

Appeal Decision

Site visit made on 19 September 2016

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 30 September 2016

Appeal Ref: APP/H1705/W/16/3150138

Pioneer House, Church Street, St Mary Bourne, Hampshire, SP11 6BL

- 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 Grahame McGirr against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 14/02566/FUL, dated 13 September 2014, was refused by notice dated 15 January 2016.
 - The development proposed is a change of use from light industrial to residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from light industrial to residential dwelling at Pioneer House, Church Street, St Mary Bourne, Hampshire, SP11 6BL, in accordance with the terms of the application, Ref 14/02566/FUL, dated 13 September 2014, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Grahame McGirr against Basingstoke & Deane Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council's decision notice refers to policies in the Basingstoke and Deane Borough Local Plan (1996-2011). Since that time this has been superseded by the Basingstoke and Deane Borough Local Plan 2011-2029 (LP). The general approach of the newly adopted policy relevant to the appeal does not differ significantly from that which has been replaced. Nevertheless, both parties have had the opportunity to comment on these changes.
4. Amendments were made to the proposal prior to determination of the application. Relevant parties were consulted on the amended plans. Consequently no one would be prejudiced by my determining the appeal on this basis.

Main Issue

5. The main issue is the effect of the development on the living conditions of occupiers of The Malt House, having particular regard to matters of outlook.
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Reasons

6. Pioneer House is a traditional two storey end of terrace building located close to the centre of the village of St Mary Bourne. Inside, the original part of the building is an empty shell due to its previous light industrial use. To the rear are a series of ad-hoc extensions which provide offices, storage areas and workshops. These extend across the full width of the site and along the shared boundary with the adjoining property The Malt House. The building was originally designated as a Grade II Listed building. However, the cumulative loss of historic fabric at the property has meant that it was de-listed in 2012.
7. The proposal is to convert the property to a residential use and this would include replacing the existing rear extensions. The replacement extension would be of a more cohesive design and would comprise two floors of accommodation, the first floor being largely contained within the roof space. It would have a stepped design with the higher section extending along the shared boundary with The Malt House by some 8.5m. This boundary is already formed by quite a tall brick wall, around 3m high, created by the existing rear extensions at the appeal property. The higher part of the extension would project above this up to the eaves by around 1.5m and then the roof would pitch away. In terms of the lower element of the proposal, it would mostly be the pitched roof which would be visible above the boundary wall, and this would extend for a further 8.9m (approx) along the boundary.
8. I accept that the proposed extensions would be higher than the existing boundary shared with The Malt House. However, this boundary is currently quite high and imposing and already significantly restricts the outlook for occupiers of The Malt House. The opposite side boundary to the rear of The Malt House, in contrast, is formed by a much lower wall which provides a more open outlook.
9. I saw on my site visit that the rear garden to The Malt House is largely arranged away from the high brick boundary shared with Pioneer House. For example, the main rear door opens out onto a patio area which is separated from the area of garden closest to the boundary with Pioneer House by a stone wall. This is not a low wall therefore it acts, in part, as a visual barrier to the boundary with Pioneer House and also provides separation from it. There is a further patio area deeper into the garden which sits adjacent to the boundary with Pioneer House but this would be closer to where the lower part of the extension is proposed. In light of the above I do not consider that the extension would have an oppressive or overbearing impact on these patio areas. The rear garden to the Malt House is also quite deep, and a second area of lawn is located beyond the extent of the proposed extension.
10. Therefore, given the existing conditions to the rear of The Malt House, with the high boundary wall along the shared boundary with Pioneer House, the open aspect to the south-east, the patio arrangements, and the relatively deep garden, the proposal would not result in any significant loss of outlook, nor would it be especially oppressive or overbearing. The use of half hips and the low 25 degree pitch of the roof further support my conclusions in this respect. Consequently satisfactory living conditions for occupants of The Malt House would be retained. As a result I find no conflict with Policy EM10 of the LP or Appendix 13 of the Design and Sustainability Supplementary Planning

Document (2012), both of which require development to respect the amenities of neighbouring properties, in terms of, amongst other things, outlook.

11. The Council suggest that losing the private car showroom element of the proposal would enable the size of the extension to be reduced and also comment that there are no other similar sized extensions in the area. However, given that I have found no harm in respect of the main issue in this appeal these matters can only be afforded limited weight.

Other Matters

12. The neighbour at The Malt House raises concern over a loss of light to a dining room and that the proposed rear extension would dominate views from here. The extension would be located to the north of The Malt House and as such would be unlikely to result in any material loss of light or overshadowing. Some of the extension would be visible from the dining room, mainly through roof lights in this room, but I do not consider this would be harmful, as occupants would continue to enjoy an open and unimpeded aspect down the property's rear garden.
13. The neighbour also raises concern about visitors to the property. The proposed dwelling includes a private car showroom. The showroom would be for the private display of cars only and public views would be limited. Therefore I do not consider that visitors to the site would be above that which would normally be associated with a private domestic residence. On-going maintenance of a shared drainage point would be a private matter between the parties.
14. The Parish Council consider that the development would be out of keeping with the surrounding area. However, given the existing extensions and additions at the site I find no harm in this respect and note that the Council came to a similar conclusion on this matter. The appellant's comments in relation to the time spent by the Council in processing the planning application are dealt with in more detail in the Costs Decision.

