



Appeal Decision

Site visit made on 26 September 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2023

Appeal Ref: APP/H1705/W/23/3318933

4 Basingstoke Road, Kingsclere, Hampshire RG20 5NN

- 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 Rawlings against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 22/01359/RET, dated 12 May 2022, was refused by notice dated 17 October 2022.
 - The development proposed is described as the creation of a new vehicular access with construction of drop kerb and erection of brick wall, fences and gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's description of the development, on its decision notice, differs from the description contained on the planning application form. I have utilised the Council's description in the banner heading above as I feel it more concisely describes the development. This description is also used on the appellant's appeal form.
3. As set out on the application form, development has started. My assessment of the proposal is, however, based on the plans before the Council at the time of the planning application. I will refer to the 'proposed development' in the future tense throughout my decision, although certain aspects may already be constructed.

Main Issues

4. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the area including the Kingsclere Conservation Area (the CA); and
 - the effect of the development upon the safe and efficient flow of traffic on the highway network.

Reasons

Character and Appearance

5. The appeal site can be clearly viewed from within the CA. The Kingsclere Conservation Area Appraisal and Management Plan Supplementary Planning Document 2017 ("the SPD") explains that the CA is characterised by open and

- verdant spaces, which contribute positively to the character and appearance of the area.
6. This part of the CA derives its significance in part from the predominantly low height traditionally designed front boundary treatments which include hedges, simple picket fences and low brick / railing features. Views of open dwelling frontages, green open spaces and generous verdant landscaping also contribute to the significance of this part of the CA.
 7. The SPD states that open verdant features give this part of the CA a semi-rural character and a sense of how the built-up area expanded onto rural land. The sense of openness makes an important contribution to the character and appearance of this area as a green buffer between the surrounding denser development.
 8. The proposed development would introduce a hard edge to this open site. Given its height and coverage of the front boundary it would be highly conspicuous and in sharp contrast to the immediate verdant and open area. It would therefore fail to integrate into its local context detrimentally enclosing the dwelling frontage.
 9. This would unsympathetically erode the sense of openness harming the semi-rural character of this area. This impact would unacceptably harm local distinctiveness and the proposed development offers very limited opportunities for meaningful landscaping.
 10. An informal vegetative boundary of similar height may have previously existed at this site. Furthermore, I noted examples elsewhere of vegetative boundaries in the street scene. However, these are softer verdant screens which contribute to the attractiveness of this area. The proposed development would introduce an unacceptably hard edge which would be harmful to the special interest of the area.
 11. While some dwellings do have a higher hard boundary close to Basingstoke Road, these are a considerable distance away from the appeal site and lie outside the CA. They therefore are not experienced in the same context as the appeal site.
 12. The proposed development has also not shown how the proposed materials would respond to the setting of the CA or how they would contribute positively to its distinctiveness. This adds further weight to the harm I have identified above.
 13. The appellant wishes to make his home private and safe for his children and pets. However, it is not uncommon for houses to have open frontages. It has not been robustly shown that the proposed development would be the only option to ensure a reasonably private and safe environment.
 14. Reference is also made to development elsewhere in the village although specific details are not provided. These, at face value, do not appear to be similar to the proposal and in the absence of sufficient detail, it is very difficult to make comparisons. I have therefore considered this appeal on its own circumstances and merits.
 15. Paragraph 199 of the National Planning Policy Framework ("the Framework") advises that when considering the impact of development on the significance of

a designated heritage asset, great weight should be given to the asset's conservation.

16. Given the limited scale of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. No public benefits are advanced, and I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the area including the CA.
17. The proposal would conflict with the relevant provisions of Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029 (2016) ("the Local Plan"), the Basingstoke and Deane Design and Sustainability Supplementary Planning Document (2018) and Policy K4 of the Kingsclere Neighbourhood Development Plan 2011-2029 (2018) and the Framework which together, amongst other things, seek to preserve or enhance the significance of the character or appearance of the area including heritage assets.

Highway Safety

18. Policy CN9 of the Local Plan requires development to be safe and suitable for all highway users. The Council state that the development would not comply with Local Highway Authority standing advice which, amongst other things, requires gates to be set back by a minimum of 6 metres from the highway.
19. In the absence of this set back vehicles would cause a highway obstruction while waiting for the gates to open or close. Additionally, it has not been robustly shown that acceptable highway visibility can be achieved from the proposed development.
20. The proposed development would therefore compromise the safe and efficient flow of traffic on the highway network. This would conflict with the relevant provisions of Policy CN9 of the Local Plan which seeks, amongst other things, to ensure that developments do not result in danger and inconvenience to users of the highway.

Other Matters

21. I have found that the proposed development would significantly harm the character and appearance of the Conservation Area and would compromise the safe and efficient flow of traffic on the highway network. Conditions could not be imposed to remedy the adverse effects.
22. A grant of permission for the proposed development would therefore give rise to unacceptable adverse effects. As the Framework expects, I attach great weight to this finding against the appeal.
23. I have had due regard to the Public Sector Equality Duty set out under s149 of the Equality Act, but the harms caused by the proposal to the designated heritage asset and matters of highway safety outweigh any benefits in terms of eliminating discrimination against persons with protected characteristics and advancing equality of opportunity for those persons and fostering good relations between them and others. I therefore conclude that it is proportionate and necessary to dismiss the appeal.

Conclusion

24. As a result, the proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR