
Appeal Decision

Site visit made on 7 February 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2023

Appeal Ref: APP/H1705/W/22/3304902

Larkspur House, Newbury Road, Headley RG19 8JY

- 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 Mepham of the Maxlee Group against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/01088/FUL, dated 29 April 2021, was refused by notice dated 13 May 2022.
 - The development proposed is the construction of two detached dwellings and garages, the formation of a new access and landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of two detached dwellings and garages, the formation of a new access and landscaping at Larkspur House, Newbury Road, Headley RG19 8JY in accordance with the terms of the application, Ref 21/01088/FUL, dated 29 April 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appellant's appeal statement makes a brief reference to an application for costs against the Council in relation to their determination of the appeal, stating that this would be provided under a separate letter. However, no separate letter for an application for costs has been submitted. The appellant's appeal form also confirms that no costs application has been made with this appeal. I have therefore determined the appeal on this basis.
3. Both parties have provided me with an electronic link to watch the relevant Development Control Committee meeting at which the appeal application was discussed. I have not watched this as I cannot be sure that all relevant interested parties have access to the facilities to watch it. It also does not bear directly on the planning merits of the case and therefore does not materially affect my judgement in the appeal.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - highway safety, with specific regard to the impact of additional vehicular movements.

Reasons

Character and Appearance

5. The appeal site consists of an existing detached house situated along Newbury Road, known as Larkspur House, in the village of Headley. It sits within a large L shaped garden which extends to the rear. An existing detached outbuilding lies within the rear garden, which sits parallel to the shared boundary with Beech House, the neighbouring property to the southeast. There is also a smaller shed situated in the eastern corner. A 2m close boarded fence encloses the majority of the site, with an established hedgerow along the north-east of the site. Larkspur House is served by a single vehicular access from Newbury Road and there is a large area of gravelled hardstanding covering the front garden of the existing dwelling, which provides parking for Larkspur House.
6. The junction with Ashford Hill Road is situated nearby. On my site visit, I did not read Newbury Road as having a more village character than Ashford Hill Road. In fact, there is a similarity between the character of Newbury Road and Ashford Hill Road by virtue of there being housing on one side of the road and trees/woodland on the other. Whilst the surrounding development is predominately linear, this is not a defining part of the character of the area. There are examples of other cul-de-sacs and backland development which form part of the variation in the built form of the surrounding area. Notably, there are some backland dwellings situated to the west of the appeal site, set back from Ashford Hill Road.
7. Whilst open countryside lies beyond the appeal site, the proposal would be built within the rear garden of Larkspur House. The proposal would be read alongside the existing backland development along Ashford Hill Road. Within this immediate context, the proposal would form part of the existing built-up area of Headley. The proposal would not appear as incongruous and would not harm the surrounding landscape character.
8. The hardstanding, built form and access, including the corresponding number of parked vehicles, would all be proportionate and similar to the other cul-de-sac and backland developments in the area. Furthermore, a number of parked cars are already able to park to the front of Larkspur House. Therefore, given the existing variation in the area, it would not result in the urbanisation of the site. It would simply introduce a similar form of development which already exists, and it would not be incongruous to the landscape character and appearance of the area.
9. The proposal would move the existing vehicular access to the south-eastern boundary. The frontage of the proposed site would look similar to the existing, with a single access point from Newbury Road. The only difference would be that the new access would serve the proposed dwellings, as well as the retained Larkspur House, which would be a similar arrangement to other backland developments in the area.
10. Consequently, the proposal would not harm the character and appearance of the area. It would be in accordance with Policies EM1 and EM10 of the Basingstoke and Dean Local Plan (2011-2029) (Local Plan) (adopted May 2016). These policies, in combination, require development proposals to be sympathetic to the character and visual quality of the area concerned and to have due regard to the density, scale, layout and appearance of the

surrounding area and the relationship to neighbouring buildings and landscape features. Development proposals must also pay particular regard to the visual amenity and scenic quality of an area and the setting of a settlement, including important views to, across, within and out of settlements.

