

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

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| Date of Meeting | 26 January 2012 | | |
| Application Number | S/2011/1746 OL | | |
| Site Address | The Heather, Southampton Road, Alderbury, Salisbury. SP5 3AF | | |
| Proposal | Erection of one 2 bedroom bungalow | | |
| Applicant/ Agent | Mr Harvey Euridge | | |
| City/Town/Parish Council | Alderbury Parish Council | | |
| Electoral Division | Alderbury & Whiteparish | Unitary Member | Cllr Richard Britton |
| Grid Reference | 418920 126975 | | |
| Type of Application | Out Line | | |
| Conservation Area: | NA | LB Grade: | NA |
| Case Officer: | Case Officer Mrs B Jones | Contact Number: | 01722 434 388 |

Reason for the application being considered by Committee

Councillor Britton has requested that the application be determined by Committee due to the relationship between the proposed development and adjoining properties

1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **GRANTED** subject to conditions.

2. Report summary

The main issues in the consideration of this application are as follows:

- Recent planning history
- Differences between current and refused scheme
- Impact on character of the area and neighbouring amenity
- Highway safety and trees

The application has generated 12 letters of objection/observations from the public. No comments received to date from Parish Council.

3. Site Description

The site forms part of the rear portion of land behind a new development of three houses, which recently replaced a bungalow called The Heather. The site lies within the Alderbury Housing Policy Boundary and Special Landscape Area, in an Area of Special Archaeological Significance.

Immediately to the south west of the site is Out of the Way (a vacant dwelling). To the north, south and east of the property are three bungalows, called Arundell, Forest View and Out of the Way. The site is accessed from Southampton Road via a sloping drive situated in the east corner (which also serves Forest View and provided pedestrian access to Out of the Way). Land adjacent to the access onto the highway from the site (within Plot 1) is landscaped with mature trees some of which are the subject of a Tree Preservation Order

(407). To the west is Arundell, and a large copper beech tree protected by a TPO lies in its rear garden, adjacent to the site.

4. Relevant Planning History

Previous applications S/09/676, S/09/1853, S/10/388 and S/10/821 were refused on general grounds relating to the impact on protected trees and their roots, impact on the character of the area and the cramped appearance of the development in a backland location.

| Application Number | Proposal | Decision |
|--------------------|--------------------------|----------------------------------|
| S/09/676 | Build 1 x 2 bed bungalow | Refused |
| S/09/1853 | Build 1 x 2 bed bungalow | Refused |
| S/10/388 | Build 1 x 2 bed bungalow | Refused |
| S/10/821 | Build 1 x 2 bed bungalow | Refused Appeal dismissed |
| S/11/914/O L | Build 1 x 2 bed bungalow | Refused Appeal awaiting decision |

5. Proposal

The applicant is seeking to erect a single storey bungalow, with vehicular access provided by the existing track, off Southampton Road, adjacent to Forest View. The application is in outline, with only the layout of the site and the access to be determined. Indicative details of the proposed dwelling are provided suggesting a two-bedroomed single storey dwelling with a hipped pitched roof. The laurel hedge boundaries would be partly retained and partially created, with the remaining boundaries to be close boarded fences.

An article 6 notice has been served on the owner of Forest View, in respect of land to be used as part of the access for the development. Certificate B has been completed.

6. Planning Policy

Salisbury District Local Plan (Adopted 30 June 2003). The relevant policies are: G2, H16, D2, C6 & R2.

South Wiltshire Core Strategy. Unadopted but deemed sound by the Inspector on 14th October 2011. The above policies have been saved. A new Core Policy 3 relating to affordable housing would now apply to any scheme for one new dwelling or more on this site.

The Swindon & Wiltshire Structure Plan 2016 adopted 2006

National planning policy PPS1: *Delivering Sustainable Development* is also relevant & PPS3: Housing

7. Consultations

Highways

I note the history of the site. As the highway aspects of the proposal have not changed significantly, I adhere to my previous recommendations and an acceptable scheme, from a highways perspective, was agreed as part of application S/2010/0821. This latest submission also includes a larger site area, which has led to an improved highway layout. Due to this, I recommend that no Highway objection is raised, subject to conditions being attached to any permission granted.

Trees

The dwelling is positioned far enough away from the tree that my earlier objection no longer applies. However, as the garage is located within the root protection area of the tree, I would recommend the use of a condition requiring an Arboricultural Method Statement.

EHO

None received. Previously recommended conditions relating to bonfires and hours of construction.

8. Publicity

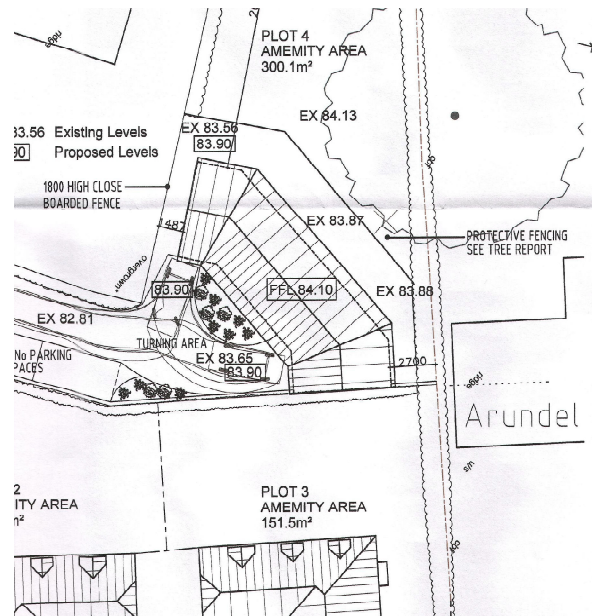
The application was advertised by site notice and neighbour consultation. Expiry 15/12/11. 12 letters of letters of objection/observations received. Summary of key relevant points raised:

- Inappropriate increase in density, backland/garden grabbing development. Cramped and contrived. Over intensification. Out of character. Urbanisation of rural setting in Special Landscape Area. Poor relationship between Mere and Out of the Way. Loss of rural village.
- Loss of trees, hedges, flora & fauna, lack of adequate garden. Pressure to fell the protected Copper Beech tree.
- Loss of privacy, overlooking, noise and disturbance
- Inadequate parking provision and access, will cause obstruction on driveway and Southampton Road.
- Precedent for further development. Out of the Way is not a precedent for backland development. Site history does not create precedent for this scheme to be accepted.

9. Planning Considerations

9.1 Recent Planning History

Two recent decisions provide important considerations for the current scheme. The Appeal Inspector's report for S/2010/821 is included in Appendix 1 and the layout is shown below.

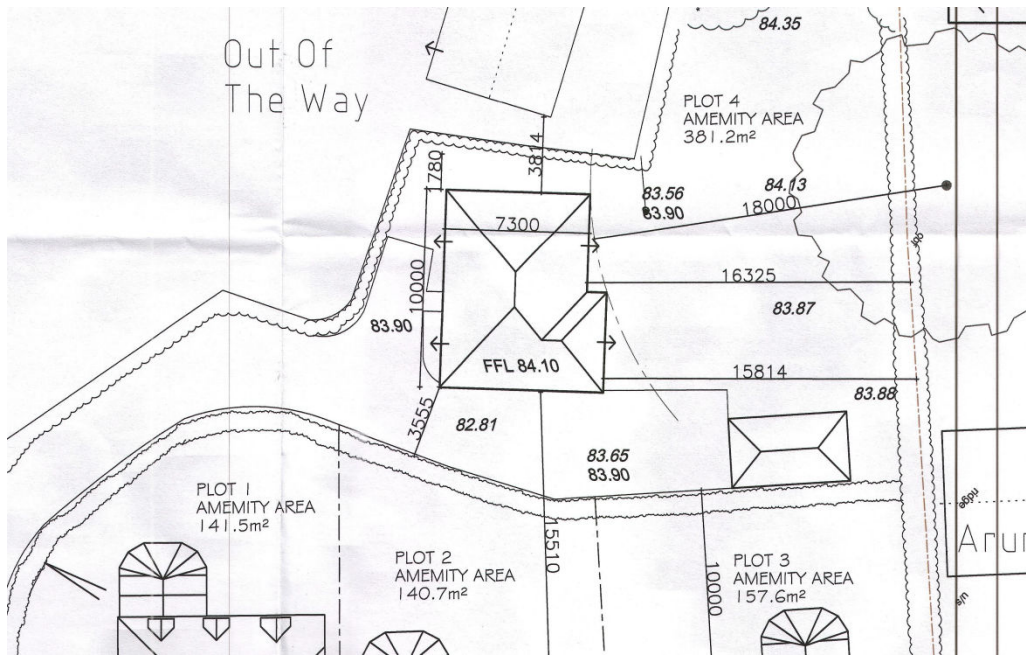


In considering the scheme for a bungalow on the site, he upheld the first reason for refusal in relation to the cramped *siting* and likely indirect effects on the protected tree resulting in acceptable harm to the character and appearance of the surrounding area, but did not uphold the R2 reason for refusal. Para 8 is important and states:

