



Appeal Decision

Site Visit made on 23 February 2021

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2021

Appeal Ref: APP/M1710/W/20/3262567

Stonehaven & land to the rear of Araluen, The Shrave, Four Marks, Alton GU34 5BH

- 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 Andrew Hill (Clayfield Developments Limited) against the decision of East Hampshire District Council.
- The application Ref 51759/002, dated 30 June 2020, was refused by notice dated 15 September 2020.
- The development proposed is demolition of existing dwelling and garage, construction of 5 detached dwellings and a detached garage.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of neighbouring residents, and whether the development would provide satisfactory living conditions for future occupiers, having particular regard to privacy and outdoor space; and
 - The effect of the proposal on protected species.

Reasons

Character and appearance

3. The appeal site comprises a bungalow and a chalet bungalow set within spacious plots, which form part of an established residential area primarily characterised by single- and two-storey dwellings of varying sizes and designs. Properties are typically set in a linear fashion along The Shrave, with large gardens backing onto a railway line. The size of the plots, together with the mature trees and hedges, but also the surrounding woodland areas and open fields, give the locality a pleasant semi-rural character.
4. The appeal scheme would represent a significant intensification of development on these two plots, having particular regard to the number of dwellings and site coverage of the buildings, which would exceed the capabilities of the site to comfortably accommodate the proposal. The footprint of the new buildings, combined with the extensive areas of hardstanding required for the provision of vehicular access, parking and turning, would lead to the formation of a

cluttered and cramped form of development. It would give a harder and more urban appearance to the appeal site, which would detract from the more verdant and spacious character of its surroundings, thus causing unacceptable harm to the character and appearance of the area.

5. Due to their excessive scale, overall massing and height, the proposed dwellings on plots 2-5 would, despite the important changes in level across the site, loom over the dwellings fronting The Shrave, and appear out of keeping with the prevailing pattern of development in the area. Furthermore, the vertical emphasis of the design, but also the use of uncharacteristic materials and the extent of the fenestration within the gables would give the houses an overtly three-storey scale, which would exacerbate the incongruous nature of the development.
6. My attention has been drawn to a number of approvals for the construction of additional dwellings to the rear of existing properties fronting The Shrave, which have progressively altered the character of the road in recent years. However, other than in respect of the principle of development, which is not disputed by the Council, I am not certain that the circumstances of these particular schemes represent a direct parallel to the proposal before me, despite their physical proximity to the appeal site. Each development has to be assessed on its individual merits, having notably regard to the scale of the proposal relative to the size of the site and taking into consideration its context.
7. Given the above, the appeal proposal would cause unacceptable harm to the character and appearance of the area. It would therefore conflict with Policies CP20 and CP29 of the East Hampshire District Local Plan: Joint Core Strategy¹ (CS) and section 12 of the National Planning Policy Framework (the Framework). Amongst other things, these require development proposals to be of an exemplary standard and highly appealing, having regard to the character, identity and context of the locality, whilst conserving and enhancing the special characteristics of the district's natural environment.

Living conditions

8. The distance between the proposed three-storey houses and the rear elevations of Araluen and Stonehaven would ensure that a reasonable degree of privacy within these neighbouring properties is maintained. However, the first and second floor windows of the new dwellings would serve various habitable rooms, which would enable direct views into the rear gardens of Araluen and Stonehaven. This would have a detrimental effect upon the living conditions of these neighbouring residents and adversely affect their enjoyment of their private amenity space.
9. The first and second floor windows of the dwellings on plots 2 and 5, which would be sited within proximity to the boundaries respectively shared with Woodside House and Babbington, would also overlook the private gardens of these neighbouring dwellings. Although the windows would only provide oblique views into these adjacent gardens, this adds to my concerns regarding the effect of the proposal on the living conditions of neighbouring residents.

¹ Adopted 2014.

10. By reason of the tapering nature of the existing plots and the site coverage of the three-storey dwellings and associated hardstanding area, the proposed development would leave limited space to provide usable amenity areas. The size of the gardens would be restricted further by the inclusion of a 'no build' zone due to the site's proximity to the railway line. The garden areas would be particularly inadequate for three-bedroom dwellings, which could legitimately accommodate small families, and would thus fail to meet the day-to-day needs of the intended occupiers of the development.
11. Given the above, the appeal scheme would have a harmful impact on the living conditions of neighbouring residents, having particular regard to privacy. It would also fail to provide satisfactory living conditions for future occupiers, with regard to outdoor space. The proposal would consequently fail to accord with the design aims of CS Policy CP29 and CS Policy CP27, which notably resists development proposals which would have an unacceptable effect on the amenity of the occupiers of neighbouring properties through loss of privacy.

Protected species

12. A Preliminary Ecological Appraisal and Preliminary Roost Assessment² was submitted in support of the planning application, which identified the existing property and garage proposed to be demolished to have low potential for roosting bats. A Bat Emergence Survey Report³ was subsequently prepared and identified a low level day roost for a single Common Pipistrelle.
13. The development would cause disturbance to bats roosting within one of the buildings proposed to be demolished and the works would occur within close proximity to confirmed roosts. As the appeal scheme could result in a breach of the protection afforded to bats by the Habitats Regulations, a European Protected Species mitigation license would have to be obtained from Natural England (NE) prior to commencement of the redevelopment works affecting roosting bats.
14. As the decision-maker, I am required to have regard to the three tests that are being used by NE to determine applications for mitigation licences. As noted above, there are environmental concerns associated with the proposed development which would, amongst other things, cause harm to the character and appearance of the area. I have not been presented with substantive details, which demonstrate that the development is necessary for preserving public health or public safety or other imperative reasons of overriding public interest, and the appeal scheme would therefore fail to meet the first test.
15. In the absence of further evidence to the contrary, I have no reasons to believe that there is no satisfactory alternative to the proposal, which would preserve the character and appearance of the area, whilst safeguarding the living conditions of neighbouring residents, and protected species. The proposed development would thus not pass the second test.
16. As detailed within the appellant's submissions, the appeal scheme, which would affect a single bat, would include a number of mitigation and compensation measures. On this basis, I am satisfied that the effect of the proposal would

² Preliminary Ecological Appraisal and Preliminary Roost Assessment, Revision A, dated June 2020, carried out by Darwin Ecology Ltd.

³ Bat Emergence Survey Report, dated June 2020, carried out by Darwin Ecology Ltd.

not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

17. Given the above, and whilst the proposed development would pass the third test, it would nevertheless fail the other derogation tests. There is no certainty that NE would issue a derogation licence in such circumstances, and a precautionary approach is justified in this instance. The proposal is therefore found contrary to section 15 of the Framework and CS Policy CP21. This policy notably seeks to maintain, enhance and protect the District's biodiversity and its surrounding environment.

Conclusion

18. The appeal scheme would make a contribution towards housing supply and choice. However, there are no material considerations which indicate that the appeal should be determined other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR