

Appeal Decision

Site visit made on 1 September 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2020

Appeal Ref: APP/H1705/W/20/3251221

Land at rear of Carlton and Campana House, Harts Lane, Burghclere, Hampshire RG20 9JN

- 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 Mr Andy Mash (Rivar Limited) against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 18/00778/OUT, dated 15 March 2018, was refused by notice dated 13 March 2020.
 - The development proposed is described as an "Outline application with all matters reserved except for access and layout, for the erection of 2 no. dwellings with detached garages".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 no. dwellings with detached garages at the land at Carlton and Campana House, Harts Lane, Burghclere, Hampshire RG20 9JN, in accordance with the terms of the application, Ref 18/00778/OUT, dated 15 March 2018, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by Rivar Ltd against Basingstoke & Deane Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal seeks outline permission with all matters reserved except for access and layout. In so far as the submitted plans and drawings show details of matters other than the access or layout, I have treated those as being purely illustrative.
4. I have taken the address from the Appeal Form as it is a more accurate description of the site location, as shown on the submitted plans.

Main Issue

5. The main issue are the effects of the proposed development on existing trees on or near the site and the associated biodiversity.

Reasons

6. The site of the proposed houses is to the rear of the existing dwellings Carlton and Campana House, within what is their large rear gardens. To the end of these gardens is woodland, which is part of a larger wooded area to the north of these plots (Breach Copse). Prior to the determination of the planning application the Council set a tree preservation order (TPO), reference TPO/BDB/0660, on the woodland trees which are to the rear of both these gardens. These trees contribute positively to the character and setting of this part of the village.
7. The proposed houses would be approximately 12m from the canopy of these trees. From the evidence before me this would be sufficient to avoid any direct impact to these trees or their roots, subject to an Arboricultural Method Statement which can be required via condition.
8. The Council has drawn my attention to the 20m buffer advised in the 'Landscape, Biodiversity and Trees' Supplementary Planning Document (SPD). The SPD states that there should be a minimum buffer of 20 metres provided between the edge of the woodland/tree belt and the development to help provide a naturally graded edge to the woodland. However, the document also states that buffers should not include private gardens.
9. In this case, the area to the base of these trees is primarily private garden already. With the proposed development this would not change, other than the introduction of the houses. Therefore, there is no existing buffer zone as described in the SPD and this would remain if the proposals are implemented.
10. The siting of the proposed dwellings may result in some increase in intensity of use of the areas around the base and under the canopy of these trees, noting that use of the gardens currently is more likely towards the rear of the existing host dwellings. However, there is no substantive evidence to suggest that the use of the areas near these trees by future occupiers of the proposed dwellings would be at such levels of intensity that it would damage the trees or result in pressure for their removal or substantial works. Indeed, the Council has suggested that there is no issue with the level and quality of amenity space being provided for each new dwelling, even with the protected trees in situ.
11. Overall, the distance of the proposed houses from the trees should allow for the development without any direct adverse impact to the trees in this woodland. Furthermore, I am not persuaded that the possible increase in activity in the area near the trees from future occupiers of the proposed houses would result in significant pressure to fell or cut back these trees. In any case, the Council does have control over any proposed tree works or felling as this area of woodland is subject to a TPO. As a consequence of the above, the proposed dwellings and their siting would not have an adverse impact to biodiversity that is part of the adjacent woodland.
12. Whilst there may have been previous trees felled within the site, this is not a matter before me, and it does not change my conclusion that the development could be implemented without the loss of the trees that are set to remain.
13. The proposals are therefore in accordance with policies EM1, EM4 and EM10 of the Basingstoke and Deane Local Plan 2011 – 2029, which require development to respect, enhance and not be detrimental to the character or visual amenity

of the landscape, avoid significant harm to biodiversity, amongst other things. I also find the proposal in general accordance with the Landscape, Biodiversity and Trees Supplementary Planning Document (December 2018).

