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## Appeal Decision

Site visit made on 20 June 2017

**by L Fleming BSc (Hons) MRTPI**

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

**Decision date: 29 June 2017**

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**Appeal Ref: APP/Y9507/W/17/3169293**

**The Bungalow, Clements Farm, Wheatley, Bordon, Hampshire GU35 9PA**

- 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 Geoffrey Lucas against the decision of South Downs National Park Authority.
  - The application Ref SDNP/16/04095/FUL, dated 12 August 2016, was refused by notice dated 16 December 2016.
  - The development proposed is erection of dwelling and detached garage following demolition of existing bungalow
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - whether the proposed dwelling would be proportionate in size to the dwelling it would replace and thus whether it would meet the housing needs of the area;
  - the effect of the proposed replacement dwelling on the character and appearance of the area, having particular regard to its location within the South Downs National Park (SDNP).

### Reasons

#### *Housing needs*

3. Policy H16 of the East Hampshire District Local Plan: Second Review (2006) (LP) makes clear that outside settlement boundaries planning permission will be granted for replacement dwellings provided that where the original dwelling had a total floorspace between 67 and 266 square metres inclusive, the resultant dwelling size does not exceed the original dwelling size by more than 50%. Furthermore, it states the original floorspace includes roof space which was originally designed as habitable space and cellars.
4. The justification for Policy H16 of the LP states that over the last few decades there has been a clear trend towards larger properties in the countryside, many of which were created by the expansion of smaller properties at a time when the district wide housing needs surveys identify a continuing need for the smallest less expensive accommodation.

5. Since the submission of the appeal the Council have granted planning permission for a single storey extension<sup>1</sup> to the appeal dwelling. The plans show that the proposed extension would have a floor area of some 49.5 square metres. Given this permission is extant there is a reasonable prospect it would be implemented.
6. However, it is agreed that the floor area of the original dwelling (that which existed in 1974) is some 95 square metres and the proposed dwelling would have a floor space of some 191 square metres thus amounting to an increase in size of 101%.
7. I acknowledge that if taking into account of the approved extension the proposed increase in size would be within the 50% limit specified in Policy H16 of the LP. However, this extension even if built cannot be considered to be part of the original dwelling.
8. I have also considered the numerous examples<sup>2</sup> where conditions have been imposed on planning permissions to ensure parts of dwellings are not used as habitable rooms and note the appellant's comments that such a condition could be imposed restricting the use of the proposed cellar. However, the full details of those cases are not before me and there is no substantive information before me to suggest how such a condition would be enforced.
9. I note the assurances that the cellar would be used for storage and as a plant room. However, it is a large area divided into two rooms and the proposal also includes the provision of a large outbuilding that would include large storage areas. In my view, enforcement of such a condition would rely on residents living nearby to draw any breach in the condition to the Council's attention. With the space being below ground any breach would be extremely difficult, if not impossible to detect. Thus, I find such a condition in this case would not be enforceable thus failing the tests for imposing conditions set out in the Planning Practice Guidance.
10. I therefore find that the proposed dwelling would result in a disproportionate increase in size to the original dwelling it would replace. In doing so it would result in a much larger dwelling in the countryside and the loss of a smaller dwelling failing to meet the housing needs of the area.
11. In reaching these conclusions, I note the comments with regard to the impact of the cellar on the affordability of the property. However, on the basis of the evidence before me I do not accept that the provision of such would not increase the market price of the proposed dwelling.
12. Thus for the reasons given, the proposed development would be in conflict with Policy H16 of the LP which seeks to ensure replacement dwellings are proportionate in size to the original dwelling to meet the housing needs of the area.

### *Character and appearance*

13. The proposed development would be within a small group of dwellings and farm buildings of varied character set in spacious plots with mature landscaping

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<sup>1</sup> Council Reference SDNP/17/00915/HOUS

<sup>2</sup> River Hill Farm, Pear Tree Cottage & Lupton House

and trees. Thus the area has a rural, verdant, spacious but varied character and appearance.

14. The Council's concerns relate to the scale of the proposed outbuilding and its relationship with the proposed dwelling. However, the proposed outbuilding would be significantly smaller than the proposed dwelling, tucked into the corner of the appeal site with its appearance softened by vegetation. It would be set a reasonable distance away from the proposed dwelling with its ridge significantly lower than the ridge of the proposed dwelling and would be constructed from matching materials with a matching roof pitch.
15. For these reasons, I find the proposed outbuilding would be well related and appear subordinate to the proposed dwelling. Thus, the proposed development would not harm the character and appearance of the area and the landscape and scenic beauty of the SDNP would be conserved. In this regard the proposal would therefore accord with Policy CP20 of the East Hampshire District Local Plan: Joint Core Strategy (2014) which seeks to achieve good design and protect the special characteristics of the area. It would also accord with paragraph 115 of the National Planning Policy Framework.

### **Conclusion**

16. For the reasons set out above, whilst I have found no harm to the character and appearance of the area, I have found the proposal would fail to meet the areas housing needs, thus on balance and having had regard to all other matters raised the proposed development would not accord with the development plan and thus the appeal should be dismissed.

*L Fleming*

INSPECTOR