



Appeal Decision

Site visit made on 25 March 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2024

Appeal Ref: APP/N1730/W/23/3330747

Whinrood, Victoria Hill Road, Fleet, Hampshire GU51 4LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Christopher Foster against the decision of Hart District Council.
 - The application Ref is 23/00488/FUL.
 - The development proposed was described as 'erection of dwelling on garden land at Whinrood'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the North Fleet Conservation Area (the CA).

Reasons

3. Whinrood is a substantial detached two-storey house in the CA of circa 1920s origins. It is in one side of a large corner plot at the junction of Victoria Hill Road and Hagley Road. The site is, in essence, the other side of the plot and majority of the garden, lined and partly overlapped on three sides by a perimeter of tall trees. The significance of the CA includes a largely intact, mainly historic regimented pattern of streets and contrasting areas of mostly low density, relatively evenly spaced late 19th and early 20th century housing on generally large, open plots set back from roads behind mature trees. In Character Area 5 (CA5) this part of the CA also has a spacious feel to streets¹. These features are locally distinctive so the dwelling and plot at Whinrood make a positive contribution to the character and appearance of the CA.
4. The proposed dwelling would be in line with the front elevation of Whinrood facing Victoria Hill Road, off set to one side of a new access. This part of the garden is inset into the gentle upward slope of this road and below Hagley Road, such that the main ridge line and eaves level would be broadly comparable to Whinrood. A planning condition could ensure high quality external materials were used and the most important trees on the site contributing to visual amenity in the CA would be retained.
5. However, though single-story closest to Hagley Road, the floorplan of the dwelling and location of this built form on the site would occupy about half of the gap between the side elevation of Whinrood and this road. Even the main

¹ North Fleet Conservation Area Character Appraisal and Management Proposals March 2008

two-storey part of the dwelling would project appreciably further forward, closer to Hagley Road than the short building line formed by The Red House next to it and Kingsland beyond. Combined with its scale and massing near the boundary trees, this infill development would substantially erode the most significant central pocket and open part of the garden and be in relatively close proximity to the side of Whinrood so appreciably reduce spaciousness. While the residual plot of Whinrood and the site would be similar in rectangular shape and size, and each still quite large, the proposal would fundamentally alter the square shape of the existing plot and significantly reduce it in size.

6. While there is variety in dwelling design in CA5 and the CA, I have not been informed about any precedent for the proposed 'Georgian style'. The 'modern take' on this older style of property would therefore not be in sympathy with Whinrood or the later origins of most of the dwellings in CA5 or in the CA.
7. The proposal therefore fails to respect these important features of the site, which would be permanently lost, and of the most relevant established dwellings in this part of CA5 next to or nearby, including in these sections and same sides (as the site) of Victoria Hill Road and Hagley Road. Subdivision of the plot of Whinrood in this way would erode appreciation of the dwelling and garden as one of the larger remaining properties in CA5. Such intensification of residential development would not maintain existing plot densities in CA5 and undermine or detract from the dominance of trees by the close proximity of built form to the boundary trees.
8. The upper parts of the dwelling would be apparent in views from the straight sections of the sloping Victoria Hill Road and from the more elevated Hagley Road next to and near the site, through or below the canopies of the boundary trees or over the 1.8m fence. It would also unduly interrupt and interfere with appreciation of the set back of Whinrood from the corner junction in these views and jut out closer to Hagley Road reducing spaciousness at the road junction. The incongruous presence of the dwelling on its plot would not protect views across this part of CA5 or towards it from outside of CA5.
9. The proposed 0.15h plot size would fail to meet the Council's relevant minimum 2h baseline for infill residential development, which is anyway not 'as of right' but subject to other considerations. Even if this variance would be 'barely discernible' compared to other well-treed plots in the CA, piecemeal subdivision and infilling on the site as proposed would consolidate this unsympathetic and disruptive grain of development in CA5. The absence of greater public appreciation would not overcome innate harm in this regard. This incremental change and cumulative loss in the pattern of dwellings and plots in CA5 would undermine and diminish understanding of the historic origins of this residential development and how it is experienced.
10. A cluster of a few smaller, more tightly spaced dwellings and plots in CA5 opposite the site on the southwest side of Hagley Road and (out of sight) next to Gough Road, Church Road and Sunnyside have some similarities in layout and siting to the proposal. However, this is not the prevailing pattern of residential development in CA5 or next to Whinrood. The recent infill dwelling Burbeck House, behind Victoria Hill House next to Whinrood, is in a distant backland setting. While the site adjoins two other Character Areas it is in neither of them. Albeit some nuanced differences, housing in them does not therefore provide a suitable template for housing within CA5. Existing or new

trees and other planting on the site cannot be relied on in perpetuity and anyway screening the proposal in this way would not mitigate or compensate for inherently unacceptable development to begin with.