11. The proposal would also be in accordance with the principles within Chapter 15 of the National Planning Policy Framework 2021 (the Framework) in regard to the conservation and enhancement of the natural environment.
12. The Council's reason for refusal also cites the 'Landscape, Biodiversity and Trees Supplementary Planning Document' (the SPD) (December 2018). However, I have not been directed towards any section of the SPD that the development would conflict with. I have concluded that the proposal would not harm the character and appearance of the area. Therefore, it is considered that the development would be in accordance with the overriding objectives of the SPD, which includes the protection of the Borough's landscapes.
13. The Council's appeal statement also references the Ashford Hill with Headley Neighbourhood Plan (October 2022). It cites Landscape Policy L1 of the Neighbourhood Plan which requires that proposals respect, enhance and are sympathetic to the landscape character and visual amenity of the Parish. For the reasons set out above, the development would respect the landscape character and visual amenity of the area and would therefore be in accordance with Landscape Policy L1.

Highway Safety

14. Newbury Road is also known as the A339, which has a speed limit of 40mph. This section of the A339 is relatively straight, with good visibility and there are a number of existing vehicular access points serving the nearby neighbouring dwellings that run off Newbury Road.
15. The Council's appeal statement confirms that their concerns are in relation to the highway safety impact of the additional two dwellings along the A339. In particular, the increase in the number of movements, the proximity of other accesses and the 40mph speed limit along this stretch of road, which they allege is frequently exceeded. Concerns were also raised with regard to visibility due to the blind crests in the road and statements were made that the area is a hotspot for accidents.
16. Whilst it is noted that there is no definition of 'severe' as cited in paragraph 111 of the Framework, I place significant weight on the expert views of the Highway Authority (HA). I note that after confirmation that the required visibility splays could be achieved, the HA raised no objection to the proposal. There is little technical evidence before me which would suggest that additional vehicular movements associated with the proposal would exacerbate any existing highway safety issues. Notably, I have not been provided with any accident data that demonstrates that there are currently highway safety issues with either the A339 itself or with any junctions nearby.
17. Given that the proposal would achieve the required visibility splays, intervisibility between the existing accesses, the proposed access, and road users along the A339 would be satisfactory, allowing drivers and pedestrians plenty of time to respond accordingly. The proposal would not result in a significant increase for the potential for conflict between road users.

18. Therefore, for the reasons set out above, the proposal would not harm highway safety, with specific regard to the impact of additional vehicular movements. The development would be in accordance with Policies CN9 and EM10 of the Local Plan. These policies, in combination, require development proposals to contribute to the provision of neighbourhoods that are safe and function well in practical terms, and to permit development proposal that do not result in inappropriate traffic generation or compromise highway safety. Development proposals will also be permitted where they would not have a severe impact on the operation, safety or accessibility to the local highway network.

Other Matters

19. Local residents have expressed a wide range of concerns including the impact on trees, the overlooking of neighbouring properties, loss of wildlife habitat and biodiversity. However, having considered the technical evidence before me and the views of the relevant statutory consultees and that of the Council, I consider that these matters can be controlled and maintained by appropriately worded conditions.
20. The concerns of existing occupiers of the neighbouring properties with regards to property values is a purely private interest and would not be a consideration which I could give any weight to.
21. I note that there was an earlier appeal decision on the site in 2000, for a chalet style bungalow, which was dismissed. However, from the limited details before me, this was dismissed on the harm to the North Wessex Downs Area of Outstanding Natural Beauty (AONB). However, the Council confirms that the site is not in fact within the AONB. Therefore, I can only give this previous decision limited weight in my decision.

Planning Balance

22. Paragraph 11 of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole or specific policies in the Framework indicate development should be restricted. Footnote 8 of paragraph 11 confirms that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
23. The main parties agree that the Council is not able to demonstrate a five-year supply of deliverable housing sites. The proposal would make a modest contribution of one dwelling to the supply of housing. I have given this significant weight which I take forward to the overall planning balance below.
24. There would be economic investment from both its construction and subsequent occupation. With regard to the environmental benefits, the proposal would achieve a degree of sustainability through compliance with Council supported energy efficiency and Building Regulations standards. These benefits are tempered by the small amount of development, but nevertheless carry modest weight in favour of the development.

25. I have also found no conflict with the development plan in terms of the character and appearance of the area and highway safety. Consequently, in the context of paragraph 11 of the Framework, there are no adverse impacts of the development that would significantly and demonstrably outweigh the benefits. Therefore, the presumption in favour of sustainable development applies.

