development would erode the prevailing character within the surrounding area. The development, in this regard, conflicts with Policy NBE9 of the Local Plan and Policy GEN 1 of the Saved Policies. These, amongst other matters, seek to ensure that developments are in keeping with the local character by virtue of their scale, design, massing, height, and prominence; and that developments promote, reflect, and incorporate the distinctive qualities of its surroundings.

Living conditions

20. The proposed development would be to the rear of the dwelling at Reed Field. Adjacent to the site is the aforementioned track and footpath. Next to this is the dwelling at Meadow Croft. This dwelling has two windows that face the track and footpath. One of these windows has been fitted with obscure glass.
21. The development would result in an increase in the usage of the track. However, this is already in use as a public footpath and therefore potentially used with a degree of intensity. Therefore, the degree of change is unlikely to be significant. In consequence, the overall effect on the level of privacy levels experienced by the occupiers of adjoining properties would not be large.
22. Although vehicle movements could be anticipated, the site already features a vehicular access from the track. Due to the scale of the development, in terms of the number of proposed dwellings, the number of vehicle movements is unlikely to be large.
23. I acknowledged that views from the upper floor windows of the proposed development towards existing properties, including their gardens, are likely to take place, such views would only occur at oblique angles. In consequence, this relationship is unlikely to lead to a notable loss of privacy for the occupiers of neighbouring properties.
24. I therefore conclude that the proposed development would not have an adverse effect upon the living conditions of the occupiers of neighbouring properties. Policy NBE9 of the Local Plan and Policy GEN 1 of the Saved Policies. These, amongst other matters, seek to ensure that developments are of a high-quality design and maintain the living conditions of adjoining residential units by preventing a loss of privacy.

Other Matters

25. I have given the personal circumstances of the appellant careful consideration. However, I am mindful that in general, planning decisions need to be taken in the public interest. Therefore, I am not persuaded that the benefits to the appellant arising from the proposed development would outweigh the significant harm to the SPA and the character and appearance of the locality.

26. I also acknowledge concerns raised by the appellant regarding the manner in which the Council considered the planning application. However, in considering this appeal, I have limited my assessment to the planning matters before me.

Planning Balance and Conclusion

27. Whilst I have identified that the proposed development would not harm the living conditions of the occupiers of neighbouring properties, this is outweighed by the harm to the SPA and the character and appearance of the surrounding area. Accordingly, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR