



Appeal Decision

Site visit made on 20 February 2024

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2024

Appeal Ref: APP/N1730/W/23/3324221

Glebe House, Glebe Lane, Hartley Wintney, Hook, Hampshire RG27 8EA

- 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 Mrs Debra Abberley against the decision of Hart District Council.
 - The application Ref 23/00110/FUL, dated 17 January 2023, was refused by notice dated 25 April 2023.
 - The development proposed is erection of hardstanding access across third-party land.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mrs Debra Abberley against Hart District Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Hartney Witney Conservation Area, including with regard to the effect on trees.

Reasons

Hartley Wintney Conservation Area

4. The Hartley Wintney Conservation Area (the CA) derives its significance, as a whole, from its open spaces and the surrounding historic buildings. The appeal site is within 'The Common' Character Area as set out in the Hartley Wintney Conservation Area Character Appraisal and Management Proposals (2008) (CAAMP). This area is dominated by the open green space of The Common with rough grass and low vegetation and distinctive rows of mature Oak trees resulting in rural qualities. There are also mixed groups of buildings around the perimeter. The open green spaces and mature trees therefore make a positive contribution to the significance of the CA.
5. The appeal site comprises a strip of land between the boundary of Glebe House and an access which connects to Green Lane. It is currently grassed. The land is behind wooden bollards which run alongside the access route, but it is part of the public Common and is clearly visible from this public space.
6. Some of the adjoining properties have vehicle access to their northern sides. However, of the numerous dwellings that have an elevation to Glebe Lane and The Common, only three have a vehicle access to the common. These

properties adjoin the host dwelling. Nevertheless, the existence of vehicle accesses to the Common to serve the dwellings in this area are not so frequent as to form and overriding positive part of the character and appearance of the area.

7. The proposed development would change the grass to hardstanding to provide vehicle access to Glebe House in this location. The loss of the grassed land and the introduction of shingle hardstanding would result in an urban feature which would reduce the important green character of the common and consequently erode its positive rural qualities. Whilst the area to be lost would be small and given its location may not be as frequently used as other parts of the public land, it would nevertheless be noticeable. As such there would be a minor but nonetheless adverse effect on the important natural character and appearance of The Common and the significance of the CA.
8. Many of the properties on New Lane also have vehicle accesses which connect to this road. However, these properties have no alternative rear access. Furthermore, this group of dwellings is clearly separated from the site and its adjoining row of houses by the through route of Green Lane. As such, they are notably different to the appeal site and this does not alter my findings.

Trees

9. The planning appeal is accompanied by an Arboricultural Statement by Land Arb Solutions which identifies root protection areas and states that the construction will involve turf being scraped back, no level changes, and the installation of brick setts, weed proof membrane and shingle. The statement concludes that on this basis there would not be any impact to the mature trees.
10. Consequently, I am therefore provided with the detail of construction which has been proposed by a specialist firm. However, I do not have contradictory evidence that the proposed construction methods for this site would be likely to result in the loss of the nearby trees. Therefore, the proposed development would not be harmful in this regard.

Summary and Heritage Balance

11. The appeal decision at Bracken, Waverley Avenue¹ relates to the installation of gates. Therefore it is notably different to the appeal scheme.
12. Although the proposed development would not result in the loss of trees, the lack of harm in this regard is a neutral factor. As such this would not outweigh the harm to the CA identified above from the erection of a hardstanding access.
13. Therefore, the proposed development would have a harmful effect on the CA. As such, in this regard, it would be contrary to Policies NBE8 and NBE9 of the Hart Local Plan (Strategy & Sites) 2032, saved policy GEN1 of the Hart District Local Plan - Replacement 1996-2006 and First Alterations to the Hart District Local Plan - Replacement 1996-2006 (2009) (LP) and Policies 2 and 5 of the Hartley Wintney Neighbourhood Plan 2017-2032 (2019). Together, in part, these seek high quality design, in keeping with local character which positively contributes towards public spaces and incorporates adjoining landscape features. They also require that development should preserve and enhance conservation areas.

¹ APP/N1730/D/22/3295380

14. However, given my findings above, the proposed development would not be contrary to Policy CON8 of the LP which requires that trees of significant amenity or landscape value are retained.
15. The National Planning Policy Framework (the Framework) advises that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification. In terms of the Framework the harm to the CA would be less than substantial. Nevertheless, this is a matter of considerable weight and importance. Paragraph 208 of the Framework requires me to weigh this harm against the public benefits of the scheme.
16. The proposed development would provide access to additional car parking spaces which would avoid parking from Glebe House occurring on the access leading to Green Lane. However, the host property has a vehicle access and hardstanding for parking onto Glebe Lane. As such the majority of parking for this dwelling required is likely to be accommodated in this off street location. Consequently, the benefits in this regard would be limited. Nor would there be any public benefit in this dwelling having vehicle access to its principal elevation.
17. On the other hand, having regard to my statutory duty I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. I attribute considerable importance and weight to the harm identified. Accordingly, even though this harm is minor, taking all the above into account, the limited public benefits would not outweigh the unacceptable harm to the CA.

Conclusion

18. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR