
Appeal Decision

Site visit made on 24 June 2019

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/H1705/W/19/3221562

Land at Langdale, Woods Lane, Cliddesden, RG25 2JF

- 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 Bellmore Homes Ltd against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 18/03172/FUL, dated 27 October 2018, was refused by notice dated 21 December 2018.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling at Langdale, Woods Lane, Cliddesden, RG25 2JF in accordance with the terms of the application, Ref 18/03172/FUL, dated 27 October 2018, subject to the conditions set out in the schedule attached at the end of this decision.

Main Issues

2. There are 2 main issues: i) the relationship of the appeal proposal to the established pattern and character of the area; and ii) whether the proposed building would preserve or enhance the character or appearance of the Cliddesden Conservation Area

Reasons

The established pattern and character of the area

3. This part of Cliddesden, to the north of Woods Lane, has little frontage development. Apart from the bungalow 'Langdale' that was previously on the land that has recently been developed, which includes the appeal site, there is only the house 'Beaulieu' next door to the west. Other development is 'Woodside House' on backland behind Beaulieu, and 'Hillfield Lodge' and its neighbour to the north that gain access from a private drive. In the wider area, there is a mixture of sizes and styles of dwelling, including some substantial houses set back on sizeable plots, and some smaller dwellings in the area south and east of the appeal site within the conservation area.
4. The most relevant policies of the development plan, so far as this issue is concerned, are EM1 and EM10 of the adopted Basingstoke and Deane Local Plan 2011-2029. The gist of Policy EM1 'Landscape' is that Development will be permitted only where it can be demonstrated that the proposals are

sympathetic to the character and visual quality of the area concerned. Development proposals must respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected. There are a number of criteria to be considered according to circumstances, including taking account of important views to, across, within and out of settlements, and important open areas.

5. Policy EM10 - Delivering High Quality Development, requires all development proposals to be of high quality, based upon a robust design-led approach: all development proposals will be required to respect the local environment and amenities of neighbouring properties. Again there are criteria that, in the context of the refusal reasons, require development to contribute to local distinctiveness, the sense of place and the existing street scene, taking into account all relevant SPDs and community documents that identify the local character and distinctiveness of an area which is valued by local communities, whilst allowing for innovation where appropriate.
6. In measuring the appeal proposal against these policies, it is necessary to have regard to the judgements made by the Council in granting planning permission for the 4 houses currently under construction. The appeal proposal has no effect on the relationship of the approved scheme to adjoining property since the dwellings on plots 3 and 4 and their relationship to site boundaries remains unchanged. This also applies to the general external environment, other nearby property and the village generally. The appeal proposal leaves the relationship of the present permitted development with the outside environment much the same, with the exception of views through the entrance to the development, past the 2 houses on plots 1 and 2 at the frontage to Woods Lane.
7. In the currently approved scheme, the view from Woods Lane through the site would have been to a hedgerow seen down the flank of plot 3 and to open land beyond. This view would have been greatly limited by the pair of substantial double carports with hipped and tiled roofs 6.5m wide and 5.5m high to ridge situated between plots 3 and 4. Whilst there have been amendments to the 4 dwelling scheme since the original, the fact is that the view into and through the site that I have described was that approved by the Council when judged against its policies.
8. In my view, this judgment by the Council was reasonable. The present proposal, in this appeal, would put a house in the place of the two carports. These would fill the view more than the carports, but would not have any materially greater impact on the view of open space beyond.
9. The appeal proposal would not conflict with the aims of Policies EM1 and EM10 and would not be harmful to the established pattern and character of the area. It would successfully integrate with the surrounding built form, which primarily now consists of the existing permitted development, having no substantial impact beyond. In its context it would not appear cramped, visually congested and urban, and would have no effect on the verdant character of the surrounding area.

The character or appearance of the Cliddesden Conservation Area

10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In terms of the

development plan, Local Plan Policy EM11 establishes that proposals must conserve or enhance the quality of the borough's heritage assets, which includes Conservation Areas. Policy EM11 states that proposals will be permitted where they demonstrate an understanding of the character and setting of Conservation Areas and respect historic interest and local character, and ensure the use of appropriate materials, design and detailing.

11. In this case, the use of appropriate materials, design and detailing has already been determined, as there is no basis for requiring a different approach when the proposed dwelling conforms to the 4 dwellings already approved. Nor can I see that the appeal proposal would have any material effect on the character or appearance of a conservation area. The proposed dwelling would only be seen from directly in front of the entrance to the existing development. As far as I could tell, it would not be seen from anywhere within the conservation area, and it could have no additional impact on the setting of the conservation area than the development that is already under construction. Therefore it would serve to preserve the character or appearance of a conservation area by having no material impact upon it.

Other matters

12. I have taken account of all other matters raised. During the course of the appeal the Council made known that it can no longer demonstrate a 5 year supply of deliverable housing land. However, in view of my conclusions above, and since the principle of development within the village of Cliddesden is not at issue, this matter is not material to my decision. Matters raised by interested persons included that Woods Lane is too small to accommodate additional vehicles, that there would be no net gain in biodiversity, that there is insufficient infrastructure to support additional dwellings, and that increased areas of hard surfacing would exacerbate flooding locally. However, these matters are not supported by cogent arguments and none of the concerns raised amount to a significant matter that would warrant the withholding of permission.

Conclusion

13. I conclude that the appeal proposal would have no effect on the established pattern and verdant character of the surrounding area and that it could have no additional impact on the setting of the conservation area than the development that is already under construction, and would therefore serve to preserve the character or appearance of the conservation area. I will allow the appeal.

Conditions

14. A number of conditions have been suggested by the Council. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG I have amended some of the text. These conditions are necessary for the following reasons: Condition 2 is to provide certainty as to the development permitted; conditions 3, 4, 5 and 6 are in the interests of the appearance of the development and the character and appearance of the area; condition 7 is to protect and enhance biodiversity; condition 8 is to safeguard existing trees in the interests of the quality and appearance of the development and the character and appearance of the area; condition 9 is to ensure that the local planning authority retains control over any additional

development on the site, bearing in mind that the approved dwelling is situated between dwellings under construction; conditions 10 and 11 are to ensure that there is no obstruction of the highway and to safeguard the living conditions of nearby residential occupiers; condition 12 is to ensure adequate parking provision on site to safeguard the living conditions of nearby residential occupiers and avoid parking on the highway; condition 13 to ensure that provision is made for cycles to encourage cycling and discourage car use; condition 14 is to ensure appropriate provision for refuse disposal in the interests of the living conditions of occupiers and neighbours; condition 15 is to ensure that the development achieves an appropriate level of sustainable water use; and conditions 16 and 17 are to ensure the privacy of neighbouring occupiers.

15. I have not included suggested conditions that related to visibility splays, etc and fences at road junctions since the appeal development is part of an existing layout that has these matters already dealt with. Also I have not imposed a condition dealing with sampling of imported material since there has been no specific justification for this bearing in mind that the appeal proposal is part of an existing development nearing completion. Finally, I have not imposed a condition about protecting the proposed dwelling from road traffic noise, bearing in mind that the site is in a rural location, since no specific justification for requiring it has been provided.

Terrence Kemmann-Lane

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: 18/28/01 Proposed Ground Floor Plan; 18/28/02 Proposed First Floor Plan; 18/28/03 Proposed Roof Plan; 18/28/04 Proposed Elevations; and 18/28/05 Rev A Site Plan.
- 3) No development above ground floor slab level shall commence on site until details of the types and colours of external materials to be used, including windows, doors and colour of mortar, together with samples, have been submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
- 4) No development above slab level shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate). The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building or when the use hereby permitted is commenced. In addition, the landscaping scheme referred to above shall include a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the local planning authority.
- 5) No landscaping works shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the local planning authority. The approved surfacing shall be completed before the dwelling hereby approved is first occupied and thereafter maintained.
- 6) No landscaping works shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the dwelling hereby approved is first occupied and shall subsequently be maintained.
- 7) No development above ground floor slab level shall commence on site until a Habitat Enhancement Plan, including implementation details and timing, has been submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
- 8) No development affecting trees or any development above ground floor slab level shall commence on site until a Tree Protection Plan has been submitted to and approved in writing by the local planning authority. The

approved tree protection shall be erected prior to any development above slab level commences and before any work affecting trees takes place, and shall be maintained until completion of the development. No development or other operations affecting trees shall take place other than in complete accordance with the Tree Protection Plan.

- 9) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B, C and E of Part 1 of Schedule 2 of the Order shall be erected on the application site without the prior written permission of the local planning authority on an application made for that purpose.
- 10) Construction works and delivery of construction materials, plant and machinery, shall take place only between 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays. No removal of any spoil from the site shall take place outside these hours.
- 11) The developer, within one week of the commencement of development, shall ensure that there is provision made for the parking and turning on site of operatives' and construction vehicles, together with storage on site of construction materials. The provision shall be retained and used for the intended purpose for the duration of the construction period and that area shall not be used for any other purposes other than the parking and turning of vehicles and storage of construction materials respectively.
- 12) The development hereby permitted shall not be occupied, until details of the provision of 4 vehicle parking spaces in accordance with the adopted standards have been submitted to and approved in writing by the local planning authority and the approved parking has been constructed, surfaced and marked out in accordance with the approved details. That area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.
- 13) No part of the development shall be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the local planning authority, such drawings to show the position, design, materials and finishes thereof. Development shall be carried out, and thereafter maintained, in accordance with the approved details.
- 14) No part of the development shall be occupied until refuse storage and collection facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the local planning authority, such drawings to show the position, design, materials and finishes thereof. Development shall be carried out, and thereafter maintained, in accordance with the approved details.
- 15) Prior to occupation of the dwelling hereby approved a technical report and a certification of compliance demonstrating that the development has achieved the water efficiency standard of 110 litres of water per person per day (or less) shall be submitted (by an independent and suitably accredited body) to and approved by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of the dwelling.

- 16) The bathroom/en-suite windows at first floor level on the east and west elevations of the proposed dwelling shall be glazed with obscured glass, to at least the equivalent of Pilkington level 4 standard, precise details of which, together with details of any means of opening, shall be submitted to and approved in writing by the local planning authority before installation and shall be permanently maintained in that condition,
- 17) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings shall be inserted at first floor level in the east or west elevations of the buildings hereby approved without the prior permission in writing of the local planning authority.