
Appeal Decision

Site visit made on 25 April 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 16 May 2017

Appeal Ref: APP/M1710/W/16/3160896
101 Midhurst Road, Liphook GU30 7HA

- 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 J Grove against the decision of East Hampshire District Council.
 - The application Ref 50545, dated 14 July 2016, was refused by notice dated 29 September 2016.
 - The development proposed is a new detached house with amended access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for a new detached house with amended access, parking and landscaping at 101 Midhurst Road, Liphook GU30 7HA in accordance with the terms of the application, Ref 50545, dated 14 July 2016, and the plans submitted with it, subject to the conditions on the attached schedule.

Preliminary Matter

2. The appellant has submitted revised drawings with the appeal to address the Council's reasons for refusal. They show the proposed house reduced in height and aligned closer to the road and at a marginally more oblique angle to the side boundary. The amendments include an additional parking space to serve the proposed house, together with a smaller study within.
3. I have considered the amendments under the principles established by the Courts in *Wheatcroft*¹. Given the separation retained between the proposed house and surrounding occupiers, the reduction in its height, and its alignment closer to the road, I am satisfied that the amendments, which are clearly indicated in the appeal, and acknowledged by the Council, would not materially increase the impact of the proposal on the living conditions of surrounding occupiers. Taking into consideration the representations received on the planning application and on the appeal, they would not change the nature of the scheme to such a degree that to consider them would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal with regard to the amended plans.

¹ *Bernard Wheatcroft Ltd v Secretary of State for the Environment* [JPL, 1982, P37]

Main Issues

4. The main issues in this case are the effect of the proposal on:
- the street scene and on the character and appearance of the area; and,
 - off-street parking and highway safety with regard to access to the development.

Reasons

The street scene and the character and appearance of the area

5. The site lies within the settlement of Liphook, in an area designated in the East Hampshire District Local Plan: Second Review (LP) adopted 2006 under saved Policy H9 as an Area of Special Housing Character (ASHC). While Saved LP Policy H3 allows residential infilling within settlement policy boundaries, saved LP Policy H9 states that development will only be permitted which maintains the overall character of the area and that in ASHCs infilling will not be permitted. The ASHC in which the appeal site lies contains large houses set in substantial plots as well as a spaciouly arranged estate of houses, the Berg Estate, set around quiet, circuitous roads sharing a similar architectural language standing in landscaped gardens, and located to the north of the appeal site.
6. The appellant has set out a contextual analysis of the area. It shows that while the appeal site lies in the ASHC, it is at the edge of the designation area, on the busy Midhurst Road, which contains a variety of house types and designs on plots with a different spatial character from the rest of the ASHC, and which lack the architectural coherence of the houses in the Berg Estate. This section of the road contains older and more recent housing, in a variety of styles and typologies, and with strikingly different characteristics such as frontage depth, height, alignment and massing as well as quite distinctly different detailing and design. The idiosyncrasies of the townscape on Midhurst Road, which make it an attractive road because of its architectural variety, contrast with the model and urban coherence of the houses of the Berg Estate and the spatial character of the rest of the ASHC.
7. Notwithstanding the designation of the area, in this context, where there is such a distinction between the patterns of development of the rest of the ASHC and the development on the opposite side of this section of the Midhurst Road, which has a direct bearing on this site, the effect of this proposal on the ASHC is limited. The proposal would increase the intensity of development on the plot. However, in the context of the pattern of development along Midhurst Road, and given the proximity of 99 Midhurst Road and the cottage and semi-detached houses on the opposite side of the road, the site coverage and amount of development in the proposal would not appear incompatible with its surroundings, or diminish the spacious character of the ASHC.
8. There is no common front building line in this section of the street for the proposal to follow. Its siting appears to strike a reasonable balance between the frontages of the older housing set close to the road, and the frontages of the more recent housing set further back from the road. Only part of the frontage of the site is open. Given the set back of the proposed house from the street and the very limited views of it afforded by the alignment of the Midhurst Road, it would not be intrusive in the openness of the area.

9. Its massing, with a large street-facing gable, would reflect the gable of the building with large gables on the opposite side of the road, and its flank end gables, perpendicular to the street, would be similar to the existing pair of houses to the west. The amended scheme, with a lower ridge level, would bring the height of the proposal close to the range of building heights conspicuous in views from the west. I appreciate that the eaves of the proposal would be set above the level of the heads of its first floor openings, but it would not be an isolated example in this section of the street.
10. There is no reason why, if this proposal were to be allowed, the Council's ability to exercise its judgement in relation to similar proposals on similar sites would be undermined because each case is determined on its own merits and with regard to its individual circumstances. I have, in any event, found no harm to the character or appearance of the area. Given the design of the proposal, and the character of the area surrounding it, I can identify no harm from the development to the street scene or to the character and appearance of the area, including the Area of Special Housing Character.
11. There would be no conflict with Policy CP29 of the East Hampshire District Local Plan: Joint Core Strategy adopted June 2014 (JCS) which requires development to contribute to local distinctiveness and sense of place and to be sensitive to its setting in terms of scale, height, massing, and density. It would be infilling development, which would be at odds with the restriction on infilling of saved LP Policy H9. However, given the context of the development it would maintain the important contribution the ASHC makes to the variety of District-wide environments, the character of the local environment and the wide range of accommodation available in the District, as sought by the Policy.

Off-street parking and highway safety

12. The Council's reason for refusal identified that as the proposed house would include a study which would be of sufficient size to be used as a fourth bedroom, it should provide three off-street parking spaces. It also objected to the lack of information to show that vehicles could enter and exit the site in forward gear, and to the adequacy of parking provision at the existing dwelling, after development.
13. The parking layout on the site plan shows that two cars could park within the site of the proposed house while maintaining access and egress in a forward gear. The amended site plan submitted with the appeal shows space for a third car parked in tandem fashion. While this third space would not provide direct access to the street in forward gear without first manoeuvring the second, parked car, several factors suggest that such an arrangement would be unlikely to increase pressure for on-street parking in the area or present a highway safety risk. First, if a third space were required, there would appear to be sufficient space to manoeuvre the third car to exit in forward gear, which given the single occupancy of the house, would not be an unreasonable prospect. Second, the houses in the surrounding streets generally have generous on-plot parking provision and at the time of my visit, there was not a high degree of off-street parking or parking controls. And third, the location of the site, only a short walk from the local railway station, suggests that car dependency may not be high.
14. In respect of parking for the existing house, the proposal would retain two off-street spaces against the space today which could accommodate three cars.

However, the proposed layout would result in those two cars having access onto the street in forward gear and with a wider access with improved visibility splays over the existing access. This would significantly improve the highway safety of the access and parking for the existing dwelling. Any shortfall in parking spaces, for the reasons discussed above, would not pressure on-street parking in the area.

15. I note that the highway authority raised no objection to the proposed development, subject to conditions. I conclude on this issue that the proposal would not materially exacerbate pressure for on-street parking in the area, or prejudice highway safety with regard to access to and from the proposed house and the existing house. It would be in accordance with JCS Policy CP31 which requires development to provide adequate parking and to include measures that address the impact of the new development so as to ensure the continued safe and efficient operation of the road networks, and with the sustainable transport and development objectives of the National Planning Policy Framework (the Framework).

Other Matters

16. I note the objections from neighbours regarding loss of privacy, highway safety and the proximity of the proposed access to the existing access of the house to the south, Orange Lodge.
17. The windows of the first floor bedrooms of the proposed house would face towards Orange Lodge. However, I saw on my site visit that the side boundary is planted with tall trees and mature hedging which provide a high degree of screening. Given the substantial distance between the openings in the proposal and the rooms in Orange Lodge, as well as the screening on the boundary, there would be no materially harmful loss of privacy within Orange Lodge.
18. Given the extensive area of the back garden of Orange Lodge, the distance of the windows of the proposal from it, and the planting along its boundary, what little overlooking of the garden which may be possible would be largely confined to the front parking and turning area of Orange Lodge and would not be materially harmful. Given the scale of the proposed house, and its distance from surrounding houses and gardens, it would not reduce the outlook or privacy of surrounding occupiers to a harmful degree. The development would meet the aim of paragraph 17 of the Framework; to achieve a good standard of amenity for all existing occupants of land and buildings
19. I have taken into account the amount of traffic on Midhurst Road and its width and line. However, there is no evidence that the access point would be so close to Orange Lodge's access to restrict visibility or to result in an arrangement which would introduce potential conflict with egresses so as to undermine highway safety.

Conditions

20. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. In the interests of proper planning and for the avoidance of doubt, I have imposed the statutory time limit for commencement, and a condition requiring the development to be carried out in accordance with the approved plans.

Conditions to secure finishing materials and landscaping are necessary in the interests of the character and appearance of the area. The suggestion that the materials condition be discharged before works above slab level and the landscaping condition before occupation would both allow flexibility in the construction programme.

21. A condition to retain the approved parking spaces is necessary to avoid congestion and to maintain road safety, which I shall tie to the approved drawing for certainty. So too, given the number of users of the proposed access and its position, the suggested conditions for stopping-up the existing access and the visibility splays for the proposed access are equally necessary.
22. Given the size of the proposed house and the proximity and scale of the surrounding houses, the potential to enlarge it further without adversely affecting the character and appearance of the area is limited. While the PPG advises that conditions limiting permitted development rights should only be used in exceptional circumstances, I agree that the withdrawal of permitted development rights under class A (enlargement) and class B (additions etc. to the roof which enlarge the house) would be necessary. The articulation of mass and form in the roofscape of the proposal, and its relative, overall width, helps to reduce the mass of the development and assists its visual compatibility with its surroundings. On this basis, I consider the removal of rights under class A and class B would be reasonable, as the condition would not prevent such development in these classes, but would bring it under planning control.
23. Notwithstanding this, there is sufficient space around the proposal, as to make the withdrawal of rights under class E (buildings etc. incidental to the enjoyment of a dwelling house) unreasonable or unnecessary. The minor roof alterations and porch development as permitted under class C and class D would harm neither the appearance of the building, the character of the area, nor the living conditions of surrounding occupiers. A condition for their restriction is therefore unnecessary.
24. The Ecological Assessment concluded that the site holds limited ecological value. While I note its recommendations for enhancement these are not necessary to make the development acceptable. Similarly, with the drawings already indicating critical levels related to the Ordnance Survey datum, a condition for levels is unnecessary.
25. The Council has suggested a condition requiring energy savings superior to the requirements of the Building Regulations. However, in light of the national technical standards and the proposal's energy and water efficiency measures which include solar panels, permeable surfaces and soakaways, there is no evidence that the condition is required to make the development acceptable.

Conclusion

26. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HCM853 01 SITE SURVEY; TOPOGRAPHICAL SURVEY dated OCT 2015; HCM853 02D SITE PLAN, and; HCM853 03 dated 10516.
- 3) No development above the ground floor slab shall take place until details or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
- 4) The new dwelling shall not be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The hard and soft landscape works shall be carried out in the first planting and seeding seasons following the occupation of the new dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) The new dwelling shall not be occupied until the existing access from 101 Midhurst Road has been stopped-up in accordance with details which shall have been submitted to and approved in writing by the local planning authority and shall thereafter be retained stopped-up.
- 6) The new dwelling shall not be occupied until the new access from Midhurst Road has been constructed in accordance with the approved drawings, and with lines of sight of 2mx22m to the right-hand side (north) and 2mx43m to the left-hand side (south) and thereafter retained. The land under the lines of sight shall be kept free of any obstruction exceeding 1m in height above the level of the adjacent carriageway.
- 7) The new dwelling shall not be occupied until the vehicle parking and turning spaces have been provided and surfaced in accordance with the approved drawings. The parking and turning spaces shall be kept available for the parking of motor vehicles and turning at all times. They shall be used solely for the benefit of the occupants of the dwellings of which they form part and their visitors and for no other purpose and permanently retained as such thereafter.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the dwelling and no roof enlargements as provided for within Schedule 2, Part 1, Class A and Class B of that Order shall be constructed.

End of Schedule of Conditions