
Appeal Decisions

Site visit made on 25 August 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2020

Appeal Ref: APP/H1705/W/20/3244925

61a and 63 Micheldever Road, Whitchurch, Hampshire RG28 7JH

- 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 Vivera Property Ventures Ltd against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/02517/FUL, dated 12 September 2019, was refused by notice dated 19 November 2019.
 - The development proposed is the erection of a detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The second refusal reason on the Council's decision notice refers to insufficient information being provided in relation to the garage proposed to serve 63 Micheldever Road. However, the appellants have confirmed¹ that the garage shown on the site plan² does not form part of the appeal proposal and would be progressed as permitted development. I have seen little evidence to demonstrate that this would not be the case. Therefore, as it does not form part of the development before me, I have not considered it further as part of my determination.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of the occupants of 61a and 63 Micheldever Road having regard to noise from the access arrangements.

Reasons

Character and appearance

4. Whitchurch is a small town generally surrounded by open countryside. The area nearest the appeal site comprises mostly residential development at a peripheral part of the town with the layout stretching south-eastwards along Micheldever Road. Although mixed in form and appearance, there is a coherent pattern of linear development along the northern side of the road due to the regularity of plots within which detached houses have broadly similar set backs.

¹ Appellants' Statement of Case, page 2 & Final Comments, page 1.

² Drawing number 19-RG/348/004B

There is a distinction between the more public elevations of buildings that face the road in contrast to the spacious verdant gardens to the rear, which lie adjacent to an open space comprising grassland. This, together with the rising land, allows for glimpses of greenery between the buildings from the road. Overall, this results in a pleasant, sub-urban but peripheral and verdant character to the area.

5. The appeal site comprises parts of the rear gardens to 61a and 63 Micheldever Road that lie closest to the adjacent field. Both Nos 61a and 63 are detached houses whose plot, siting, orientation and layout broadly follow the established settlement pattern described. Save for some modest domestic outbuildings there is a general absence of built form. Due to this and the established planting, they contribute positively towards the verdant spaciousness of the layout to the rear of the dwellings.
6. The proposal would introduce a single storey detached bungalow and hardstanding onto an area of garden land which is generally free of built form. Consequently, the presence of the structure and its associated increase in lighting and activity would harmfully erode the existing character of the land.
7. Furthermore, the width of the plot would be double that generally seen in the rank of houses within which Nos. 61a and 63 sit. Moreover, the footprint of the building would have a cranked form with an overall width and plot coverage markedly broader than most housing in the vicinity. In addition, it would be sited behind nos. 61a and 63, deep into the existing plots and would diverge from the linear layout. Consequently, the presence of the proposed dwelling would disrupt the well-ordered layout and result in an abrupt contrast with the adjacent open land. In combination these factors would dilute the distinctive ordered layout whereby there is a transition from the main body of built form closer to the road, through residential gardens, towards open countryside to the north east.
8. Whilst the siting, limited height and boundary planting of the development means that it would not be prominent in Micheldever Road, it is likely that glimpses would be possible via the widened access point. It would also be apparent in private views to residents living nearby.
9. The Council raise concerns that the proposal may set a precedent for backland developments to the rear of other houses along the northern section of Micheldever Road. Cumulatively, if such development were to occur, it could significantly and adversely alter the character of the area over time. However, based on the information provided, there is little to show specific pressure for such development and this concern appears to be of a more generalised nature. As such, it attracts limited weight, but must be added to the overall harm to the character and appearance of the area already identified.
10. It is put to me that the proposal would appear as a pavilion in a garden setting within a range of buildings that lie sporadically in the space between the frontage development and the field behind. However, my observations were that the established layout is not sporadic but rather has a distinctive regularity. I accept that domestic outbuildings are present in some of the garden spaces to the rear. Nevertheless, they are generally of a considerably smaller scale and footprint to the proposal. Consequently, they appear subordinate in form and function to the host dwelling. By comparison, the

proposal is not of a scale or function where it would successfully integrate into the established layout in this way.

11. The appellants point out the presence of residential development at The Knowlings, adjacent to No.61a, which would form part of the context to the development. These mostly semi-detached dwellings share some attributes with those along Micheldever Road in that they have linear, single plot arrangements with a regular set-back facing towards the road. Therefore, their layout is generally consistent with the character and appearance of the area and would not lead me to find otherwise regarding the planning merits of the appeal proposal.
12. Reference is made to paragraph 68 of the National Planning Policy Framework (the Framework) which states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. It further stipulates that local planning authorities should support the development of windfall sites giving great weight to the benefits of using suitable sites within existing settlements. Nevertheless, the reference to 'suitable sites' indicates such support is not unconditional. Moreover, paragraph 3 of the Framework confirms that it should be read as a whole. This includes paragraph 122 d) of the Framework which stipulates that planning decisions should support development that makes efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).
13. Taking the above factors together, I find that the proposal would adversely affect the character and appearance of the area. Accordingly, it would be contrary to policies SS1, EM1 and EM10 of the Basingstoke and Deane Local Plan (2011 to 2029), May 2016 (LP). Policy SS1 provides support for residential development within settlement boundaries where, amongst other matters, it contributes to environmental wellbeing. Policies EM1 and EM10 in combination require, amongst other things, proposals to be sympathetic to the character and visual quality of the area and positively contribute to local distinctiveness.
14. In addition, the proposal would conflict with policy LD2 of the Whitchurch Neighbourhood Development Plan 2014 to 2029, July 2017. This generally permits residential development on garden land provided that it respects, enhances and is not detrimental to the character or visual amenity of the landscape. Although this policy was not cited in refusal reason 1 on the Council's decision notice, it was referenced in the Council Officer's report³.

Living conditions

15. The proposed dwelling would be served by an access drive located between Nos. 61a and 63 onto Micheldever Road. The driveway would be adjacent to the entire south eastern side boundary of No.61a with hardstanding next to the full width of the rear boundary. As such, vehicle parking and turning movements and associated activity would take place close to the rear garden boundaries of No.61a.
16. At my site visit, I noted the area was relatively quiet. As a result, noise from vehicle engines and movement in such proximity, would be particularly noticeable, and therefore, likely to cause unacceptable disturbance to the

³ Pages 2 & 3

- residents of No. 61a when using their rear garden. It is not shown that the effects would be entirely overcome by the provision of boundary treatments.
17. Paragraph 127 f) of the Framework indicates that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. For the reasons outlined, the proposal would fall short of achieving this. Similarly, policy EM10 of the LP requires development to provide a high quality of amenity for occupants of developments and neighbouring properties. As such there is little to support the appellants' assertion that a lower standard would be acceptable.
 18. Whilst one dwelling would generate a relatively limited number of vehicle movements, they would be of a frequency and proximity to the rear garden of No.61a that would noticeably diminish the living conditions of the occupants. Moreover, in part the driveway would also serve vehicle movements associated with No.63.
 19. The appellants state that suburban houses might often have a neighbour's drive along one of its side or rear boundaries. Be that as it may, in this case the driveway and turning area is proposed along both the side and rear boundary for No.61a and the driveway would serve both the proposed dwelling and No.63. Accordingly, the extent of the impact would be greater than such typical arrangements.
 20. The Council also raise concerns in relation to the impact on the occupants of No.63. Nevertheless, the rear garden boundary would adjoin the garden of the proposed dwelling, and the rear garden of No.63 would be shielded from the driveway due to a combination of distance and the presence of its own garage and parking. Overall, this would be sufficient to prevent an unacceptable impact from noise and would safeguard a high standard of amenity for the occupants. Nevertheless, this would not outweigh the harm identified in relation to residents at No.61a, and nor would the absence of harm in relation to privacy, light levels and outlook.
 21. Accordingly, I find that the appeal proposal would result in unacceptable harm to the living conditions of the occupants of No.61a as a result of disturbance from noise due to the access arrangements contrary to policy EM10 of the LP.

Conclusion

22. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁴. The principal benefit of the proposal would be its contribution to the overall housing supply in a relatively accessible location. However, the extent of benefits arising from a single additional dwelling would be limited and therefore, this attracts limited weight. Accordingly, this would not justify my determining the development other than in accordance with the adopted development plan and Framework. Therefore, for the reasons given above, the appeal is dismissed.

Helen O'Connor

Inspector

⁴ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.