



Appeal Decision

Site visit made on 23 October 2017

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 3 November 2017

Appeal Ref: APP/M1710/W/17/3179071

Westwood, 119 Lymington Bottom, Four Marks, Alton GU34 5AH

- 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 Mrs Phyllida Halsey against the decision of East Hampshire District Council.
 - The application Ref 21763/004, dated 10 November 2016, was refused by notice dated 28 March 2017.
 - The development proposed is erection of an additional dwelling within the site of 119 Lymington Bottom, Four Marks, Hampshire.
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Decision

1. The appeal is allowed and planning permission is granted for erection of an additional dwelling within the site of 119 Lymington Bottom, Four Marks, Hampshire, at Westwood, 119 Lymington Bottom, Four Marks, Alton GU34 5AH in accordance with the terms of the application, Ref 21763/004, dated 10 November 2016, subject to the conditions set out in Schedule A at the end of this decision.

Main issue

2. The main issue is the effect that the proposal would have on the character and appearance of the surrounding area.

Reasons

3. The appeal site is within the Settlement Policy Boundary defined in the *Medstead & Four Marks Neighbourhood Plan 2015-2028* (FNP) and adjoins that boundary. It includes most of the good-sized 4-sided side garden of, and the existing access to, the existing single-storey detached dwelling, which is called Westwood. Alternative access arrangements for Westwood would be subject to a separate planning application. There are mainly open fields to roughly south and east of the site, and farm buildings and a dwelling broadly opposite. The school is on the far side of the junction of Lymington Bottom with 'Five Lanes Cross', and the dwelling at The Paddock, in Alton Lane, lies to roughly east north east.
4. The immediate area includes dwellings that are set well back from both sides of Lymington Bottom in good-sized plots with countryside beyond. Due to the planting and fences by many front boundaries, most dwellings have fairly little visual impact in the street scene. Whilst there are a number of single storey dwellings including 80 Lymington Bottom, which is roughly opposite Westwood,

- and 115 Lymington Bottom, to the north of Westwood, there are also chalet dwellings with upper floor rooms, and replacement dwellings with 2 floors of accommodation including 68 and 70 Lymington Bottom, which are close by.
5. The proposed 2-storey dwelling would be nestled into the rising ground, and partly screened in views from the east by existing on-site trees. There would be space within the site for planting by the south and east boundaries, and ample space between the dwelling and Westwood to reflect the generally loose-knit character close by. The footprint of the dwelling would be modest compared with some others in the road, and it would be subservient to its good-sized plot, which would be similar to those at 70 and 80 Lymington Bottom. Thus, the proposal would be in keeping with the set back siting of most nearby dwellings, the space between buildings, and the spacious gardens, which contribute positively to the sense of place.
 6. The compact form and traditional detailing of the dwelling would fit well with its edge of settlement siting and the adjoining countryside. Whilst its ridge would be a little taller than those of Westwood, its modest height, compact form and narrow width would make a sympathetic transition from the urban area to the countryside. Its hipped-roofed form, with a front facing cat slide, dormers and low eaves, would maintain the prominent roofs that are important to the character and appearance of some nearby dwellings. Thus, the scale, height and form of the dwelling would harmonise with the street scene in Lymington Bottom, and it would make a positive contribution to the semi-rural character and appearance in this part of the village, and to the countryside beyond.
 7. As the proposal would respect and reflect its site and surroundings it would be an acceptable development in the side garden. Because it would maintain the broadly linear development pattern in the approach to the village from 'Five Lanes Cross' it would respect local distinctiveness. As the dwelling would harmonise with the design and detailing of 68 and 70 Lymington Bottom, it would reflect the wide diversity in materials and styles seen throughout the village, in accordance with the *Four Marks Village Design Statement*.
 8. Therefore, I consider that the proposal would not harm the character and appearance of the surrounding area. It would satisfy Policy CP29 of *The East Hampshire District Local Plan: Joint Core Strategy* which seeks exemplary standards of design with high quality appearance and respect for context, and FNP Policy 1 which aims to support development on land within Settlement Policy Boundaries and to resist inappropriate development of residential gardens. It would also satisfy the *National Planning Policy Framework* (Framework) which aims to always seek to secure high quality design and to take account of the character of different areas.

Other matters

9. The 3 parking spaces and room for vehicles to turn within the site should be sufficient to serve the development, so it would not be likely to cause parking on the public highway. Moreover, the highway authority has not objected to the scheme, and I see no reason to disagree. Due to the lie of the land, the relationship between the dwellings, and the substantial distance between them, the proposal would not cause overlooking that would unacceptably harm the privacy of the occupiers of The Paddock. The plans show permeable surfaces to avoid potential surface water run-off. I have also had regard to the extracts from my colleagues' appeal decisions ref APP/M1710/W/16/3151088 and

APP/M1710/W/16/3164918, but they are not very helpful to me as I do not have plans and other details for those schemes. So, I have dealt with the proposal before me on its merits and in accordance with its site specific circumstances and relevant local and national policy and guidance.

10. All of the other matters raised have been taken into account. However, individually and cumulatively, they are insufficient to outweigh the planning considerations that have led to my conclusion. As the proposal would be acceptable, planning permission should be granted subject to the imposition of planning conditions.

Conditions

11. The Council's and interested parties' suggested conditions have been considered, combined and reworded as necessary in the light of Framework paragraph 206 and Planning Practice Guidance (PPG). The condition identifying the approved plans is necessary to provide certainty. The condition to deal with possible contamination is necessary in the interests of public health and the natural environment, due to the potential high risk of naturally occurring radon on site and the potential medium risk of unknown filled ground next to the site. The condition for a foul and surface water drainage scheme is necessary in the interests of public health, to avoid flooding, and in the interests of highway safety. Conditions to control external materials, finished levels and bin storage facilities are necessary to protect the character and appearance of the area. The condition for cycle storage facilities is reasonable to promote sustainable transport modes. The conditions for a surface water drainage scheme and parking areas are necessary in the interests of highway safety. The condition for non-openable obscure glazing in the north facing first floor window is reasonable and necessary to protect the privacy of the occupiers of Westwood. All of these conditions have been imposed. The pre-commencement conditions are necessary as they relate to groundworks and the construction of the development and, thus, they go to the heart of the planning permission.
12. However, there is insufficient evidence to show that it would be necessary for the dwelling to achieve energy savings of at least 10% more than the standard required by Building Regulations. As the existing trees and hedges are not subject to planning control, new planting could not be controlled by condition for more than a few years, and the site would become a private garden, conditions to control trees and other planting would not be reasonable. There is also insufficient evidence to show that a condition to prevent deliveries to and despatches from the site around school arrival and departure times during the construction phase would be reasonable or necessary. So, these conditions have not been imposed.

Conclusion

13. For the reasons given above and having regard to all other matters raised, the appeal succeeds.

Joanna Reid

INSPECTOR

Schedule A

- 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: 247.015A, 247.022A, 247.023B, 247.024, 247.025, 5374/01 and the unnumbered ridge height plan.
- 3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175:2011 Investigation of potentially contaminated sites - Code of practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority before the dwelling is occupied.
- 4) No development shall commence until a scheme of foul and surface water drainage has been submitted to and approved in writing by the local planning authority. The scheme shall include provision for all surface water drainage from parking areas and areas of hardstanding to prevent surface water from discharging onto the highway and shall be based on site investigation and percolation tests. Development shall be carried out in accordance with the approved scheme before the dwelling is occupied and shall be retained and maintained as approved thereafter.
- 5) No development shall take place until finished ground floor and roof ridge levels related to Ordnance Datum have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) Notwithstanding details shown on the approved plans no development above ground floor slab level shall take place until samples and details of all external facing materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples and details.
- 7) The dwelling hereby permitted shall not be occupied until the first floor window in the north side elevation of the dwelling hereby permitted has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority

before the window is installed and once installed the obscured glazing shall be retained thereafter.

- 8) The dwelling hereby permitted shall not be occupied until the areas shown on the approved plans for the parking of vehicles shall have been made available, surfaced and marked out, and that space shall thereafter be kept available at all times for the parking of vehicles.
- 9) The dwelling hereby permitted shall not be occupied until details of bin and cycle storage facilities have been submitted to and approved in writing by the local planning authority and the approved bin and cycle storage facilities have been implemented. The bin and cycle storage facilities shall be retained as approved for those purposes thereafter.

End of Schedule A