
Appeal Decision

Site visit made on 13 October 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2020

Appeal Ref: APP/N1730/W/20/3249009

Elvetham Bridge House, Reading Road North, Fleet GU51 4HT

- 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 Dennis Wilkins of North Hants Homes Ltd against the decision of Hart District Council.
 - The application Ref 20/00145/FUL, dated 22 January 2020, was refused by notice dated 12 March 2020.
 - The development proposed is construction of detached 4-bedroom dwelling and detached garage (following demolition of existing pool house).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the Council's decision on the appeal application, the Hart Local Plan (Strategy and Sites) 2032 (HLP32) was adopted on 30th April 2020 and replaced a number of policies in the Hart Local Plan (replacement) 1996-2006 (HLP06).
3. With regards to the policies from the HLP06 that are referred to in reason for refusal one, Policies GEN1 and CON8 remain as 'saved' policies. Policy GEN4 has been superseded by Policy NBE9 of the HLP32. Policy CON13 has been superseded by HLP32 Policy NBE8, with Policy URB12 being superseded by HLP32 Policy H1. Policies in the HLP32 now form part of the development plan, and I have determined the appeal on this basis.

Main Issue

4. The main issue in this appeal is the effect of the proposal upon the character or appearance of the North Fleet Conservation Area (NFCA) and upon existing trees on the site.

Reasons

5. The appeal site was formerly part of the garden of Elvetham Bridge House but has subsequently been subdivided from this property by a close boarded fence. It lies within the NFCA and contains a number of trees, which are the subject of a Tree Preservation Order. The site also contains a former single storey pool house building.
6. The proposed development is for the erection of a 4-bedroom detached dwelling and detached garage. Access to the site would be via a currently

disused access from Reading Road North. The existing pool house on the site would be demolished.

7. The character of this part of the NFCA is established by detached properties, that are of a varied scale, design and size, with the dwellings responding to the individual characteristics of their plots. Landscaped frontages and the presence of mature planting and established trees creates a verdant and sylvan character to the area.
8. The Council's NFCA Character Appraisal and Management Proposals Approved Document 2008, identifies that the appeal site is located within Character Area 1: Fitzroy Road to Reading Road North, where, amongst other things, the features of the area, include its sylvan character and properties set within spacious plots, with generous setbacks from the roads.
9. In contrast to surrounding properties, which sit within more open plots, a large proportion of the appeal site is restricted by the presence of substantial tree cover. The appeal site is therefore constrained and confined by their presence. As a consequence, due to the footprint and layout of the proposed dwelling, it would appear as a cramped form of development within this restricted site, thereby harming the identified characteristics of the NFCA. Furthermore, the juxtaposition of the proposed dwelling with a number of the existing trees, would further emphasise the proposal as an overly cramped form of development, that would appear as a discordant feature, which would be out of keeping with the characteristics of surrounding dwellings and harmful to the character and appearance of the NFCA.
10. It is proposed that all protected trees on the site would be retained, with the proposed dwelling and garage being constructed outside of the root protection area of those trees. Furthermore, evidence submitted with the appeal indicates that it would be possible to implement measures to protect trees on site during construction, although a no-dig area would be required to deliver part of the proposed driveway. Whilst I have not been provided with any details to show how this would be satisfactorily achieved, from the information before me, it appears that this is a matter which could be addressed by a suitably worded planning condition.
11. However, notwithstanding this, given the substantial number and size of the existing trees and their relationship with the proposed dwelling, it is likely that the proposed rear windows of habitable rooms and large parts of the rear garden space would be shaded by these trees. This could potentially lead to pressure for these trees to be reduced or removed.
12. Furthermore, I note the relationship of the existing oak tree (T12) with the proposed raised terrace, which in turn links to the ground floor space of the dwelling. Reference is made to works to be undertaken to the tree, including the reduction of the crown and the lifting of the crown on the eastern side, to which the Council's tree officer raised no objection. However, given the proximity of this tree and its location directly to the south of the proposed outside terrace, it is likely that the enjoyment of this external area, along with the associated internal space of the proposed dwelling, would be severely compromised by the presence of this substantial tree. As the surrounding sylvan character is an important feature of the NFCA, any proposals that would result in changes to the existing trees would have an adverse effect upon the character of the area.

13. I have had regards to my duty under S72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as to the desirability of preserving or enhancing the character or appearance of the Conservation Area. For the above reasons, I conclude the proposal would cause less than substantial harm to the significance of the NFCA as a designated asset. Paragraph 196 of the National Planning Policy Framework (the Framework) requires such harm to be weighed against the public benefits of the proposal.
14. I have considered the provision of an additional dwelling in terms of its contribution to the supply of housing in the area, as well as in respect to helping to support local services and facilities and provide investment during the construction. I also note the relatively accessible location of the appeal site in relation to local services and facilities. The removal of the existing pool house would provide some visual improvement, albeit of a limited nature due to its size and the presence of existing screening. However, given the modest scale of the development, the associated benefits carry only limited weight relative to the harm and the associated development plan policy conflict identified above, and would not outweigh the less than substantial harm to the significance of the NFCA.
15. For the reasons outlined above, I therefore conclude that the proposal would fail to preserve the character or appearance of the NFCA, including the potential harm to existing trees, and it would cause less than substantial harm to its significance as a designated asset. In the absence of any significant public benefits to outweigh this harm it would be in conflict with Saved Policies GEN1 and CON8, of the Hart Local Plan (replacement) 1996-2006 and Policies NBE3, NBE4, NBE8, NBE9, NBE10 and H1 of the Hart Local Plan (Strategy and Sites) 2032 and the Framework.

Other Matters

16. The site is located within the 5 km buffer zone of the Thames Basin Heaths Special Protection Area. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. Thus, given my overall conclusion on the main issue it is not necessary for me to consider this matter in any further detail.
17. In reaching my decision, I am aware of the previous proposal and appeal decision that relate to the site, along with the design changes made by the appellant. I have however come to my decision based on the appeal proposals alone and not by way of comparison as to whether it is preferred to the earlier proposals.
18. Residents of neighbouring properties have raised concerns associated with their living conditions. However, these matters do not alter the main issues which have been identified as the basis for the determination of this appeal.
19. The Council found no harm in respect of the effect on parking or access, drainage or living conditions to neighbouring occupiers. These form neutral matters in the overall planning balance.
20. My attention has been drawn to an issue over the accuracy of the appeal application Certificate. As I am dismissing the appeal, I have not considered the matter further.

21. I have been referred to the positive response to the submitted pre-application enquiry. Whilst I appreciate that the pre-application advice differs from the decision on the appeal application, pre-application advice is offered without prejudice to the formal decision on any subsequent planning application. Accordingly, issues relating to the pre-application advice have not had any material bearing on my assessment of the planning issues in this appeal.

Conclusion

22. For the above reasons, I therefore conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR