
Appeal Decision

Site visit made on 17 August 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2020

Appeal Ref: APP/H1705/W/20/3249822

6 and 7 Pond Road, Bramley Green, Bramley, Tadley, Hampshire RG26 5UJ

- 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 Malcom Bell against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/02277/FUL, dated 14 August 2019, was refused by notice dated 17 December 2019.
 - The development proposed is change of use to residential garden extensions.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was amended after submission to delete reference to change of use of land to rear of 9 Pond Road. The Council's decision was made against the amended plans, and I shall determine the appeal on the same basis.

Main Issues

3. The main issues are the effect of the proposal on green infrastructure, and the effect on biodiversity.

Reasons

4. Bramley Green comprises several discrete pockets of modern housing separated by tree belts and woodland buffers which contribute positively to the character and appearance of the area. Bramley Green Road and Pond Road are a case in point. This housing development is completely encircled by trees. The appeal properties abut the western perimeter of the development and both dwellings are located within 2 m of the boundary fence, with windows facing towards woodland. I note that this treed area is annotated on the Bramley and Bramley Green Conservation Area (CA) map under the heading 'trees of townscape significance', although it lies outside of the CA boundary.
5. Owned by the Council and measuring approximately 200 m², the land proposed for change of use forms part of a larger wooded area separating Pond Road from Beech Farm and beyond that housing in Lane End. The Council's tree officer states that areas like this are managed on a minimal intervention basis, by clearing back from garden fences as and when requested and inspecting any trees within falling distance from the gardens. It was obvious from my site inspection that there had been some recent maintenance works, which may have included the removal of trees.

6. There are few if any significant trees within the 4 m deep strip proposed for change of use. The site contains mainly understory planting and small trees, some of them on an earth bund. Whether or not this area was part of the landscaping scheme for the development, or just dumped soil, is immaterial. It has acquired naturalistic qualities and has integrated into the woodland buffer. No ecology survey has been submitted with the application but based on my observations I have no doubt that it will have some biodiversity value.
7. Relevant development plan policy is set out in Policy EM5 of the Basingstoke and Deane Local Plan 2011-2029 (BDLP). Amongst other things, this states that development proposals will only be permitted where they do not prejudice the delivery of the Council's Green Infrastructure Strategy¹ (GIS). The GIS defines Green Infrastructure (GI) as an interconnected network of natural areas and other green open spaces that is integral to the health and quality of life of people in local communities and which supports and enhances natural and ecological processes. The GIS further explains that there are many types of GI including amenity green space and natural and semi-natural green spaces. Although much of the GI network is publicly accessible this is not a prerequisite and sites such as the landscape buffer behind Nos 6 and 7 Pond Road, which is only visible in part or from private residential properties, would qualify.
8. The GIS is multifaceted, but its general thrust is to protect the natural capital that already exists within the Borough and to enhance provision where possible. Incremental loss is recognised as a threat, hence new development is expected to proceed on a 'net-gain' principle². The supporting text to BDLP Policy EM5 states that proposals that would harm the overall green infrastructure network will only be permitted in exceptional circumstances where the negative impact arising from the development can be wholly mitigated.
9. The appeal site has not been declared surplus to requirements by its owner. The land is an integral part of the woodland buffer, a distinctive feature of Bramley Green, and the GI network as a whole. Its loss to residential garden would not be noticeable to anyone other than those living immediately adjacent to the site, but this does not make it acceptable in policy terms. The site has intrinsic landscape value and in the absence of an ecology survey it should be assumed that it also has biodiversity interest. No mitigation measures are put forward and therefore I conclude that the proposal would conflict with BDLP Policies EM1, EM4 and EM5 insofar as these seek to protect the character or visual amenity of the landscape, biodiversity interests and green infrastructure.

Other Material Considerations

10. Section 38(6) of the Act stipulates that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The appellant contends that the proposal is necessary to prevent trees and vegetation overshadowing and blocking natural light to Nos 6 and 7. This has led to damp and reliance on electric lights in daytime. These adverse impacts can be mitigated by routine maintenance; works have seemingly been carried out to reduce the height of the understory and fell trees nearest the boundary. This has ensured a high quality of amenity for the occupants of both properties consistent with the expectations of BDLP Policy EM10. The remaining trees are sufficiently far back from the boundary to prevent future issues.

¹ Green Infrastructure Strategy for Basingstoke and Deane (2018-2029), November 2018

² This principle is also set out in the Landscape, Biodiversity and Trees Supplementary Planning Document (2018)

11. Clearly, maintenance is an ongoing requirement. The appellant has historically carried out such works himself, but there is no compelling evidence to persuade me that the Council as a responsible landowner would not be prepared to continue from hereon in. Providing that maintenance is carried out when required there is no justification for the proposed change of use.
12. My attention has been drawn to a 2015 planning permission³ for the change of use of land in nearby Farriers Close and an appeal decision⁴ for land to the rear of 29 and 30 Farriers Close. However, both predate adoption of the GIS which places a higher emphasis on the protection of GI. I have determined the appeal on its merits against the current policy framework and supplementary guidance.

Conclusion

13. The proposal conflicts with the development plan and, having carefully considered the arguments put forward in support of the appeal, there are no material considerations which would justify a decision otherwise than in accordance with the development plan.
14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR

³ Ref 13/01594/FUL

⁴ APP/H1705/W/17/3181220