



Appeal Decision

Site visit made on 15 November 2022

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2022

Appeal Ref: APP/M1710/W/22/3298211

Broadacre, School Lane, Bentley, Farnham GU10 5JP

- 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 Bob Camping against the decision of East Hampshire District Council.
 - The application Ref 21002/006, dated 6 August 2021, was refused by notice dated 5 November 2021.
 - The development proposed is additional dwelling at Broadacre.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a Transport Statement (March 2022) and Access Arrangement and Visibility Splays plans¹(revised plans) that did not form part of the original application.
3. The revised plans show the proposed access 1.5m to the south of that originally proposed. However, the revised access is in a similar location to the existing access, and the proposed access considered at the application stage. Whereas this may have implications in respect to the front boundary of the property, other aspects of the proposal appear unchanged. Moreover, the Council, in its appeal statement, has commented on this additional information, and this includes comments made by the Highways Authority on this matter. I am therefore content, that through this appeal process, those that should have been consulted on this information have had an opportunity to comment, and I have had regard to this information and these comments in reaching my decision on this case.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area,
 - the living conditions of the occupants of Broadacre, with regards to outlook and private garden space,
 - the biodiversity of the area, with regard to the hedgerow; and

¹ Ref: Drawing Nos. 2021/6173/001 Rev P1 and 2021/6173/004 P1

- whether the proposal would provide a suitable access, with regards to highways safety.

Reasons

Character and Appearance

5. The appeal property comprises a detached dwelling in a large plot at an edge of village location. Although styles of surrounding properties vary along this stretch of School Lane, similar to the appeal property, properties have sizeable plots, and with few exceptions, dwellings have significant frontages which address the Lane. This loose and linear pattern of development distinctly characterises the built form in this area, and I saw that this consistent characteristic is maintained in more recent additions to this part of the Lane.
6. The properties in this area, including Broadacre, are also generally bound by mature hedges and vegetation at their fronts, and this is a positive feature in this settlement edge that is surrounded by countryside. South of the appeal property, the pattern of development changes, with the density of dwellings increasing near the core of the village.
7. The proposed dwelling would be positioned to the rear of the existing dwelling and its entrance would face the side boundary of the plot. Its side elevation, aligning with the Lane, would also have few features with only one window at the first-floor level. Consequently, while this design seeks to address other issues, from an appearance perspective, the principal elevation of the new dwelling would not address the Lane, and its plot would have limited street frontage. This plot form would be out of keeping with the distinctive layout of development which influences the character of the area near the appeal site.
8. The size of the new dwelling would be consistent with the scale of dwellings in this area. However, the incongruent plot form of the new dwelling, cutting across the existing plot, would harmfully disrupt the generally linear pattern of development in this area. This subdivision of the plot would also create significantly smaller gardens for the two dwellings than is characteristic at neighbouring properties. The resultant concentration of two large forms in this existing plot would harmfully erode the generally loose pattern of development and spaciousness that currently defines the semi-rural character of the area in the immediate vicinity of the appeal site.
9. The Design and Access Statement suggests that the existing dwelling is not well connected to its existing garden. While I saw this garden has a simple layout, mainly laid to grass, this space surrounds the existing dwelling and has the potential to accommodate a range of outdoor and gardening activities. In this respect it provides a good quality space for occupants of this existing dwelling. I find, for this reason, this matter would not justify harmfully dividing the existing plot in the manner proposed.
10. When viewed outside the context of the appeal site the design of the new dwelling may well be considered high quality. However, the discordant features, outlined above, would bring a suburban quality to the area that would not be sensitive to the character of this semi-rural location. And while the new dwelling's form would have some traditional elements and be constructed in materials typically seen in a semi-rural environment, this incongruous layout of development, which would be visible from the Lane at the site's access and

from surrounding properties, would be detrimental to the locally distinctive character of the area.

11. My attention has been drawn to Broadhatch Cottages which are visible at the rear of properties fronting School Lane. However, this is due to their corner location and these cottages line a different road. They are not directly comparable to this proposal for this reason. The two Denmark Cottages have smaller than average plots on School Lane, but unlike this proposal, as cottages fronting the lane, their appearance is consistent with the general pattern of development which positively characterises the area.
12. The appellant also suggests that the new dwelling would be viewed against the housing estate to its rear and that the proposed plot layout and size would be comparable with dwellings to the south of the appeal site. However, these properties are significantly closer to the village centre where the density and character of development is distinctly different to the character seen at the edge of the settlement near the appeal property. These examples have not altered my findings in respect to this issue for these reasons.
13. Hedges at the front boundary of the appeal property may need to be removed for the shared access for the new and existing dwellings. However, this would only affect a relatively short portion of the hedge at the existing access, with the long stretch of hedge to the south largely unchanged by the proposal. The submitted plans also show that there would be space to replace the removed section of hedge in the property, and this could be secured by condition. The replacement hedge would likely be significantly stepped in from the highway, but this important characteristic and attractive feature would not be lost in the Lane. Moreover, altering the hedge at the access in this manner would not be inconsistent with access arrangements, that I observed on my site visit, at other properties north of the appeal property.
14. While I find no harm in respect to the hedge, the proposal would lead to an inconsistent plot form and pattern of development, and this would harm the character and appearance of the area for the reasons outlined above. In this regard the proposal would be contrary to Policies 1 and 2 of the Bentley Neighbourhood Plan (Neighbourhood Plan) and Policies CP20 and CP29 of the East Hampshire District Local Plan: Joint Core Strategy (Local Plan). These collectively state that all new development will be required to respect the character, identity and context of the district's towns, villages and countryside, and the inappropriate development of residential gardens, for example, where such development would harm local character, will be refused.
15. It would also be inconsistent with the National Planning Policy Framework (the Framework) and the National Design Guide which collectively seek well designed places.

Living Conditions

16. Occupants of Broadacre enjoy a large rear garden space. I observed this space has a barrier across a section of it, but I see no reason why this unusual feature could not be removed. Even with it in place occupants of the existing dwelling have a sizeable space beyond this feature, with a pleasant outlook over the countryside. This sense of space and pleasant outlook is also currently appreciated from rear first floor windows of the existing dwelling.

17. The proposal would result in more than half of Broadacre's existing rear garden space being lost. While some space would remain to the rear of this existing dwelling, a significant portion of this retained space would be given over to a parking area. There would be a good size patio to the south of this dwelling, but this space partly bounds the Lane, and it seemed to me to be a less private and peaceful part of the garden than the space to the rear of the dwelling for this reason.
18. Furthermore, the proposed reduced rear garden space would be substantially enclosed by the existing large dwelling and the similarly large new dwelling, and in this regard the outlook from this much reduced space would feel considerably less open and spacious than is currently the case, and in turn it would be a considerably less pleasant place for occupants of Broadacre to spend time in.
19. The new dwelling has been designed to prevent its future occupants overlooking Broadacre. However, the new dwelling would still roughly align with the rear side elevation of that existing dwelling. As a result, the outlook from windows on the rear elevation of Broadacre would be dominated by the large new built form constructed close to its side.
20. While I note that this existing dwelling has views of countryside from its front windows, this elevation is closely bound by the front hedge, and windows at its side elevations overlook either the driveway or the nearby side boundary. Therefore, the sense of space enjoyed at all other three elevations of this existing property are significantly less open than the spacious outlook at its rear. This positive outlook would be substantially and harmfully altered by this proposal for the reasons set out above. The quality of the accommodation in this part of the existing dwelling, and in its rear garden space would be considerably poorer and less enjoyable for its occupants as a result.
21. I therefore find that the proposal would have a harmful effect on the living conditions of the occupants of Broadacre, with regards to outlook and private garden space. It would in this regard be contrary to Policy CP27 of the Local Plan which, amongst other matters, states that development will not be permitted if it would have an unacceptable effect on the amenity of the occupiers of neighbouring properties. It would also be inconsistent with the Framework which seeks a high standard of amenity for existing and future users.

Biodiversity - Hedgerow

22. The Council is concerned about the effect that the removal of the hedge, at the front of the property, would have on local biodiversity. As outlined above the proposal would only likely impact the portion of the hedge near the existing access. Moreover, a condition could be imposed to ensure that this feature and the habitat it provides would be replaced. Conditions could also ensure that the section of hedge would be removed at a time when it would not impact on nesting birds.
23. I therefore find that the proposal would not have a harmful effect on the biodiversity of the area, with regards to the hedgerow. It would in this respect not be in conflict with Policies CP20 and CP21 of the Local Plan which collectively require that development proposals must maintain, enhance and protect the District's biodiversity.

Highways Safety

24. Broadacre is located on an unclassified lane with no segregated footway for pedestrians. The Lane has a narrow width in places, but, near the appeal site, I observed that a significant stretch of the carriageway both to the north and south of the appeal property was straight, and this allowed reasonable sight of other road users when leaving the property.
25. There is a school to the south of Broadacre, but this is beyond the bend at the end of this straight stretch of road. The access of the appeal property, therefore, is sufficiently separated from the school such that when vehicles exit Broadacre they do not directly impact on road users in the immediate vicinity of the school.
26. The existing access to Broadacre is flanked by hedges. To the north of this access is a high hedge at Yew Tree Cottage, on the shared side boundary of these two properties. Despite this, I observed that the existing splay of the accesses, serving the appeal property and this neighbouring dwelling, roughly align with the verge next to the carriageway. Moreover, the hedges at these properties front boundaries are set back from these splays and the verge. With these particular features, it is possible to see vehicles exiting the respective properties as well as other road users on this straight stretch of carriageway, so as to avoid conflict with these road users when leaving the appeal site.
27. The proposed access would serve two dwellings and would be different in this regard from the current situation. However, the plan submitted with the original application and the revised plans submitted with this appeal show that there would be space at the property to provide an access of sufficient width for two vehicles to pass when exiting and entering the property.
28. The revised plans also shows that there would be space at the appeal property to accommodate a proposed access that, taking account of the local highway conditions, would be generally consistent with the advice set out in the Highways Authority Technical Guidance Note (TG3)². The Authority's advice to remove a section of the hedge at the north front boundary would improve the already reasonable level of visibility at the existing access. As previously indicated, this could be achieved by the imposition of conditions, and there would be space within the site to retained this locally important positive feature whilst ensuring a suitable access for the existing and new dwelling.
29. The height of the hedge on the front boundary of Yew Tree Cottage is similar to that at Broadacre and appears well maintained. Moreover, as outlined above its presence does not currently significantly restrict motorists' view of the access to that property or the carriageway when exiting Broadacre. While the high hedge at the shared north boundary appears uncharacteristically high, it is set back slightly from the front boundary hedge, and in this regard, does not obstruct motorists' views of the highway when they use this existing access of the appeal property. I therefore find no compelling reason that would necessitate an agreement, as requested by the Highways Authority, with the occupants of this neighbouring property to maintain the hedge at their property in this case.

² Hampshire County Council Technical Guidance Note TG3 – Stopping Sight Distances and Visibility Splays

30. The proposal would increase the number of vehicles using the appeal property. However, this would be limited to vehicles associated with just two dwellings. The increase of vehicles on the wider road network as a result of this proposal would therefore be negligible. I have also had regard to concerns that the proposed access has been designed to serve a larger development. However, that is not the scheme before me, and I have reached this decision on the basis of the proposal subject of this appeal. These matters have not altered my assessment of this issue for these reasons.
31. In light of the above, I find that the proposal would provide a suitable access, with regards to highways safety. In this respect it would not conflict with Policy CP31 of the Local Plan which seeks to ensure that highway design and associated signing meets the needs of vehicular traffic and the need for safety. It would also be generally consistent with the advice set out in Hampshire County Council's TG3 document.

Planning Balance and Other Matters

32. The principle of residential development may be considered acceptable at this location subject to the acceptability of the proposal in other respects. However, I have found this proposal would not maintain the prevailing character of the area and would not provide a high standard of amenity for the occupants of Broadacre.
33. The new dwelling would contribute to the Government's objective of significantly boosting the supply of homes. But it would result in just one additional dwelling in the area and so this would be a small benefit. Conditions could protect the hedge and the frontage of the existing dwelling, which is important to the character of the area. However, there is no suggestion that this feature is currently at risk. In any event this benefit would be considerably offset by the harmful character of the rest of the development, so at best it would be limited. The landscaping scheme could add to the green features at the site, but again this benefit would be severely diminished by the other harmful features identified in this case.
34. No issues in respect to loss of privacy or light have been raised in this case. But development is expected not to be harmful to residents' living conditions in these regards. This is a neutral factor in this appeal for this reason.
35. The appellant contends that the Council is unable to demonstrate a 5 year housing land supply. However, the Council has submitted a position statement which disputes this, with the evidence indicating that there is an exceedance of housing land supply in the district.³ Even if this was not so and paragraph 11 d of the Framework applied in this case, the adverse impacts of this proposal would significantly and demonstrably outweigh the limited benefits identified above, when assessed against the policies in the Framework taken as a whole.
36. My attention has been drawn to other policies of the development plan considered relevant to this proposal that are not in dispute. However, I have found harm in respect to character and appearance and living conditions and conflict with the development plan when read as a whole.

³ East Hampshire Five-Year Housing Land Supply Position Statement 2021

Conclusion

37. For the reasons stated above and having regard to the development plan, and all relevant material considerations, including the Framework, the appeal is dismissed.

A J Sutton

INSPECTOR