

## Appeal Decision

Site visit made on 25 April 2017

**by J Ayres BA (Hons) Solicitor**

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

**Decision date: 19<sup>th</sup> May 2017**

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**Appeal Ref: APP/M1710/W/17/3169362**

**Old Down House, Swelling House, Ropley, Alresford, Hampshire SO24 0DA**

- 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 Patrick Gadsden against the decision of East Hampshire District Council.
  - The application Ref 39720/010, dated 27 September 2016, was refused by notice dated 8 December 2016.
  - The development proposed is the "demolition of the existing house and replacement with a new house of the same extended floor area as previously approved".
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area and on (ii) retaining a range of dwelling types and sizes in the countryside.

### Reasons

#### *Character and appearance*

3. The appeal site is a large residential plot located outside any settlement policy boundary; the area is open countryside with sporadic and mixed residential development. The site is prominent when viewed from the public footpath due to the topography of the landscape sweeping up towards the site, and the existing dwelling sits comfortably amongst the mature trees and vegetation on the site.
  4. The scale, mass and height of the proposal would result in an overly imposing, heavy form of development and the proposal would not sit comfortably in its surroundings. Due to the elevated position of the site, and the external appearance of the proposal, the proposal would dominate the landscape. In contrast to settling into the site and enhancing the character and appearance of the area, the proposal would be overly prominent and a visually discordant feature of the landscape. The appeal site is clearly visible when walking along the public footpath and is therefore an important vista when appreciating the area as a whole.
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5. The external appearance, mass and scale of the proposal bears little resemblance to a residential dwelling. I appreciate the appellant's effort to design a 'hampshire style barn' which is rural in nature, and I accept that there are other barn style dwellings in the area. On the day of my site visit I saw one such development in the area which appeared to be a converted barn that had succeeded in transforming an agricultural building into a dwellinghouse in a way that respected the scale and mass of a more modest residential dwelling, and was not at odds with the surrounding area. The proposal, in terms of its scale and mass of the proposal it fails to achieve this respect for the character and appearance of the area.
6. I note the appellant's willingness to enter into a condition regarding the external materials to be used for the proposal. In my view the use of dark cladding would have no impact of the proposal, it would not detract from the excessive scale and mass of the proposal, and due to its size, views of the proposal would be unduly prominent.
7. I have considered the fall back position and accept that the floor space of the existing dwelling could be increased significantly through the implementation of extant planning permissions and lawful development certificates. In assessing the proposal against the fall back it is my view that the fall back, even if implemented in full, would not be as substantial as the proposal in respect of its height, mass, and scale. A large proportion of the additional development would not be visible from the public footpath would therefore be less intrusive in terms of its external appearance. The fall back would therefore not have the same adverse impact on the character and appearance of the area as the proposal.
8. Furthermore, I have no substantive evidence that there is a significant likelihood that the extensions would be constructed should this appeal be dismissed. This limits the weight I can attach to it as a fallback position.
9. As such I conclude on the first main issue that the proposal would neither enhance nor preserve the character and appearance of the area due to its mass, scale, and external appearance. It would therefore fail to comply with policies CP20 and CP29 of the East Hampshire District Local Plan: Joint Core Strategy 2014 which seek to control development in the countryside and promote high quality and inclusive design.

*Securing a range of dwelling sizes in the countryside*

10. Policy H16 of the East Hampshire District Local Plan: Second Review 2006 (EHDLP) restricts the size of replacement dwellings in the countryside. The aim of the policy is to maintain a variety of existing dwelling types and sizes.
11. The proposal would result in a dwelling house that exceeds the original dwelling by more than 50%, contrary to Policy H16 of the EHDLP.
12. The existing dwelling house could be significantly enlarged through the implementation of the extant planning permissions and lawful development certificates. This would effectively contravene policy H16 of the EHDLP, and take the resulting development above the policy limit. I have considered the fallback and I have attached limited weight to it due to not being supplied with evidence to demonstrate a likelihood of the fall back being implemented should this appeal fail.

13. Consequently, I conclude on the second main issue that the proposal would result in a replacement dwelling that exceeds the original dwelling by more than 50%, and as such is contrary to the terms of policy H16 of the EHDLP. The proposal therefore fails to comply with policy H16 of the EHDLP in its aim to maintain a range and mixture of dwellings in the countryside.

*Other matters*

14. My attention has been drawn to other properties in the district for which replacement dwellings have been granted despite being contrary to policy H16 of the EHDLP. In respect of the house known as 'Kingswood' the proposed dwelling was of similar proportions to that of the dwelling permitted by way of extensions. I have not been given details of the application at 'Hill House' and therefore cannot compare the merits of that application and attach limited weight to it. I have reached my own conclusions on the basis of the evidence before me.

**Conclusion**

15. For the reasons given above, I conclude that the proposal would fail to enhance or preserve the character and appearance of the area, and fails to comply with the development plan as a whole. I have considered all other matters raised, and conclude that the appeal should not succeed.

*Johanna Ayres*

INSPECTOR