



Appeal Decisions

Site visit made on 6 February 2023

by James Blackwell LLB (Hons) PGDip

an Inspector appointed by the Secretary of State

Decision date: 20 March 2023

Appeal A Ref: APP/H1705/W/22/3307715

Cottage Farm, New Road, Pamber Green RG26 3AG

- 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 and Mrs C Arnold against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/03066/FUL, dated 24 September 2021, was refused by notice dated 4 April 2022.
 - The development proposed is demolition of the existing agricultural and commercial buildings and erection of 9 dwellings (1no. one-bed, 2no. two-bed, 3no. three-bed, 2no. four-bed and 1no. five-bed) with associated amenity space, landscaping and car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a separate appeal on the same site under appeal reference APP/H1705/W/22/3307737 (Outline Appeal). The Outline Appeal seeks permission for four dwellings. Whilst some of the issues across the two schemes are similar, the Outline Appeal is the subject of a separate decision.
3. The Council's fifth reason for refusal concerned a lack of information to demonstrate that the proposed scheme would achieve biodiversity net gain. During the appeal, the appellant has submitted a Biodiversity Net Gain Assessment, which has demonstrated the scheme would achieve a biodiversity net gain of approximately 15%. Subject to securing the net gain via condition, the Council is satisfied that this particular reason for refusal has been overcome. I have therefore not addressed this point as a main issue.
4. The appellant has submitted a number of revised plans as part of the appeal, which amend the proposed refuse/recycling storage layout. Specifically, these include an updated Block Plan (010-P/02), an updated Site Plan (011-PL/02) and a plan showing Proposed Site Waste Collection Plan (050-PL/00). Given that the changes are relatively minor, I am satisfied that I can accept these revised plans without prejudice to the Council or any interested parties. I have therefore determined the appeal application with regard to these updated plans.

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the area;
- the effect of the proposed development on trees;
- the effect of the proposed development on the living conditions of the future occupiers of plot one, with particular regard to natural light; and
- whether the proposal makes adequate provision for the storage of refuse and recycling.

Reasons

Character and Appearance

6. The appeal site, which is located on the southern side of New Road, comprises a parcel of land which is occupied by a mixture of agricultural and commercial land and buildings. The site is bounded to the west by a residential property known as Cottage Farm, which is understood to have formerly had close ties with the farm operations on the site.
7. There are other residential properties which run along the northern side of the road, which are predominantly detached houses set within generous plots. Whilst these do include a few discrete examples of backland development, the properties along this side of the road broadly follow a linear arrangement and are mostly separated from the highway by large front gardens. Many of the properties are also bordered by mature hedgerows, which add to the verdant character of the area.
8. There is a larger cluster of residential dwellings on the southern side of New Road, just past the junction of Green Lane which runs off to the south. However, further east of this cluster, the land to the south of the road is mostly undeveloped. Indeed, notwithstanding the houses to the north, the expanse of green fields along this section of the road gives a distinct sense of openness and verdancy to the area, which contributes very positively to the semi-rural credentials of the area.
9. Whilst the buildings within the appeal site do interrupt this expanse of undeveloped land, their agricultural appearance is commensurate with the semi-rural character of the surroundings. Collectively these buildings, together with Cottage Farm to the west, are seen as an isolated farmstead within a network of fields. In turn, they integrate effectively with the rural credentials of the land running along the southern side of New Road.
10. The proposed development would introduce nine dwellings to the appeal site, of mixed size and scale, which would be arranged in a loose courtyard formation. Notwithstanding the sympathetic design of the individual units, the introduction of so many residential units would significantly alter the character of the appeal site. Indeed, the site's existing agricultural credentials would be entirely lost to a cul-de-sac of new homes. This degree of urbanisation would severely undermine the rural quality of the land to the south of New Road, which would harm the prevailing character of the area.
11. Given that the appeal site is predominantly bordered by open fields to its south, west and east, the courtyard of new houses would also appear isolated within this context of broadly undeveloped land. This means the visual harm

arising from the development would be particularly acute, as it would be so readily apparent from a number of public vantage points in and around the appeal site.

12. Notwithstanding the discrete examples of backland development along the northern side of New Road, the courtyard formation of new dwellings would also juxtapose with the linear arrangement of built form which typifies the area. This juxtaposition would amplify the overall prominence of the development, which would further exaggerate the disruption to the site's semi-rural context.
13. On account of these factors, the development would harm the character and appearance of the area. It would conflict with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan (2011 – 2029) (Local Plan). Together, these policies require new development to respect and enhance the character or visual amenity of the surrounding landscape, through high quality design, which positively contributes to local distinctiveness, sense of place and street scene. The development would also contravene the overarching design and landscape principles set out in the National Planning Policy Framework (2021) (Framework), as well as those set out in the Council's Landscape, Biodiversity and Trees SPD (2018) and Design and Sustainability SPD (2018).