Conservation Area/Settings of Listed Buildings

15. The site falls within the St Mary Bourne Conservation Area (CA). The proposal includes works to restore the front elevation. This would improve the appearance of the building, which in turn would enhance the appearance of the CA, and the settings of adjoining Listed buildings. The Council agree that the proposed restoration of the front elevation would be an enhancement. This matter, therefore, weighs in favour of the proposal.

Open Space Contributions

16. A signed and dated planning agreement is before me that makes provision for the payment of £1591.68 towards open space and £560.19 towards play provision. The Council say this would be used towards access improvements and additional furniture and equipment at St Mary Bourne Recreation Ground.
17. The proposed dwelling would have private rear garden space. Nevertheless, the St Mary Bourne Recreation Ground is close by and as such could reasonably be used by future occupants. From what I saw on my site visit there was reasonable access and parking here, and a well-equipped children's play area complete with benches. There is no suggestion that the access or facilities at the recreation ground are currently inadequate and no specific detail is before

me as to how the required sums would be spent. In addition to this, the figures appear to have been calculated using a formula based on dwelling size. The dwelling size applied is '4 bed' but the proposal before me is for a three bedroom dwelling. There is no justification as to why the higher amount has been applied in this instance.

18. Based on the limited information before me it has not been demonstrated that the above contributions are necessary to make the development acceptable in planning terms or that they are fairly and reasonably related in scale and kind to the development. As such they do not meet the three tests set out in Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 or paragraph 204 of the National Planning Policy Framework. I have therefore not taken the planning agreement into account in determining this appeal.

Conditions

19. The Council has suggested a number of conditions in addition to the standard time limit condition. I have specified the approved plans for the avoidance of doubt and in the interests of proper planning, and a condition concerning the external materials to be used in the development is necessary to ensure a satisfactory appearance.
20. In addition to the above I have included a condition to mitigate any impacts of the development on protected species. A condition requiring the submission of a Construction Method Statement is also necessary given the narrow width of the highway to the front of the appeal site, in order to limit inconvenience to local residents and/or other highway users.
21. Finally, in light of the previous industrial use of the site I have also included a condition to avoid the risk of land contamination when the site is developed. However, I do not consider that verification of the implementation of the approved scheme to deal with remedial works and measures by a competent person is necessary. Simply requiring the development to be carried out in accordance with the approved scheme would suffice.
22. There is discussion between the parties as to the need for the roof lights in the rear extension, which would face towards The Malt House and properties beyond to the south, to be obscure glazed and non-opening, and the Council have suggested a condition to this effect. In general I consider that roof lights, by their very nature, do not allow for direct or harmful overlooking. In this case, the roof lights proposed would provide views predominantly of open sky, particularly given the shallow angle of the proposed roof slope. Such a condition is therefore not necessary to protect the privacy of occupiers of neighbouring properties.
23. The site already benefits from a rear vehicle access and space for off-road parking and cycle storage. As a result it is not necessary to condition the submission of details of such facilities.

Conclusion

24. For the reasons set out above the proposal would not cause material harm to the living conditions of occupiers of The Malt House in terms of a loss of outlook. It would also bring about a modest enhancement to the St Mary Bourne Conservation Area and the settings of adjoining Listed Buildings. Therefore, having had regard to all matters raised, and subject to conditions,

some of which will need to be discharged before work commences on site as this is fundamental to ensuring a satisfactory scheme, the appeal is allowed.

Hayley Butcher

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, 01, 02, 03 REV C and 04 REV C.
- 3) No development shall take place until details and samples of the types and colours of external materials and finishes to be used, including colour of mortar, and full joinery details at 1:5 scale, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall be carried out in accordance with Windrush Ecology's Ecology and Protected Species Report dated July 2014. Prior to occupation of the dwelling the habitat enhancement measures set out in section 7 of this report shall have been implemented.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The parking and turning of vehicles of site operatives and visitors;
 - ii) Loading and unloading of plant and materials;
 - iii) Storage of plant and materials used in constructing the development;
 - iv) A scheme for recycling and disposing of waste resulting from demolition and construction works, and;
 - v) The management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway.
- 6) Development shall not begin until a scheme to deal with remedial works and measures to avoid risk from contaminants or gases has been submitted to and approved in writing by the local planning authority. This must include a timetable of works and site management procedures. Development shall be carried out in accordance with the approved scheme.