The plot size and width would not be out of keeping with their surroundings but the proposed dwelling would have a cramped relationship with its site and surroundings. The bungalow would occupy almost the full width of the plot, reaching close to the boundary with Out Of The Way and adjoining the wall proposed on the boundary with the already permitted plots 2 and 3. This would be an uncharacteristically tight relationship in an area where, even though some dwellings' flank walls are relatively close, this is mitigated by their long front and/or back gardens, whereas the proposed bungalow would have no significant front garden.

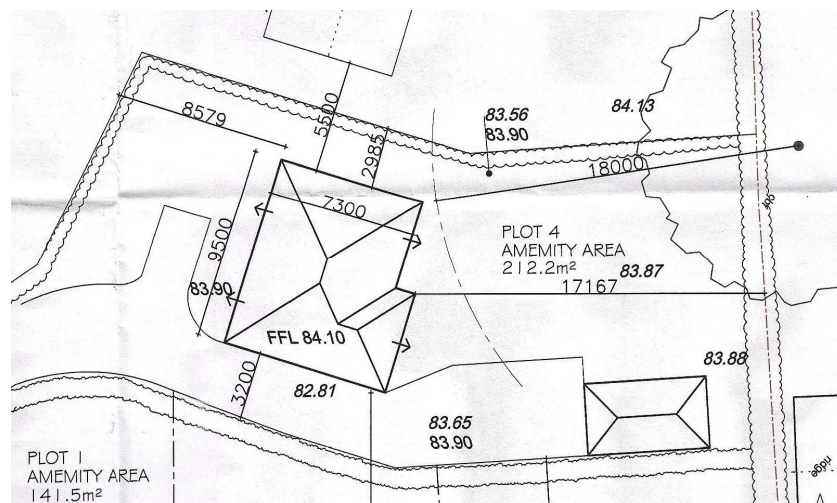
The Inspector further maintained that, "Although it is likely the bungalow would, at most, only be glimpsed from Southampton Road, local residents would be aware of the cramped relationship. The proposal is not similar to the permitted replacement of The Heather by three houses, as they would have more spacious surroundings."

The Committee refused S/2011/914 OL (see below for layout) for the reasons set out:



The proposal, by reason of the awkward shape of the plot and the awkward relationship between the siting of the proposed dwelling and established development, would result in a cramped and contrived development which would detract from the character and appearance of the surroundings. In particular, the plot has an uncharacteristically small front garden in relation to established development, and the gap between the proposed dwelling and the neighbouring property, 'Out of the Way', is uncharacteristically small. Consequently the proposal comprises an inappropriate form of backland development. This is contrary to saved Policies G2, D2 and H16 of the Salisbury District Local Plan and Central Government planning guidance set out in Planning Policy Statement no. 3.

9.2 Differences between current and refused scheme



The most recently refused outline scheme S/2011/914 OL and the current scheme generally differ from the previously refused schemes in the following ways:

- The applicant has obtained a right of way from Forest View, to enable a passing bay to be constructed without the removal of the protected trees or hedge.

- The applicant, who has obtained Out of the Way, has included a larger part of this garden within the application site. The bungalow is repositioned within the site, maintaining the previous distance of 18000mm from the Copper Beech Tree.
- Previous 2.1m gap between the dwelling and the boundary of the Out of the Way is now 2.9m
- Front garden area provided with turning area for vehicles. Garden area measures approx minimum 8.5m by 9.5m.
- The site has been significantly cleared of trees, hedges and vegetation which previously provided screening and enclosure to Out of the Way and adjacent properties.

9.3 Impact on the Character of the Area

The Inspector upheld reasons for refusal relating to the impact of the *cramped siting* of a single storey dwelling on the character of the area and likely indirect impacts on the protected tree (para 17). He did not, however, accept that the plot size or width would be out of keeping with the surroundings (para 8). The scheme for Plots 1-3 (S/2008/1942) is under construction. This has provided a guideline for the size of the plots that would be acceptable on the site. For example, the rear garden area for plot 2 measures approximately 6.7m by 5.5m. The proposed rear garden area for this proposed bungalow would be about 16m by 17m. The rear garden size is therefore larger than that approved for the other dwellings on the site, and for this reason, it would not be reasonable to refuse this scheme on the grounds that that the plot size would be contrary to the character of the area, in the specific terms of characteristic plot *size*. Policy D2 also specifies that the characteristic plot *width* is an important consideration. The plot *width* compares to other plots in the vicinity, such as Forest View and Moorland to the south.

The shape of the revised dwelling appears more conventional than the dismissed appeal scheme (S/10/821), and similar to the other houses and bungalows in the vicinity. By increasing the area of the site, more space has been created around the proposed dwelling and there is a significantly greater separation distance between it and the copper beech. The relocated dwelling still appears to be close to the side elevation of Out of the Way, although the gap has been increased from 3814mm to 5500mm between the proposed bungalow and the side elevation of Out of the Way. The dwelling will though be screened by planting and a separation distance of approximately 5.5m is not unusual in an established residential area. It allows for space for movement around the dwellings, unlike the previous application, where the proposed dwelling was sited directly upon the boundary for Plot 3.

The previous Committee reason for refusal and the Inspector's report both referred to the lack of an adequate front garden. The proposed scheme includes an area measuring approx 8.5m by 9.5m, including a parking and turning area. This is a reasonable garden area and would allow for some planting or garden features for example.

9.4. Impact on Neighbouring Amenity

In terms of the impact on neighbouring amenity, a single storey dwelling on the site has not been precluded by recent refusal reasons or the Inspector's decision.

Although there are no details for the proposed single storey dwelling, there would be no first floor overlooking into adjoining gardens and any consent could be conditioned to have no windows above eaves level. Any ground floor windows in a single storey dwelling would be unlikely to result in any overlooking, given the retention of the laurel hedge on the boundary with Arundell and the proposed boundary treatment on the remaining boundaries.

The proposed layout is likely to result in some overlooking, from the future occupiers of plots 1 to 3, (by the upper floor windows) of the private amenity space of this new dwelling. The proposed garage could screen some of the garden area and the future landscaping (a reserved matter) could also be designed to screen the amenity space.

The use of the existing driveway alongside Forest View as well as the proposed parking and garden areas by any new occupiers will result in additional disturbance to the occupiers of Forest View, Out of The Way and Plots 1-3. However, the driveway already exists, and could be used for additional vehicles to access the rear portion of the garden of The Heather. It is difficult to argue that a new dwelling would result in more disturbance to the existing occupiers of Out of the Way and Forest View than the fallback scenario. The use of the rear portion of the garden of The Heather for another dwelling would give permanence to this additional usage and activity. The position of the existing drive would be close to the boundaries of Plots 1 and 2, but this relationship is considered to be acceptable. The parking and turning areas are all sited immediately on the boundary of Plots 1, 2 and 3, and this is likely to give rise to an undesirable (but not undue) level of disturbance to the future occupiers. Indeed when considering the earlier applications the Planning Authority did not consider that the location of the dwelling and the proposed access would create such a disturbance to neighbours as to be uncharacteristic of the surrounding area. In the vicinity for example, the separation distance between Oakwood and Arundell is less than 3 metres, and just 4 metres separate Moorland from Forest View.

In conclusion, the likely impact on neighbouring amenities did not form part of the previous reasons for refusal or the Inspector's decision. The revised scheme does not raise any new material planning considerations and amenities would not be unduly disturbed, in accordance with Policy G2.

9.5. Highway Safety

Inadequate visibility or impacts on highway safety on Southampton Road have not been reasons for refusal for the dismissed Appeal or the recent refusal S/2011/914. Again no highway objections have been made to this proposal subject to conditions being attached to any permission granted.

9.5.1 Proposed visibility splay

No objection has been raised, and conditions would need to be attached to any permission to ensure that the proposed splays are implemented in accordance with the arboricultural method statement.

9.6. Trees

9.6.1 Copper Beech (subject of a TPO)

This protected tree has significant amenity value. It is growing in Arundell's garden and is approximately 18 metres high with branches that extend 8.5 metres towards the site of the new dwelling. The current application proposes that the dwelling would be sited 18m from the copper beech. The tree officer considers that the dwelling is positioned far enough away from the tree that any earlier objections no longer apply. However, the garage would be within the root protection zone and no objection is raised, subject to a condition requiring an Arboricultural Method Statement. The tree officer's previous comments should also be noted.

