
Appeal Decision

Site visit made on 30 July 2019

by J Wilson BA Hons BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 19th August 2019

Appeal Ref: APP/Y9507/W/19/3222264

Garden Hill, Ashford Lane, Steep, Petersfield GU32 1AD

- 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 & Mrs J Barnard against the decision of the South Downs National Park Authority.
 - The application Ref SDNP/18/06183/FUL, dated 30 November 2018, was refused by notice dated 28 January 2019.
 - The development proposed is the demolition of an existing dwelling, garage and garden room, and erection of replacement dwelling with associated garaging, parking and turning space.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing dwelling, garage and garden room, and erection of replacement dwelling with associated garaging, parking and turning space at Garden Hill, Ashford Lane, Steep, Petersfield GU32 1AD in accordance with the terms of the application, Ref SDNP/18/06183/FUL, dated 30 November 2018, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Since the appeal was lodged the Government has published an updated revised National Planning Policy Framework (The Framework). The changes do not affect the consideration of this appeal, however any reference to the Framework in this decision shall be taken to refer to the 2019 publication.
3. Since the appeal was lodged, Historic England (HEng) issued its advice report¹ in response to a request from the South Downs National Park Authority (NPA) to consider the listing of Garden Hill on the statutory list of historic buildings. Their decision not to list the building took account of the extent of the architectural and historic interest of the structure. HEng concluded that the criteria for listing were not fulfilled. Their assessment is a material consideration in this appeal and is a matter to which I will return.
4. On 2 July 2019 the South Downs Local Plan 2014-2033 (SDLP) was adopted. Policies of the East Hampshire District Core Strategy and Local Plan (Second Review) have been replaced by the SDLP in relation to this appeal. I have a duty to take into account the most relevant and up to date information and the Policies in the SDLP now have the weight of fully adopted policies and my

¹ Report dated on 29 April 2019

decision must have regard to them. The parties have been afforded the opportunity to make representations on this policy change.

5. The NPA made clear in its officer report that the proposal was not refused on the basis of the scale or design of the replacement dwelling to which no objection was made. The NPA's sole reason for refusal relating to the loss and damage to the undesignated heritage asset comprising the existing dwelling and garden and it is to this aspect that I concentrate my attention.
6. Planning Practice Guidance (PPG) published an updated Historic Environment Section on 23 July 2019 and I have had regard to that advice in reaching my decision.

Main Issues

7. In the light of the above the main issues are: a) whether the demolition of Garden Hill as a non-designated heritage asset would be harmful to the cultural heritage of the South Downs National Park (SDNP) having regard to development plan policy; and b) if harm would arise from its loss whether this would be outweighed by other considerations.

Reasons

Demolition

8. The site is not within a Conservation Area but does lie within the SDNP. Whilst there is no evidence that the building appears on a local list of non-designated heritage assets the NPA clearly state that they regard the building as a non-designated heritage asset (NDHA). The Framework defines a heritage asset as *"a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes assets identified by the local planning authority (including local listing)"*.
9. There is encouragement in the Framework and in Planning Practice Guidance (PPG) to identify non-designated heritage assets. The PPG states that *'there are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence'*.
10. It is clear that the formal identification or local listing of the existing building as a NDHA is not a necessary requirement for the building to hold that status. The NPA was entitled to regard the building as such as a result of the planning application process.
11. The proposal involves the complete demolition of the existing building and so would involve the total loss of a non-designated heritage asset to which the scale of the harm to the asset would be substantial. Paragraph 184 of the Framework states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance".

Significance and Harm

12. The NPA attribute significance to the building due to several factors including: the importance of the period of design of the property within the village of Steep as a centre for the Arts and Crafts Movement from both an historic and evidential value; from the prominence of both the architect and garden designers locally and nationally and the link between the garden and the dwelling: the garden having been identified by the Hampshire Gardens Trust as being of special interest; and lastly the building being recognised by the Parish Council in published documentation.
13. HEng, whilst acknowledging some architectural significance, regard the cumulative impact of the changes which have taken place as undermining the coherence of the original design. This is a material factor which clearly affects the significance of the building.
14. The appellants emphasise that the building is not subject to a formal listing as a NHDA. That it is significant that NPA Policy SD12 does not make a distinction between designated and non-designated heritage assets which is out of step with the Framework and that the PPG makes a very clear distinction applying different considerations to each.
15. In respect of the historic environment the total loss of a non-designated heritage asset would not accord with Policy SD12 as it seeks to conserve and enhance the historic environment and to that extent there would be harm. Though I note that the same policy also provides that development proposals will be permitted where they enhance or better reveal the significance of a heritage asset in this case the importance of the garden landscape and as such an informed assessment of the impact needs to be taken.
16. Nonetheless, in policy terms there would be conflict with Policy SD12 of the SDLP through the total removal of a building which is considered by the NPA to be a heritage asset (non-designated).

Other considerations

17. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. In this case there are other matters which need to be considered in my deliberations.
18. Since the appeal was lodged further detailed scrutiny has been given to the building by Historic England (HEng) following a request by the NPA for them to consider the building for listing. HEng concluded that the building did not fulfil the criteria required for listing and took the decision not to add the building to the statutory list. The reasoning for that was due to the degree of architectural interest; the building had been too altered externally to be seen as a good survival of a domestic building of the period and internally the original plan had been diluted by various phases of alteration and extension and the original fittings do not survive well. Nonetheless the assessment also stated that *'...although the house, outbuildings and garden features cannot be recommended for statutory listing, they are clearly a positive survival and continue to make a valuable contribution to the architectural character of the locality'* and this is also a factor which needs to be weighed in the balance.

19. I too found that the building was in a poor physical condition both externally and internally. Whilst I saw that the setting of the building in relation to the landscaped gardens had merit, and the landscaped gardens had a degree of historical sensitivity, the remaining physical attributes of the house coupled with the extent of degradation severely limits the historic and architectural significance of the building, the condition of which influences its importance; even in the local context. Consequently, the circumstances do not, in my view, amount to a compelling argument to warrant the retention of the building, even though the NPA regard the structure as being a NDHA.
20. I am mindful that the HEng assessment of the building was not available to the NPA at the time it made its decision and as such the context for the decision has altered. Moreover, the proposal to construct a replacement building in a manner which equally relates to; or makes significant improvement to the significance of the landscaped setting and which also makes architectural references to the former building are all important benefits which would have a positive impact on the cultural heritage of the SDNP.
21. I have had regard to the contribution that the building makes in the local context but am also aware that HEng highlight that Garden Hill is not the only or last surviving example of a building by this architect and this is a factor to which I attribute moderate weight.

Other Matters

22. The NPA suggest that the consideration of the matter of statutory listing is a separate matter from the application process. Whilst the processes are indeed separate the professional advice and interpretation from HEng is material to my consideration of the case which is advanced by the NPA in seeking to retain the building. However, this has not altered my view in relation to the condition of the building.
23. I have considered the NPAs position that the removal of existing windows has not been confirmed to be permitted development or to be lawful, also by not replacing openings it could be regarded as damage under the spirit of Paragraph 191 of the Framework. The appellants take issue with this stating that it was made clear to the NPA that works were to be undertaken at the property and the NPA via East Hampshire District Council could have taken steps to provide immediate protection through a Building Preservation Notice had they considered it appropriate. Moreover, it is no part of the NPA's case that the works undertaken to date are unauthorised. Nonetheless the matter of any lawful proposed use or development is not before me in relation to works to the existing structure and consequently have no bearing on this appeal. On the matter of harm to the building I have no evidence before me to support the assertion that works to the building amount to deliberate neglect and as such the provisions of Paragraph 191 of the Framework would not apply in this case.
24. The NPA refer to the fact that the appellants did not enter into pre-application advice as advocated by the Framework. Whilst this is encouraged it is not a prerequisite and does not alter my findings in relation to the main issues.
25. It is noted that the NPA do not take issue with the design or detail of the replacement building, even though the structure would be larger than the building to be replaced. Policy SD31 provides for replacement buildings which meet specific criteria though specifies that where permission is granted future

extensions may be controlled by the removal of permitted development rights. In this regard, despite the NPA citing Policy SD5 of the SDLP which relates to design, in their reason for refusal, I do not find that there would be conflict with that policy.