11. This revised proposal follows previous refusals by the Council² and dismissed appeals³ for similar development at the site. The appellant considers that it addresses the previous objections. I have taken account of these decisions and note that part of the development plan has since been replaced by new policies. I have determined the current appeal on its individual planning merits and also have no reason to depart from aspects of the last Inspector's decision. There would still be a large two-storey detached dwelling in an open area of garden in a prominent corner position of the CA, significantly closer to Hagley Road than the front elevation of The Red House, that would erode the overall spacious character of this part of the CA. Nor would the suggested conditions overcome the adverse impacts in this case.
12. I find that the proposal would have an unduly negative effect on CA5 and adversely affect and undermine the significance of the CA overall, so fail to preserve or enhance the character or appearance of the CA⁴. Consequently, it conflicts with saved Policies GEN1 and URB18 of the Hart District Local Plan April 2009, Policy 10 of the Fleet Neighbourhood Plan November 2019 and Policies NBE8 and NBE9 of the Hart Local Plan April 2020.
13. These policies include that development should be in keeping with local character by reason of scale, design, siting, separation and, in this case, density on plots of more than 0.2h, so not result in demonstrable harm to the visual amenity of the area, not be dominant in the streetscene and respect strong building lines. They also aim to conserve or enhance a conservation area and its significance, reinforce local distinctiveness and street patterns, ensure new buildings are sympathetic to trees and respect or enhance views into a site. The Council also cited Fleet Neighbourhood Plan Policy 7 in its decision notice but it relates to Fleet town centre so is not relevant.

Other Matters

14. The appeal site is within a zone of influence of the Thames Basin Heaths Special Protection Area (the SPA), designated as a European Site and also internationally important as habitat for ground nesting and breeding birds. The additional dwelling and residents alone, or in-combination with other development, would have a likely significant adverse effect on the SPA due to recreational activity in it. The appellant committed to pay an appropriate financial contribution in accordance with the Council's relevant mitigation requirements. However, I have not been informed payment has been made and there is no planning obligation before me or other suggested mitigation.

Heritage Balance

15. The National Planning Policy Framework (NPPF) aims to conserve the historic environment. Designated heritage assets, such as the CA, are an irreplaceable resource to be conserved in a manner appropriate to their significance. Where a proposal will lead to less than substantial harm to significance this harm should be weighed against the public benefits of the proposal.

² Including the previous 16/02604/FUL

³ Including the most recent APP/N1730/W/17/3169077 following the decision in footnote 3

⁴ Section 72(1) - Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

16. CA5 is not large with relatively few dwellings, so small changes in this part of the CA can have a significant effect. In this case the proposal would have an unacceptable impact on features in CA5 that contribute to its significance and that of the CA so detract from the way in which this designated heritage asset was established, has evolved and is now experienced or understood. This effect would be limited in relation to the entire CA so the overall harm to the CA would be less than substantial. The NPPF requires that great weight should be given to the conservation of a designated heritage asset irrespective of the level of harm.
17. There is no dispute that the Council can demonstrate a 5-year supply of deliverable housing sites and it met the 2022 Housing Delivery Test. By virtue of footnote 8, NPPF paragraph 11 d) is therefore not engaged in this appeal. Consequently, the presumption in favour of sustainable development (the 'tilted balance') does not apply in this case.
18. The site is, though, in an area where new housing development is acceptable in principle and the family sized dwelling would help to achieve the Council's housing requirement. Subject to conditions the dwelling would be energy efficient and the proposal would deliver ecology mitigation and enhancement at the site. This would support the Government's objective in the NPPF of significantly boosting the supply of new homes to meet peoples living needs and make efficient and effective use of a windfall site in an urban area that could be built out relatively quickly. It would also help to meet the challenge of climate change and secure an overall biodiversity net gain for the natural environment. Though important considerations, a single dwelling would make a small contribution in these regards so these public benefits have limited weight in favour of the appeal.
19. Subject to conditions the proposal would provide satisfactory provision for car and cycle parking, means of access, bin storage, drainage and suitable internal and external living conditions for future occupiers of the dwelling. The site is not at risk of flooding and there would be no harm to the living conditions of existing occupiers of any nearby dwelling. The absence of harm in these respects is a neutral factor in my decision.
20. However, the proposal would undermine the Council's relevant development plan objectives for the CA, which are broadly consistent with relevant aims of the NPPF. The NPPF also generally seeks to achieve well-designed places with development that is sympathetic to local character and maintains a strong sense of distinctive places to live and visit. The siting of the dwelling, its appearance and layout of the plot would not be compatible with the most relevant residential development in CA5 and the CA overall so not achieve these aims. In my view, the support in the NPPF to delivering housing is not at the expense of ensuring that development is suitable and appropriate in a conservation area.
21. Accordingly, the public benefits of granting planning permission do not outweigh the loss of significance and heritage harm in this case. As a result, there is no clear and convincing justification for the proposal.

Planning Balance and Conclusion

22. As the competent authority it would ordinarily be necessary for me to undertake Appropriate Assessment with regard to the SPA⁵. However, since I intend to dismiss the appeal, even if the proposal did not harm the nature conservation interests of the SPA, so not adversely affect its integrity, there is no need for me to consider the SPA any further because it would not affect my decision or alter the outcome of the appeal. There is no other harm in this case.
23. The proposal does not accord with the development plan overall and conflicts with relevant provisions of the NPPF. There are no other material considerations to indicate that the decision should not be made otherwise than in accordance with the development plan⁶.
24. Consequently, for the reasons given above the proposal is unacceptable so the appeal does not succeed.

Robin Buchanan

INSPECTOR

⁵ Conservation of Habitats and Species Regulations 2017 (as amended)

⁶ Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended) and NPPF paragraph 12