However, the relationship between the position of the dwelling and the location of the tree is such (especially given that it is a single story dwelling), that an unsympathetic future owner/tenant is likely to assert pressure to have it reduced or removed. It should be noted, for the record, that all such attempts will be resisted, where appropriate"

9.7. Public Open Space

Previously, the Heather's Inspector considered that no quantified evidence for the additional demands on recreational facilities in Alderbury which would be likely to arise from the proposal had been provided and also no details of the facilities on which the financial contribution would be spent had been presented. For this reason, the refusal reason on the full application was not be upheld.

The LPA now has evidence from the Parish Council to support the request for a contribution towards public open space provision in Alderbury. In a more recently dismissed Appeal for an application in Alderbury, the Appeal Inspector considered the evidence submitted and stated:

“Turning to the second reason for refusal, the Council requests a financial contribution which would be used to improve recreational open space facilities. Four potential schemes have been put forward by the Parish Council which are all local to Alderbury, including upgrades to the skateboard park. The proposed development would lead to an increase in the local population that would benefit from any of the options proposed. I conclude that a financial contribution would be directly related to the proposed development and fairly and reasonably related in scale and kind, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations (2010). The desired contribution to public recreational open space is necessary to make the appeal development acceptable. No section 106 undertaking has been submitted. For this reason, the proposed development fails to comply with policy R2 of the LP.”

It is therefore recommended that if the Committee are minded to approve the development, a condition relating to Policy R2 should be attached to the outline planning permission, requiring the developer to enter into a Section 106 Agreement at the full planning or reserved matters stage.

9.8 Affordable Housing

Core Policy 3 (Affordable Housing provision) of the SW Core Strategy applies to the proposed development and makes a requirement for a financial contribution towards off-site affordable housing provision on sites of 4 dwellings or less. (On site provision is required for 5 dwellings or more). The financial contribution would be facilitated by way of a planning obligation. Therefore, it is recommended, if Members are minded to approve the application, to place a condition on the permission requiring a S106 Agreement or Unilateral Undertaking to be entered into at the full planning or reserved matters stage. The Agreement will request a financial contribution of £11,367 towards off site affordable housing provision, in addition to the public open space provision above. The applicant has agreed to this scenario in principle.

10. Conclusion

The Local Planning Authority previously accepted that the reasons for refusal relating to the copper beech tree had been overcome due to the satisfactory distance between it and the proposed bungalow. However, any pressure to remove or fell it would be strongly resisted. Should it die, a replacement specimen would be sought.

Since the previous appeal and recent committee decision, the plot has been further enlarged and the layout of the site amended to include a front garden area and increase the distance between the bungalow and Out of the Way. The application site has been altered in shape, allowing there to be more space around the proposed dwelling; so that the

development no longer appears cramped and contrived within the site. Therefore, on balance, the previous reason for refusal has been overcome and subject to suitably restrictive conditions the revised proposal is therefore considered acceptable.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development has overcome the previous reasons for refusal. It is considered to have an acceptable means of access and parking and the revised layout includes a front garden. Adequate space between properties has been provided, given the context of the existing built character of the area. Provided a single storey bungalow is constructed, the development would not unduly disturb neighbouring amenities in terms of overlooking or dominance. Subject to conditions relating to the detailed design of the bungalow, appropriate tree protection, suitable boundary landscaping, off site affordable housing and public open space provision, the development would be in accordance with Policies G2 (General Criteria for Development), D2 (Design), H16 (Housing Policy Boundary), C6 (Special Landscape Area) and R2 (Public Open Space) of the saved policies of the adopted Local Plan, Policy CP3 (Affordable Housing) and the saved policies in the South Wiltshire Core Strategy and national policy expressed in PPS1 and PPS3.

Subject to the following conditions:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The external appearance of the development;
- (c) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

3. The building(s) hereby permitted shall be of single storey construction only and no window, dormer window or rooflight shall be inserted above the height of the eaves.

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development.

POLICY: G2 General criteria for development

4. No development shall take place on site, including site clearance, storage of materials or other preparatory work, until an Arboricultural Method Statement, has been submitted to the Local Planning Authority and approved in writing, Thereafter

the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall show the areas which are designated for the protection of trees, shrubs and hedges, hereafter referred to as the Root Protection Area. Unless otherwise agreed, the RPA will be fenced, in accordance with the British Standard Guide for Trees in Relation to Construction (BS.5837: 2005) and no access will be permitted for any development operation.