Trees

14. There are a number of mature oak trees which sit just beyond the boundary to the appeal site, within the area of verge which abuts the road. The verdancy of these trees contributes very positively to the rural character of the area. The appellant's Arboricultural Survey concluded that these are either high value or moderate value.
15. To ensure adequate levels of natural light into new buildings, the Council's Landscape, Biodiversity and Trees SPD (2018) says there should be a separation of at least 4 metres between nearest windows and the edge of the ultimate canopy spread, when viewed from above. The separation between the rear elevation of plot one and the canopy spread of the nearest tree would fail to achieve this recommended distance.
16. Given that the habitable living space within plot one is served by additional windows along the front elevation of the property, the trees to the rear should not unduly impinge on levels of natural light experienced inside the property. However, notwithstanding the overall size of the garden to this plot, the lack of separation between the edge of the tree canopy and the rear elevation of the dwelling could lead to a distinct feeling of enclosure within the dwelling's rear garden. At certain times of the year, the tree canopy would encompass a significant portion of the rear amenity space, leaving much of the intervening space between the back of the dwelling and the rear boundary to the dwelling in shadow. This would be particularly problematic, given that the garden to this plot is north facing, which means levels of natural light from this direction would already be limited for substantial periods of the day.
17. Irrespective of whether the trees fall outside of the appeal site boundary, this arrangement could lead to future pressures to fell or significantly prune the canopies of the nearest trees, to safeguard adequate levels of natural light within the garden to this plot. Any such works would detract from the verdancy

which is attributed to the mature oak trees along this aspect of the road, which would harm the character of the area.

18. Notwithstanding the proposed protection measures, the development would therefore risk harm to the trees along the front boundary to the site. In turn, the proposal would again conflict with Policies EM1 and EM10 of the Local Plan, both of which seek to preserve the character and appearance of the area, paying particular regard to trees, ancient woodland and hedgerows. As highlighted, the development would also contravene guidance and separation distances set out in the Landscape, Biodiversity and Trees SPD (2018).

Living Conditions

19. The canopy spread of trees T1B and T2B (as shown on the appellant's Tree Constraints Plan) would leave a significant portion of the rear amenity space to plot 1 in shadow. Given the north facing aspect of the garden, this property would already suffer from limited natural light during significant portions of the day. As a consequence, the additional loss of natural light attributed to the mature oak trees would be felt acutely, which would be to the detriment of the occupiers' living conditions.
20. The development would therefore conflict with Policy EM10 of the Local Plan, which says new development should provide a high quality of amenity for future occupants, having regard to natural light. The development would also conflict with the overarching amenity objectives of the Framework and the Design and Sustainability SPD (2018).

Refuse and Recycling

21. The updated plans now show two separate bin collection points, which would accommodate the refuse and recycling for each of the dwellings within the development. These would be discreetly incorporated into the proposal and would not be readily visible from the main road. The revised plans also demonstrate that the waste collection vehicles would be able to enter and exit the site in forward gear, with adequate turning and manoeuvring space within the site itself.
22. On account of these factors, I am satisfied that the waste storage provision for the proposal would be acceptable. It would be consistent with Policies EM10 and CN9 of the Local Plan, which require new development to provide appropriate internal and external waste and recycling storage areas, together with accessible collection points for refuse vehicles. The proposal would also align with similar objectives set out in the Framework and the Council's Sustainability SPD (2018).

Other Matters

23. Irrespective of whether the principle of residential development may be acceptable with regard to certain policies in the Local Plan, this factor would not negate the other harms arising from the proposal, with regard to the character and appearance of the area, trees and to the living conditions of future occupiers.
24. The appellant has cited a recent appeal relating to Wildwood Farm in support of its proposal. Whilst each case must be considered on its own merits, in this instance, the land to the south of New Road is particularly important in terms

of preserving the semi-rural character of the area. Irrespective of any similarities between the two schemes, the surrounding context to the proposals is therefore different.

25. The Council cannot demonstrate a five-year supply of deliverable housing, which means its policies relating to delivery of housing are out of date. Paragraph 11(d)(ii) of the Framework (tilted balance) is therefore engaged. Nonetheless, paragraph 219 of the Framework is clear that due weight should still be given to existing policies according to their degree of consistency with the Framework.
26. Paragraph 130 of the Framework is explicit that new development should function well and add to the overall quality of an area, highlighting the need for it to be visually attractive and sympathetic to local character and surrounding built environment. This paragraph also says that development should promote health and wellbeing, with a high standard of amenity for future users. Paragraph 130 goes on to highlight the importance of trees within development proposals, noting that existing trees should be retained wherever possible.
27. The content of the Framework therefore reflects the principles and objectives of the Local Plan in terms of character and appearance, amenity and trees. Even accounting for the Framework's objective of boosting the supply of housing and the Council's housing land supply position, the conflict between the proposal and the relevant policies in the Local Plan should therefore be attributed significant weight in this appeal.
28. The additional nine dwellings would make a modest, yet meaningful contribution to the Council's housing stock, which would be a notable benefit of the scheme. The proposal would also have corresponding benefits in terms of construction jobs and increased spend in the local economy. I also note the proposal would achieve a biodiversity net gain, which demonstrates some environmental benefit. Nonetheless, I do not consider that these benefits would be sufficient to outweigh the harms identified to the character and appearance of the area, mature trees, and to the living conditions of future occupiers.
29. In turn, the adverse impacts of the development would significantly and demonstrably outweigh the scheme's benefits, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development would not apply in this instance.

Conclusion

30. The development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR