

Appeal Decision

Site visit made on 6 August 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/C1760/W/23/3329853

**Land adjacent to Brambles, Walworth Road, Picket Piece, Andover
SP11 6LY**

- 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 Mr. B Potheary against the decision of Test Valley Borough Council.
 - The application Ref is 22/01516/FULLN.
 - The development proposed is erection of 1 no. new dwelling; with associated parking, turning, landscaping, private amenity space and access arrangements.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council is working on a new draft Local Plan. The plan is at an early stage in preparation and attracts limited weight in the decision making process.

Main Issue

3. The main issues are the effect of the proposal upon
 - 1) the character and appearance of the area, and
 - 2) the biodiversity and habitat value of the site.

Reasons

Character and appearance

4. The area is characterised by large detached dwellings that stand in spacious plots. Dwellings adjacent to the site to either side are two storey. The dwellings immediately to the east of the site appear to be part of a single development that forms a well defined building line that aligns with those further east. The dwelling next to the site to the west has a substantial two storey wing that extends towards the road.

5. The appellant suggests that the front facing elevation of this adjacent house that is behind the wing should be considered the primary elevation for the purposes of considering the existing road facing building line. The wing is however substantial, with first floor accommodation over a garage and large windows to the side to the extent that it is a prominent element of the streetscene, particularly when viewed across the appeal site from the east. I am therefore of the view that this projecting wing defines the forward facing building line of this house. It broadly aligns with the front of the house that is on the other side of the site.
6. Into this context a dwelling would be inserted, in a position that would be well behind the road facing walls of the adjacent dwellings. It would have a modest single storey form that would be at odds with the prevailing character of substantial and prominent two storey dwellings to either side. It would thus appear contrived and awkwardly located towards the back of the plot, in a manner that fails to respect the area's existing character.
7. Additionally, the tapering nature of the site would mean that its access and parking areas would be tight and narrow and would be considerably at odds with the wide entrances and broad frontages of the adjacent plots. The appellant refers to narrow plot widths nearby. However, although these are near, they are irrelevant to the context of the appeal site as they do not form part of the same street frontage or character area.
8. The proposal makes provision for two new trees to be planted that would seek to satisfy the requirement for replacement planting following the loss of two substantial Ash trees that were protected by a Tree Preservation Order. One tree would be planted at the front of the site. Whilst this would be of some amenity value as it would be prominent from the road, it would grow in a constrained piece of land, close to the site boundary to one side and the driveway and parking area to the other. Such characteristics are likely to mean that a future tree owner would seek to regularly prune the tree to manage its size and limit any adverse impacts from debris drop and other tree related issues. As a result, it would be likely to have an amenity value that would be considerably less than either of the substantial open grown Ash trees that it would replace.
9. Furthermore, the second replacement would be planted at the rear of the site. Although it would have more space than the tree proposed at the front, it would be of limited amenity value in this position, especially as it would be behind the proposed dwelling and well away from the road.
10. A mature protected Oak tree grows in the centre of the site. Although it has been reduced in size it is a prominent tree that is of considerable amenity value and provides a pleasant natural break to the row of dwellings. It has the potential to grow considerably.
11. The proposal has been designed to attempt to accommodate it, which has resulted in the set back of the dwelling and a driveway pushed to one side of the plot. The driveway would however encroach into the root protection area and the front elevation of the dwelling would be close to the Oak's canopy. The Oak would thus be considerably constrained by the proposal, and there is the potential for construction work to damage the tree.

12. The dwellings position to the north of the Oak would mean shade would be cast over its front rooms. This, along with everyday nuisances from debris and the potential for roots to break up external surfaces, would mean that it would be highly likely that the Oak would become a nuisance to future occupiers of the dwelling. Subsequently, there would be pressure in the future for the Oak to be felled. Its felling would have an adverse impact on the character and appearance of the area. I cannot therefore be satisfied that the proposal satisfactorily accommodates the existing Oak and makes adequate provision for new planting to offset the loss of the felled Ash trees.
13. In summary, the proposal would have a harmful impact on the character and appearance of the area. It would be contrary to Policies E1 and E2 of the Test Valley Borough Revised Local Plan 2011-2029 (LP), which together seek to ensure that development integrates, respects and compliments the character of the area in terms of layout and scale, and ensures the protection of existing landscape features.

Biodiversity

14. Tree protection measures are set out in the submitted tree report¹. This shows protection measures and construction methods that could be utilised to manage the impact on the Oak. However, its recommendations, including the tree protection plan, are based on an earlier scheme, which gives it limited weight.
15. The potential for the condition of the Oak to deteriorate as a result of the construction work or its more constrained environment and for it to be a nuisance to future occupiers of the dwelling put it at considerable risk. Not only would its loss have an adverse impact on the character and appearance of the area, it would also result in the loss of its habitat value.
16. Additionally, for the reasons already given, the proposal includes limited opportunities for the successful establishment of the proposed new planting.
17. In summary, the proposal does not give sufficient assurance that the Oak would be protected and safeguarded for the lifetime of the development, or that the proposed tree planting would successfully establish. The proposal would thus not accord with Policy E5 of the LP, which seeks to ensure that development conserves and where possible enhances biodiversity.

Other Matters

18. The proposal would secure the provision of a dwelling in a location suited to new residential development. In light of the Government's objective to significantly boost the supply of housing, this is a benefit of the proposal. However, the weight I give to this is limited by the small scale of the proposal, and it is not sufficient to outweigh my findings on the main issues of the appeal and thus cause me to make a decision that is otherwise not in accordance with the development plan.

¹ Hearne Arboriculture, Arboricultural Impact Assessment and Tree Protection Scheme for Proposed Development JH/AIA/21/71/Rev2

19. Wastewater from the proposed building has the potential to enter The Solent². Through the process of eutrophication, increased levels of nitrogen and phosphorus in the water environment of The Solent can harm its important habitats, which in turn can displace bird species, some of which are of international importance. The Council's third refusal reason relates to its uncertainty over whether the proposal can achieve nutrient neutrality. The appellant has advanced this at the appeal stage by submitting further information including the provision of a draft legal agreement. However, as I am dismissing the appeal for other reasons, this impact would not occur in any event, and these matters do not therefore need to be considered further.

Conclusion

20. For the reasons above, the appeal should be dismissed.

A Tucker

INSPECTOR

²The Solent covers the Solent Maritime Special Area of Conservation (SAC), Solent and Southampton Water Special Protection Area (SPA) and Ramsar Site, Portsmouth Harbour SPA and Ramsar Site, and the Solent and Dorset Coast SPA.