The Arboricultural Method Statement should specifically include details of how the garage can be constructed within the RPA of the adjacent Beech tree without causing root damage. It should also specifically include details of how the visibility splays shown on the approved plans and required by Condition 5 can be constructed within the RPA of other protected trees without causing root damage.

The Arboricultural Method Statement shall include provision for the supervision and inspection of the tree protection measures. The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has been given in writing.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

Policy G2 General Principles for Development and D2 Design

5. No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

Policy G2 General Principles for Development

6. The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

Policy G2 General Principles for Development

7. No part of the development hereby permitted shall be occupied until the turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

Policy G2 General Principles for Development

8. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme. The development shall be maintained in that condition thereafter.

REASON: To ensure that the development can be adequately drained.

Policy G2 General Principles for Development

9. No development shall take place until details of provision for recreational open space in accordance with policy R2 of the Salisbury District Local Plan have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure that the development complies with Local Plan policy R2

Policy R2 Public Open Space

10. No development shall commence on site until details and samples of the materials to be used for the external walls and roof have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY D2 Design

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements (including provision of dormer windows and rooflights) of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

POLICY G2 General Principles for Development

12. The construction of the development hereby permitted shall only take place between the hours of 07.30am in the morning and 19.00pm in the evening from Mondays to Fridays and between 08.30am in the morning and 13.00pm in the afternoon on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays. There shall be no bonfires on site.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY- G2 General Principles for Development

13. The development hereby approved shall be built in accordance with the following approved drawing: - DRG No. 08/470/P4/05.B. (May 2011)

REASON: For the avoidance of doubt

14. No development shall take place until details of provision for off-site affordable housing in accordance with policy CP3 of the South Wiltshire Core Strategy have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure that the development complies with Core Policy 3

Core Policy 3 Affordable Housing

INFORMATIVES

1. You are advised to contact the Local Planning Authority prior to any submission of details so that compliance with Policy R2 and CP3 can be discussed.
2. This development is taken in accordance with the following policies of the Adopted Salisbury District Local Plan: G2, D2, H16, R2, C6, the Draft South Wiltshire Core Strategy saved policies and Core Policy 3, PPS1 and PPS3.

APPENDIX 2: Appeal Decision attached below.



Appeal Decision

Site visit made on 7 December 2010

by G M Hollington MA, BPhil, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 December 2010

Appeal Ref: APP/Y3940/A/10/2135252

The Heather, Southampton Road, Alderbury, Salisbury, Wiltshire, SP5 3AF

- 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 Probuild Residential Ltd against the decision of Wiltshire Council.
 - The application Ref. S/2010/821/FULL, dated 18 May 2010, was refused by notice dated 24 August 2010.
 - The development proposed is to build one two-bedroom bungalow.
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Application for Costs

1. An application for costs has been made by Probuild Residential Ltd against Wiltshire Council. This application will be the subject of a separate Decision.

Decision

2. I dismiss the appeal.

Main Issues

3. The main issues are:
 - (a) the effect of the proposed development on the character and appearance of the surrounding area; and
 - (b) whether the financial contribution sought by the local planning authority (LPA) in respect of off-site open space provision is reasonable and necessary to make the proposed development acceptable in planning terms.

Reasons

(a) Character & Appearance

4. The appeal site lies within the Housing Policy Boundary of Alderbury, as defined by policy H16 of the adopted Salisbury District Local Plan (June 2003), where residential development is acceptable in principle. The site forms part of the garden of The Heathers and Planning Policy Statement (PPS) 3: *Housing* has been amended so that its definition of previously-developed land now excludes private residential gardens. Nevertheless, in the Housing Policy Boundary, policy H16 does not distinguish between previously-developed and other land, so the change to PPS3 is not significant.