Conditions

26. The Council have suggested 20 conditions. I have assessed these in light of the advice provided in the Planning Practice Guidance (PPG) and have amended them as necessary.
27. A condition setting a time limit for commencement of the development is required by statute. It is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty.
28. Conditions regarding the types and colours of external materials and a scheme of hard and soft landscaping to both be submitted and approved by the local planning authority are considered reasonable and necessary to safeguard the character and appearance of the area.
29. In order to minimise disruption to surrounding residents, a condition to restrict the delivery of construction materials, or plant and machinery, and the removal of spoil from the site is considered both reasonable and necessary. I have amended it slightly for clarity purposes. For the same reason, a condition to restrict the hours of demolition and construction is also necessary.
30. Adherence to the Construction Method Statement and Construction Method Statement Site Plan submitted with the appeal is considered reasonable and necessary in the interests of highway safety and to protect the living conditions of the occupants of neighbouring properties.
31. In the interests of highway safety, a condition is considered necessary to ensure that the means of access is provided on site and that the visibility splays remain free of structures and planting exceeding 1m high. For the same reasons, a condition to ensure that the existing redundant access is permanently closed, and the footway crossing removed is also considered necessary. I have consolidated the Council's suggested conditions 9 and 18 to avoid repetition.
32. In order to encourage the use of more sustainable modes of transport, it is considered reasonable to ensure that the dwellings hereby approved have provision within their curtilage for secure cycle parking facilities. For the same reasons, it is also considered necessary to require further details regarding the provision of electric vehicle charging points, or details or parking areas which can be conveniently retrofitted at a later date.
33. To ensure that convenient arrangements are made for refuse and recycling storage and collection and to ensure that no obstruction is caused on the adjoining highway, suitable provision for refuse and recycling storage within the dwellings curtilages is considered reasonable. I have amended it slightly for clarity purposes.
34. To ensure that reasonable measures are taken to safeguard tree, a condition to ensure that the development is carried out in accordance with the

arboricultural details submitted with the appeal is both reasonable and necessary.

35. In order to establish net gains for biodiversity over the lifetime of the development, it is necessary for a condition to be attached to ensure the development is carried out in accordance with the 'Biodiversity Gain Plan' details prepared by SoEcology. I have amended the condition for clarity purposes.
36. In order to mitigate impacts on protected species, a condition to ensure that the development is carried out in accordance with the submitted Biodiversity Survey and Report is considered necessary. I have amended it slightly for clarity purposes.
37. A condition to require details as to how the new dwelling shall meet a water efficiency standard of 110 litres or less per person per day is considered both reasonable and necessary in the interests of maximising resource efficiency, most notably water. I have again amended it slightly for clarity purposes.
38. The Council have suggested restriction on the occupation of garages to be ancillary to the residential use of the dwellings. However, the garages associated with the dwellings are single garages. They have a clear relationship with the dwellings, sharing the access, parking and garden. 'The garages have not been presented to me as anything else other than a garage. If there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required. Consequently, a condition restricting the garages to be ancillary to the dwellings is not considered reasonable or necessary.
39. A condition to ensure that the bathroom windows at first floor level of both dwellings, which would look towards the shared boundaries with neighbouring properties, are top-opening and glazed with obscured glass is considered both reasonable and necessary in order to protect the living conditions of the neighbouring properties.
40. A condition to ensure that the access and parking areas are consolidated and surfaced is considered necessary in the interests of highway safety. However, I have amended the condition slightly to require details of either the porous surface materials to be used or details of the provision of the direct run-off water to a permeable or porous area to be submitted and approved by the Council prior to the occupation of development to ensure run-off surface water is adequately dealt with, and in regard to highway safety.

