



Appeal Decision

Site visit made on 28 September 2020

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

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/H1705/W/20/3254658

Land rear of 221-223 Winchester Road, Basingstoke, RG21 8YH

- 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 & Mrs J McKinney against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/02909/FUL, dated 18 October 2019, was refused by notice dated 24 December 2019.
 - The development proposed is a proposed 3 bedroom detached dwelling with integral garage on land to the rear of 221 & 223 Winchester Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (1) the effect of the development on the character and appearance of the area, and (2) the effect on flood risk both for the proposed dwelling and elsewhere.

Reasons

Character and Appearance

3. The site is to the rear of 221 & 223 Winchester Road, although the access would be from Portacre Rise. The proposed dwelling would relate primarily to Portacre Rise, which is a residential street characterised by detached dwellings set within spacious plots with both front and rear gardens.
4. The proposed dwelling would be set behind an area of open space which is to the side of No 223 Winchester Road. This is a grassed area with many trees, some protected under a temporary Tree Preservation Order (Ref: BDB/0656/B). This is an attractive area and a public amenity. The proposed dwelling would have an access drive across this open space land.
5. The proposed dwelling would be set behind this public open space land when viewed from Portacre Rise. Apart from the access drive, the front boundary of the proposed dwelling would be set well back from the highway edge. This is in stark contrast with the other dwellings along Portacre Rise which typically have front gardens/boundaries that extend up to the public highway. For this reason, the siting of the proposed dwelling would appear disconnected from the street scene of Portacre Rise and would fail to reflect the prevailing pattern of the

area. Furthermore, it would also have no frontage facing onto Winchester Road, where it would be set behind the host dwellings.

6. In terms of the open space, although the access drive would be narrow and occupy only a small area of this public amenity space, it would reduce its size. It would erode the amount of public open space available and its attractiveness which positively contributes to the character of this residential area. Whilst the ownership of the land is disputed, the area of the proposed driveway currently appears to be part of this open space and would therefore have a negative visual impact on the area, even with a proposed use of 'grasscrete'.
7. Furthermore, in doing so the proposal would likely result in loss of some trees set within this public open space. From my observations there are some trees near the area of the proposed access drive, and I am not convinced from the appellant's evidence that this driveway can be achieved without some tree felling. For instance, I note the submitted Landscaping Plan comments that one of the trees planted by the Council would need to be relocated or replaced by a new tree.
8. These trees contribute positively to the open space and general character of the area and so tree loss would be harmful to the visual qualities of the area. Proposed future landscaping would unlikely sufficiently compensate for any tree loss, especially considering the constrained site area.
9. I understand that there have been previous approvals for residential development in the past, but these were a substantial amount of time ago, prior to the current Local Plan policies. I give the fact that there were these old approvals minimal weight.
10. Overall, for these reasons, the proposal would be harmful to the character and appearance of the area, contrary to policies EM1, EM5 and EM10 of the Basingstoke and Deane Local Plan 2011-2029. These policies require development to be sympathetic to the character and visual qualities of an area; seek to protect and enhance the quality and extent of public open space; and positively contribute to the existing street scene, amongst other things.

Drainage and Flood Risk

11. This site is stated by the appellant to be within Flood Zone 2 and a Flood Risk Assessment (FRA) has been submitted. However, the Council confirms the site is within Flood Zone 1 but is 'Upstream of a Critical Drainage Area', as defined by the Council's Strategic Flood Risk Assessment, where a new development is likely to overload the capacity of the existing drainage system. The site is also stated to be at flood risk from surface water. As such, the site could be at risk of flooding.
12. The FRA does include some flood mitigation measures, such as finished floor level 150mm above the surrounding ground and use of porous surfaces. However, the FRA is very short and lacks detail to sufficiently demonstrate how the mitigation measures would protect future residents and also how the development would safeguard against flood risk elsewhere around the site.
13. The proposal does not sufficiently demonstrate that it would adequately respond to flood risk including the upstream critical drainage location issue. The proposal is therefore contrary to policy EM7 of the Local Plan, which sets

the requirements for FRAs in such areas and highlights the issue of sites being 'Upstream of a Critical Drainage Area'.

Planning Balance

14. The Council has acknowledged that it cannot demonstrate a 5 year housing land supply. Paragraph 11 of the National Planning Policy Framework (the Framework) sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Given the lack of a five year housing land supply, paragraph 11 d) of the Framework is engaged.
15. In terms of benefits, the proposal would provide a new dwelling towards the local housing supply within a residential area with relatively good accessibility, including public transport links. There would be economic benefits from the construction of the dwellings, and this could be considered an efficient use of the site, amongst other potential benefits.
16. I note that the Council has not included issues of the appearance of the proposed house and car parking provision in their reasons for refusal, but there being no objection to these matters would be mostly neutral in the planning balance with little positive weight.
17. However, the harm to the character and appearance of the area, together with the issue of flood risk which has not been adequately addressed by the appellant, would when assessed against the policies in the Framework taken as a whole (particularly those within Chapters 12 and 14), significantly and demonstrably outweigh the benefits.

Conclusion

18. For the reasons set out above and considering all matters raised the appeal should be dismissed.

Steven Rennie

INSPECTOR