5. Local Plan policies G2, D2 and H16 provide criteria against which development proposals are to be considered. They include respecting or enhancing the character or appearance of an area, not constituting inappropriate backland development and avoiding the loss of features such as trees which it is desirable to retain. These are complemented by PPS1: *Delivering Sustainable Development* and PPS3, which seek to achieve high quality development which is appropriate to its context.
6. The proposed bungalow would be sited in the rear part of the existing curtilage, behind three dwellings facing Southampton Road for which there is an extant planning permission. It would be reached by an access between The Heathers and Forest View.
7. Other dwellings in the vicinity are arranged mostly in the form of a ribbon of development along Southampton Road, although the roofs of houses in The Copse can be glimpsed behind the frontage development. Policy H16 does not preclude all backland development and its accompanying text judges the acceptability of such proposals only in relation to access, parking and the amenity of neighbouring houses, none of which here is of concern to the LPA.
8. The plot size and width would not be out of keeping with their surroundings but the proposed dwelling would have a cramped relationship with its site and surroundings. The bungalow would occupy almost the full width of the plot, reaching close to the boundary with Out Of The Way and adjoining the wall proposed on the boundary with the already permitted plots 2 and 3. This would be an uncharacteristically tight relationship in an area where, even though some dwellings' flank walls are relatively close, this is mitigated by their long front and/or back gardens, whereas the proposed bungalow would have no significant front garden.
9. Although it is likely the bungalow would, at most, be only glimpsed from Southampton Road, local residents would be aware of the cramped relationship. The proposal is not similar to the permitted replacement of Heatherfield by three houses, as they would have more spacious surroundings.
10. Standing in the neighbouring garden of Arundell but spreading over part of the appeal site is a copper beech tree. It is substantial in size (at least 15m tall) and in good condition, with an estimated useful life expectancy of 25-50+ years. The tree is the subject of a tree preservation order and it is of considerable amenity value, being visible from Southampton Road, and it supplements the wooded backdrop to the housing.
11. The LPA does not object to the direct effect of the proposal on this tree. Taking into account the advice of BS 5837:2005 *Trees in Relation to Construction - Recommendations*, the bungalow would be sited outside the root protection area, which could be protected during site works.
12. Some pruning of the tree has previously been undertaken, but the lower branches would reach to within about 4m of the proposed bungalow. The tree is not fully mature and can be expected to grow further, even if it is close to its eventual height. Some limited pruning of existing low branches could be acceptable but the tree is of such size that it would have some effect on light to the bungalow, notwithstanding the rooms' orientation.

13. Furthermore, the tree would rise well above the proposed dwelling, in sufficient proximity that it is likely that this would cause inconvenience or fear of danger to future occupiers, as a result of an overbearing presence and leaf or branch fall. Mesh guards for the gutters would be only a partial remedy.
14. It is not unusual for people to be unaware of the full implications of trees until they inhabit a property, so that LPAs are often under pressure from house owners to lop or fell protected trees. *Tree Preservation Orders: A Guide to the Law and Good Practice* stresses the need to avoid layouts where trees cause unreasonable inconvenience, leading inevitably to requests to fell.
15. Erection of the bungalow on the appeal site would be likely to lead to pressure to fell the tree (which might be difficult for the LPA to resist on safety grounds) or to lop it in a way which could harm its appearance and amenity value or represent a significant longer term threat to its survival. This would harm the area's character and appearance. Any conditions regarding best arboricultural practice during construction or landscaping would not adequately mitigate these harmful effects and it would be difficult to secure replacement planting of equivalent amenity value.
16. It is possible pressure to undertake work to the tree could come from the occupiers of Arundell, which is in close proximity and to the north of the tree. However, that is an existing relationship and it would be inadvisable to add to likely pressures by siting an additional dwelling close to the tree.
17. My conclusion on this issue is that, because of its cramped siting and likely indirect effects on a protected tree, the proposal would result in unacceptable harm to the character and appearance of the surrounding area. This would be contrary to the aims of Local Plan policies G2, D2 and H16, PPS1 and PPS3.

(b) Financial Contribution

18. The appellant has submitted a section 106 planning obligation which would ensure, prior to the commencement of development, payment to the Council of the cost of providing, improving and/or maintaining adult or children's sport, play or recreation facilities or installing and/or maintaining equipment in connection with such facilities.
19. The Local Plan states there is a shortfall of recreational open space within the locality and the wider district, which policy R2 seeks to address. However, there is no quantified evidence of the additional demands on facilities which would be likely to arise from the proposal and no details have been provided of the facilities on which any financial contribution would be spent.
20. In these circumstances, the financial contribution sought by the LPA in respect of off-site open space provision has not been shown to be reasonable and necessary to make the proposed development acceptable in planning terms; it would not accord with the tests in Regulation 122 of the Community Infrastructure Levy Regulations, which also form part of those set out in Circular 05/2005: *Planning Obligations*. This conclusion does not, however, outweigh my conclusion on the first main issue.

G M Hollington

INSPECTOR