Other Matters

14. The proposal would result in dwellings in a backland location behind other existing houses. However, this village has lost some of its linear form due to other developments, some of which are close to this site. I am aware of the recent appeal decision to dismiss a proposal for a new dwelling at Beechcroft on Harts Lane (ref: APP/H1705/W/16/3162682). However, there are some clear differences between the two proposals. For example, from the illustrative plan I do not regard this appeal development as having such an urbanising impact with the proposed dwellings not filling as much of the width of the plots for example. Furthermore, the proposed houses with this appeal would not be particularly prominent visually within the street scene. The differences in the schemes are such that whilst this previous appeal decision is a material consideration, it has not led me to conclude that the layout of the proposed two houses would have an adverse impact to the character and appearance of the area, which was also seemingly the conclusion of the Council. Furthermore, the two dwellings proposed with this appeal would not appear cramped within what would remain sizable plots. Therefore, I have no objection to the layout of development as proposed and how this would impact on the character and appearance of the area.
15. My attention has been drawn to the progress being made with the Neighbourhood Plan, with its target for new dwellings to add to those dwellings already permitted in the village. The Local Plan advises that through Neighbourhood Plans a village such as Burghclere should deliver at least 10 new dwellings. The draft Neighbourhood Plan seeks to deliver at least 15 new dwellings (Policy B2). However, these targets are not absolute limits and the proposal would provide two dwellings within the village which also goes towards the districts housing land supply needs. To my mind, I am not persuaded that there is no need for two dwellings at this time in Burghclere and have no substantive evidence that there is not the local infrastructure to support such a development.
16. Furthermore, as explained above, I do not regard the proposal as having a detrimental impact to the rural character of the village. In my view, following the site visit, the proposed development complies with the criteria under policy B4, which relates to development on residential garden land. It should be noted that this is an outline proposal and therefore the final design, scale and overall appearance of the dwellings is not known at this stage.
17. The proposed dwellings would, as indicated, be likely to be two storey with windows looking back towards the properties closer to the highway. This would include the neighbouring properties Langstone and Lonicera. However, whilst the proposed dwellings would be on a higher ground level there would be a significant distance from these new dwellings to the rear of these neighbouring dwellings. They are also illustrated as being set off the boundaries with these neighbouring properties, which should reduce the potential overbearing or overshadowing impacts. Furthermore, the proposal is in outline and so the details of the appearance and internal layout of the proposed dwellings is unknown, but there is no reason to conclude that two houses cannot be built

on these plots without resulting in undue levels of impacts to the living conditions of any neighbours to the site, including the host dwellings.

18. There have been comments received with regards parking. However, the proposal includes off-street parking and there is no substantive evidence to show that if there was any overspill parking on Harts Lane that this would result in a significant highway safety issue, including from either of the host dwellings to the development.
19. I am aware of all the objections received, including from the Parish Council and nearby neighbours, and have taken all comments into consideration. However, in this case I have found that the objections to the proposal do not warrant dismissal of this appeal.

Conditions

20. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the National Planning Policy Framework and PPG.
21. I have attached the standard time limit conditions for an outline application, a requirement for reserved matters, and a plans condition where the plans include details of access or layout, as this provides certainty.
22. A condition has been included to require water efficiency standards for the new dwellings, in the interests of sustainable water usage.
23. In order to safeguard the trees which are to remain on or near the site an Arboricultural Method Statement is required. Also, in relation to the trees is a condition requiring details of construction and new utility services.
24. There is also a detailed Construction Method Statement required via condition, in the interests of safeguarding living conditions of neighbours to the site and also highway safety through the construction phase. There is included a condition stating the restricted times of construction and associated deliveries, to safeguard the amenities of neighbours primarily.
25. In relation to highways safety, there are also conditions requiring details of visibility splays and the access and how these are to be constructed. The parking spaces shall also be required to be in place prior to the occupation of the dwellings.
26. A condition requiring final levels details is required, in the interests of neighbour amenity and also to safeguard the character and appearance of the area sufficiently.
27. There is a condition requiring the contacting of the Local Planning Authority and possible subsequent remediation works if discoloured or odorous soils are encountered during development.
28. There is also a condition attached which was recommended by the Biodiversity Officer to require the development to comply with the recommendations and procedures contained within Chapter 5 (Potential Impacts and Recommendations) of the Ecological Appraisal by BSG Ecology. This is to safeguard species and also provide ecological enhancements.

