



Appeal Decision

Site visit made on 22 September 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2020

Appeal Ref: APP/H1705/W/20/3250192

Heathwood, Well Street, Newtown, Newbury RG20 9BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Colin Fletcher against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/02173/OUT, dated 11 August 2019, was refused by notice dated 20 November 2019.
 - The development proposed is outline consent for one residential dwelling.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Colin Fletcher against Basingstoke and Deane Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. There is inconsistency in the evidence with regard to whether the site lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). As there are no plans to confirm that the site is within the AONB, I have based my reasoning on the assumption that it is not.
4. The application is for outline permission with all matters reserved.

Main Issues

5. The main issues are the effect of the development on:
 - The living conditions of occupiers of The Hythe, Beechview and Fernlea with particular regard to noise and disturbance;
 - The effect of the development on the character and appearance of the area, including the nearby protected woodland;
 - Whether the development would accord with local policies with regard to biodiversity; and,
 - Highway safety.

Reasons

Living conditions

6. The appeal site abuts the rear plot boundaries of The Hythe and Beechview. The construction of a dwelling with attendant parking and garden areas would introduce frontage activity to the rear of these plots where existing occupiers should have a reasonable expectation of less disturbance. Moreover, given the overall size of the appeal site it seems unlikely that would be space for an appropriate buffer zone between the new dwelling and the garden boundaries of The Hythe and Beechview. The degree of intrusion would therefore be particularly acute.
7. The new dwelling's access would also run alongside The Hythe's flank elevation which has windows to ground floor habitable rooms. This elevation is also very close to the site boundary. Backland development would generate comings and goings close to these windows which would be detrimental to the living conditions of The Hythe's occupiers.
8. There is significant vegetation along the Fernlea boundary on the other side of the access strip and it was difficult to assess whether Fernlea's flank wall had windows that might serve habitable rooms. However, occupiers of Fernlea would experience noise and disturbance at the rear. Although this would be to a lesser extent than that experienced by occupiers of The Hythe and Beechview, it would nonetheless be intrusive.
9. I conclude that the development would therefore have an adverse effect on the living conditions of these neighbouring dwellings with regard to noise and disturbance. In so doing it would be contrary to Policy EM10 of the Local Plan (LP) which requires development to respect the amenities of occupiers of neighbouring properties.

Character and appearance

10. The site is outside settlement boundaries and LP Policy SS6 sets out criteria for new housing development in the countryside. The appellant argues that the site is previously developed land, allowed as an exception under this policy. However, although it comprises rough mown grass it does not appear to be garden land. The appeal site is described and shown as a separate planning unit, and in separate ownership from the dwellings on either side of the access.
11. There appears to be a building shown on the access strip on the 1910 – 1911 historic map but the plot boundary ends at the top of the access and excludes most of the appeal site.
12. The TPO plan shows the site to be part of The Hythe's plot. However, Beechview is also shown as being the same plot. Consequently, it is difficult to reach a conclusion as to whether the site was formerly part of The Hythe's curtilage or whether boundaries were omitted when drawing the plan. The site's apparent lack of suitability for agriculture or horticultural use does not make it previously developed land for planning purposes. In any case, I am unable to conclude that it is or has been garden land.
13. The Well Street frontage comprises semi-detached and terraced dwellings on long narrow plots as well as detached dwellings on larger plots. Most dwellings have extensive rear plots which include protected woodland.

14. Although the dwelling would be in line with a limited row of backland dwellings at Pinewood Drive, it would be separated from that development by the large plot of Pine View. It would also have a separate road access and would therefore be remote and isolated from the strong linear frontage of Well Street. Pinewood Close is an anomaly and in any case it is not contiguous with the appeal site. The existence of harm does not justify additional harm.
15. There is no indication of the dwelling's proposed footprint. Although I appreciate that this is an outline application, it seems to me that even a new dwelling with a modest footprint would have limited external space. Such a dwelling would appear cramped within the site. Although there are terraced dwellings nearby they have long rear plots and there is uniformity in that they share a common and direct road frontage. Where there are detached dwellings they sit within plots much larger than that now before me. Moreover, the location of existing dwellings on the road frontage allows a significant buffer between those dwellings and the protected woodland to their rear.
16. The development would therefore be incongruous within the prevailing building pattern. Even though this is an outline application it is reasonable to assess how much space a dwelling could take up.
17. The site's western boundary appears to coincide with the edge of the protected woodland. Given the limited options for locating a dwelling within the appeal site and in the absence of evidence to the contrary I am unable to conclude that the development would not extend within the root protection zones of nearby trees in that woodland. Nor am I able to conclude that the peripheral trees would not come under pressure for pruning or felling works due to conflicts between the woodland and the dwelling or its amenity space. In my experience there is little tolerance of the adverse effects of trees where they are in proximity to dwellings as concerns arise with regard to shade, safety and debris.
18. The appellant argues that the removal of a small number of trees would not have a significant impact on the woodland. However, works to protected woodland are required to be based on a sound arboricultural rationale¹, or to demonstrate that the works would not have a significant effect. There is no such evidence before me. Consequently, I am unable to conclude that the protected woodland would not be adversely affected by the development. Such harm would be detrimental to the character and appearance of the area.
19. Although LP Policy SS6 allows small scale residential development to accommodate local need, no such evidence is before me. In my experience such evidence is generally provided by the appellant.
20. There is near continuity of built form along Well Street, but the frontage is punctuated by occasional vehicular access points, including the appeal site. Although there are glimpsed views to the woodland the effects on visual amenity from the road would be very localised. I am also satisfied that a more formal access would not be out of place here. However, this does not alter my reasoning with regard to the incongruity of a dwelling in this location in relation to the prevailing building pattern and its likely adverse effect on the adjoining woodland.

¹ Planning Practice Guidance 36-092-20140306

21. The total area of the site might be as large as plots nearby but it is L-shaped which reduces options for locating the dwelling. Windows on The Hythe's side elevation preclude building along the Well Street frontage, and in any case the plans show the dwelling located beyond the access strip. Even if parking and turning areas could be located on the access strip there would be limited options for locating the dwelling. There would be insufficient space to locate a dwelling with an appropriate buffer from nearby plot boundaries. The dwelling would therefore be incongruous with the established building pattern.
22. Accordingly, I conclude that the development would have an adverse effect on the character and appearance of the area. LP Policy SS1 permits exception sites outside settlement boundaries, and the exceptions are set out in LP Policy SS6. I have outlined above why the appeal site is not previously developed land. Although other arguments have been advanced, they are unsubstantiated. The development would therefore fail to comply with LP Policies SS1 and SS6.
23. Even if the development was considered to be an exception site it would fail to meet the high quality design objectives of LP Policy EM10 which requires development to make a positive contribution to local distinctiveness or respect the characteristics of the existing built environment. The development would also be contrary to LP Policy EM1 with regard to the protected woodland as it has not been shown that the proposals are sympathetic to the character and visual quality of the landscape. The Council has also cited the National Planning Policy Framework (the Framework) which is generally supportive of the specific policies referred to.

Biodiversity

24. The SPD² requires a buffer of minimum 20 metres to be provided between the edge of woodland or tree belts and development, to safeguard biodiversity and nature conservation. This would preclude development over the appeal site except for the access strip, which by virtue of its limited width and proximity to The Hythe's windows, would be highly unlikely to contain a new dwelling. However, there is nothing in LP Policy EM4 to support this requirement, nor am I aware that the woodland, although protected, has particular nature conservation or biodiversity attributes.
25. Nonetheless, this is a protected woodland of some size. Development close to the woodland edge would be likely to cause disturbance to local flora and fauna. Although I am unable to conclude that a 20 metre buffer from the woodland edge would be justified, I conclude that there would be some minor harm to local biodiversity if a dwelling was sited close to the woodland. This would lead to conflict with LP Policy EM4 which is concerned with the protection of biodiversity within designated sites. Although protected woodlands are not specifically mentioned, it seems to me that limb 1d) of this policy is not a closed list and that protected woodlands fall within the definition of locally designated sites.

Highway safety

26. Although the site is constrained, there is nothing before me to conclude that there would be insufficient space for turning and parking within the site as this

² Landscape, Biodiversity and Trees

would depend on the size, location and nature of the dwelling, which is not specified. It is not uncommon for an outline application to comprise only a site plan and the access point. The access from Well Street is already served by a field gate and the volume of traffic entering and existing would be relatively low. The access strip is wider than required for a driveway and this could be used for cycle storage.

27. The development would not have an adverse effect on highway safety and would not be contrary to LP Policy CN9 which is concerned with the provision of a safe, efficient and convenient transport system, or LP Policy EM10 which requires the provision of adequate parking space. Nor would the development be contrary to the provisions of the Framework with regard to transport.

Planning balance

28. The Council is unable to demonstrate sufficient housing land supply and consequently Paragraph 11d) of the Framework is engaged.
29. However, the development would provide one windfall dwelling which would make a limited contribution to overall housing supply, or the local economy. The limited benefits would not outweigh the harm identified above. Although I appreciate that the site is a short distance from Newbury's amenities, it remains that it is designated as countryside. One additional dwelling would not generate significant support for local services and the appeal statement notes that there is no longer a local bus service.
30. Consequently, the adverse effects of the development would significantly and adversely outweigh the benefits when assessed against policies in the Framework taken as a whole.

Other matters

31. Disputes concerning the current fence are outside the scope of this appeal.

Conclusion

32. The development would be contrary to relevant local policies and national guidance and there are no material considerations of such weight to lead me to a different conclusion. The appeal is dismissed.

A Blacq

INSPECTOR