Conclusion

41. For the reasons set out above, the appeal should therefore be allowed.

Laura Cuthbert

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan - Drawing No. 20.45-100 Revision A
 - Proposed Site Plan - Drawing No. 20.45-102 Revision E
 - Proposed Street View - Drawing No. 20.45-103 Revision B
 - Plot 1 Floor Plans - Drawing No. 20.45-105 Revision B
 - Plot 1 Front and Side Elevations - Drawing No. 20.45-106 Revision B
 - Plot 1 Rear and Side Elevations - Drawing No. 20.45-107 Revision B
 - Plot 2 Floor Plans - Drawing No. 20.45-108 Revision B
 - Plot 2 Front and Side Elevations - Drawing No. 20.45-109 Revision B
 - Plot 2 Rear and Side Elevations - Drawing No. 20.45-110 Revision B
 - Proposed Roof Plans - Drawing No. 20.45-111 Revision B
 - Garage Plans and Elevations - Drawing No. 20.45-112 Revision B
3. No development shall commence on site above slab level until details of the types and colours of external materials to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
4. No development shall take place on site above slab level until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping which shall specify the type of hard surfaces used, species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate). The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or when the use hereby permitted is commenced. In addition, a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the local planning authority before development commences. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the local planning authority.
5. Throughout the construction period of the development hereby approved, no deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public or bank holidays.
6. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or fitting out, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public or bank holidays.

7. The development hereby permitted shall be carried out in strict accordance with the submitted Construction Method Statement (reference 2045-CMS1 and dated 07.03.2022) and Construction Method Statement Site Plan (reference number 20.45-115).
8. Before the development is brought into use, the means of vehicular access to the site shall be constructed in accordance with the approved plan (Drawing No.20.45.114 A) and no structure, erection or planting exceeding 1.0m in height shall thereafter be placed within the visibility splays shown on the approved plans.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the approved dwellings shall not be occupied until details of the means of closure (stopping up) of the existing vehicular access, including the removal of the footway crossing and the reinstatement of the footway, have been submitted to and approved in writing by the local planning authority. The approved closure (stopping up) of the existing access shall be fully implemented prior to first occupation of the dwellings hereby approved and shall be thereafter retained in accordance with the approved details.
10. The properties hereby permitted shall not be occupied until the properties have provision within their curtilage for secure cycle parking facilities for 2 long and 1 short stay places. The cycle storage shall thereafter be retained and maintained in perpetuity.
11. The properties hereby permitted shall not be occupied until the properties have provision within their curtilage for refuse and recycling storage (prior to disposal), the surface materials from the carriageway to the waste container collection point shall be smooth and shall not hinder the movement of waste containers to the collection vehicle and shall make space to provide 3 number 240ltr refuse Wheelie bin, 3 number 240ltr recycling Wheelie bin and 3 number glass recycling box, and the areas of land so provided shall not be used for any purposes other than the storage (prior to disposal) or the collection of refuse and recycling and shall be thereafter retained and maintained as such.
12. Protective measures, including fencing, ground protection, supervision, working procedures and special engineering solutions shall be carried out in accordance with the arboricultural details produced by SJ Stephens Associates (dated 27th January 2021) and the Tree Survey and Protection Plan (drawing no. 1602-02).
13. Development should be undertaken in line with the Recommendations and Procedures contained within Chapter 5 Habitat Maintenance and Responsibility and shown in Appendix 7.1 Habitat Creation and Enhancement Plan of the Biodiversity Gain Plan by SoEcology dated 26/11/2021.
14. Development should be undertaken in line with recommendations and procedures of Chapter 5 Potential Impacts and Mitigation Recommendations of the Biodiversity Survey and Report by plan ecology dated 2/2/2021.

15. Within 3 months of the date of commencement of development, a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the local planning authority, through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details and thereafter maintained in accordance with the approved details.
16. Prior to the occupation of the dwellings hereby permitted, details of electric vehicle charging provision shall be submitted to and approved in writing by the local planning authority for both the new and existing dwelling. Such details shall include the specification, appearance and siting of any charging points and shall be installed prior to occupation of the dwelling. Where charging points are not proposed, details of parking areas which can be conveniently retrofitted at a later date shall be provided. This includes details demonstrating that that electrical connections within the site are suitable for future use for electric vehicle charging. The development shall be carried out and thereafter maintained in accordance with the approved details.
17. The bathroom windows at first floor level on the north-western elevation of Plot 1 and the south-eastern elevation of Plot 2 shall be top-opening and glazed with obscured glass, to at least the equivalent of Pilkington level 4 standard. The window and glazing shall be installed prior to occupation of the development and shall be permanently maintained in that condition.
18. The accesses and parking areas hereby approved shall be consolidated and surfaced. The development shall not be occupied until details of either the porous surface materials used for the access and parking area, or how direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse(s) hereby permitted or the curtilage of the existing dwelling has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the so-approved details and shall be implemented in full prior to first occupation of the dwelling. The details as approved shall thereafter be maintained in perpetuity so as to control surface water run-off from the site.