29. The Council have recommended some informatives, but these are not to be added to an appeal decision. Nonetheless I would advise the appellant to consider the content of these informatives.

Conclusion

30. For the reasons given above and considering all matters raised the appeal should be allowed, subject to the conditions set out in the schedule below.

Steven Rennie

INSPECTOR

SCHEDULE – CONDITIONS

- 1) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans, where they relate to access and/or layout:
DP100D, Plans Elevations and Sections.
8170908/6201 P1, Proposed Site Access.
8170908/6101 P1, Visibility Splay Analysis.
- 5) No development above ground level shall commence on site until a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.
- 6) No development including ground preparation shall commence until an Arboricultural Method Statement, prepared in accordance with the BS5837 "Trees in Relation to Design, Demolition and Construction" has been submitted to and approved in writing by the Local Planning Authority. The statement shall outline how the woodland will be protected during the development and shall include a tree protection plan along with specifications for all operations within the root protection area of

- retained trees. No development or other operations shall take place other than in complete accordance with the approved method statement.
- 7) No development, including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence on site until a plan showing the location of all existing and proposed utility services has been submitted to and approved in writing by the Local Planning Authority. This shall include gas, electricity, communications, water and drainage. No development or other operations shall take place other than in complete accordance with the utility services plan.
 - 8) Prior to the commencement of development upon the dwellings hereby approved, access to the development site shall be constructed in accordance with the approved details, including visibility splays, road and footway geometry, and boundary features and access points, as shown on the approved drawings.
 - 9) No development shall take place on site until details of the method of construction of the means of access have been submitted to and approved in writing by the Local Planning Authority.
 - 10) No building erected on the land shall be occupied until there is a direct connection from it, less the final carriageway and footpath surfacing, to an existing highway made up in accordance with the approved specification programme and details. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the date when erection commences of the dwellings hereby approved.
 - 11) No works shall take place on site until a measured survey of the site has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground levels and finished floor levels in relation to a nearby datum point which shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed and thereafter maintained in accordance with the approved details.
 - 12) No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays, nor on Sundays or recognised public holidays during the construction period.
 - 13) No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays, nor on Sundays or recognised public holidays.
 - 14) The development hereby permitted shall not be occupied until vehicle parking spaces have been constructed and surfaced in accordance with the approved details and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.
 - 15) In the event that any discoloured or odorous soils are encountered during development works or any hazardous materials or significant quantities of made ground are found, then all development works shall be stopped,

the Local Planning Authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works. Following the completion of development works and prior to the first occupation of the site, information shall be submitted to demonstrate that any required remedial measures were implemented, or confirmation provided that no unexpected contamination was encountered.

- 16) Development should be undertaken in line with recommendations and procedures contained within Chapter 5 (Potential Impacts and Recommendations) of the Ecological Appraisal by BSG Ecology dated 31/1/2020 and as depicted within Appendix 1 Proposed Development of said Ecological Appraisal.
- 17) No development shall take place until a Construction Method Statement that demonstrates safe and coordinated systems of work affecting or likely to affect the public highway and or all motorised and non-motorised highway users, has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include for:
 - i. Means of access (temporary or permanent) to the site from the adjoining maintainable public highway, including the associated traffic management arrangements;
 - ii. The parking and turning of vehicles of site operatives and visitors off carriageway (all to be established within one week of the commencement of development);
 - iii. Loading and unloading of plant and materials away from the maintainable public highway;
 - iv. Storage of plant and construction materials used in constructing the development away from the maintainable public highway;
 - v. Wheel washing facilities or an explanation why they are necessary;
 - vi. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - vii. Measures to control the emission of dust and dirt during construction; and
 - viii. A scheme for recycling and disposing of waste resulting from construction work.

End of schedule