

Appeal Decision

Site visit made on 24 November 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th December 2022

Appeal Ref: APP/N1730/D/22/3307417
46 Church Road, Fleet, GU51 4NB

- 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 James Abley against the decision of Hart District Council.
 - The application Ref 22/00990/HOU, dated 5 May 2022, was refused by notice dated 5 August 2022.
 - The development proposed is construction of detached garage after demolition of existing concrete garage and construction of new driveway.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the North Fleet Conservation Area (CA).

Reasons

3. The appeal property is a substantial detached dwelling set in a spacious garden, sited at Church Road's junction with Avenue Road. Both the site's frontages are heavily treed, with a generous number of lower-level plants, including evergreens also in evidence. The trees and planting contribute positively to the sylvan character of this part of the CA. They also effectively screen extant development within the site, even when I visited when substantial winter defoliation had taken place.
4. The Council has no objection to the demolition of the existing garage, which has a utilitarian appearance. I have no reason to object either. The Council's concerns centre on the scale and location of the replacement garage, its alleged consequential impact on the CA and its potential effect on trees.
5. The appellant points to some examples of other garages in the area, including one built at the front of the property on the opposite side of Church Road. A comparison is made with a garage permitted previously at the site, but this attracts little weight in my considerations since the previous permission has expired, and is no longer capable of implementation without a fresh permission.

6. The proposed garage is of a greater scale than those seen in the area generally, but it is a structure quite capable in my view of being acceptably assimilated into the spacious grounds of the dwelling, albeit probably not in its currently proposed siting¹. Views into the site are limited, not only because of the screening afforded by trees and other vegetation, but also because this part of Church Road is tortuous and as a result forward visibilities are curtailed. The clearest view towards the proposal, if built, would be available to those approaching from Church Grove, whose junction with Church Road is virtually opposite the site. However, current views into the site from the junction are limited such is the effectiveness of the vegetative screening.
7. I note that a tree report was presented with the application, which amounted to a survey of some of the existing trees. The Council's tree officer pointed out that the application was not accompanied by further reports which may have assessed the effect of the proposal on trees, and possible mitigation². I share the tree officer's concern, particularly since the proposed garage would be sited within the root protection area of the closest, most significant tree and partly under its canopy. Other trees and vegetation on the frontage may also be affected by the proposal, not only directly by the structure itself, but during construction.
8. The issue of trees to my mind is not sufficiently addressed in the appeal documentation, which leads to considerable uncertainty in my mind as to whether the screening currently in evidence and the attractive beech, and possibly other trees, would survive the construction process. No thought appears to have been given to a possible re-siting deeper into the site, thus avoiding conflict with the trees and other vegetation.
9. To my mind the proposal as it stands, in the absence of evidence to the contrary, would probably lead to the destruction of a significant tree and other vegetation, which contribute positively towards forming the character of this part of the CA. Given its closeness to the site's frontage this would expose the proposed garage to public view, where it would be perceived as a dominant structure harmful to the local visual scene.
10. Accordingly, a clear conflict arises with those provisions of policy NBE8 of the Hart Local Plan (Strategy and Sites) 2032 and policy GEN1 of the Hart Local Plan (Replacement) 1996-2006 requiring new development to conserve or enhance heritage assets and their settings, and to be in keeping with local character.
11. The harm that I have found is less than substantial, but I have not been made aware of any public benefits arising from the proposal, if implemented. Indeed, it appears to me that only the private benefits accruing to the appellant would arise.

Other matters

12. I have taken account of all other matters raised in the representations including the objections made by neighbouring residents and those of the Town Council. I note the references to other development plan policies, but those to

¹ For reasons explained below

² Such as an aboricultural impact appraisal; a method statement and tree protection plan.

which I have referred are considered the most relevant having regard to the particular circumstances of this case.

13. No other matter raised outweighs those considerations which led me to my conclusions.

G Powys Jones

INSPECTOR