Planning Balance

26. The proposal would result in the total loss of a building which, despite it being considered of insufficient quality and interest to be statutorily listed by HEng, remains of interest to the SDNP as a NDHA. The Framework advocates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining any application and that this involves a balanced judgement in respect of the scale of any harm or loss and the significance of the heritage asset. Nevertheless, the PPG gives very clear guidance that *'a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.'* For the reasons already set out above I consider the significance of the building, even as a NDHA, is very limited.
27. Notwithstanding that there would be conflict with Policy SD12 of the SDLP, the assessment by HEng represents a clear and material change in circumstances. On balance, there is no overwhelmingly persuasive argument for the retention of the existing building based on its historical significance. As a compelling argument has not been demonstrated the attributes of the building and the extent of alteration which has taken place over time lead me to conclude that there is benefit in replacing this building with a new dwelling which would better reveal the historical sensitivity of the landscaped setting and that this outweighs the harm which would occur. In reaching this view I am mindful that the new dwelling would take architectural references from the historical aspects of the existing building in its connections with the historic sensitivity of the gardens.

Conditions

28. I have had regard to the conditions recommended by the NPA and the response of the appellants. In addition to the standard timescale condition I have imposed a condition relating to the compliance with the submitted plans in the interests of clarity and precision.
29. In respect of materials three conditions are recommended by the NPA one of which is set out as a pre commencement condition. I have combined the materials condition into a single condition and see no justification for this condition to be pre-commencement. There would be much work to do on site prior to the use of external elevational materials and wording which requires approval prior to their use would suffice. I have adjusted the wording accordingly. The condition is required in order to ensure that the appearance of the dwelling is acceptable in the context of the SDNP and the sensitive landscaped gardens.
30. With regard to the NPA's recommended condition withdrawing permitted development rights, the appellants argue that there has been no cogent argument advanced for the removal of such rights moreover the PPG states that conditions which restrict permitted development rights will rarely pass the test of necessity. However, I am acutely aware that this site is in the SDNP and

that the policy provisions for the replacement of dwellings refers to the need to restrict such rights where replacement dwellings are approved. I consider that this is particularly pertinent in this case as the replacement dwelling is of a significantly larger (double the floorspace) than the one it would replace, and these factors justify the restriction of future extensions to the proposed building.

31. A condition is recommended to ensure that the finished floor levels are as shown on the plans. In the interests of clarity and certainty the condition will ensure compliance with the finished levels though I have adjusted the wording in the interests of precision.
32. The appellants have clarified that they have no objections to the drafted pre-commencement conditions relating to demolition and construction method statements; energy efficiency; tree protection plans; measures to protect the garden terraces and for a programme of building recording and analysis. These conditions are required in order to ensure that appropriate measures are in place to protect the site and the remaining formal gardens which have some historical sensitivity and to ensure that the building to be removed is recorded prior to its removal, Nonetheless the drafted conditions require minor alterations in the interests of precision and completeness and to remove tailpiece wording.
33. A landscaping condition has been recommended with timing to be agreed pre-occupation of the new dwelling which is necessary given the importance of the features of the landscaped garden. I shall impose these with wording revisions to remove tailpiece provisions.
34. The NPA have recommended a condition regarding hard surfaces being made of porous materials and to direct run off water from the hard surfaces to a permeable area within the site, however the reason given for that condition is to avoid run off to the highway. Given the levels on the site and the fact that the highway is somewhat higher than the location of the building I do not consider this to be necessary and have not imposed that condition.
35. The appellants object to the recommended condition in relation to the use of the garage which, as drafted is wide in its scope of restrictions on its use. The appellants argue that there would remain adequate provision on site for car parking if the garages were to be converted in the future and that the NPA have provided no exceptional reason why such development rights should be removed. The reason given by the NPA is to ensure sufficient car parking is required in the interests of highway safety however given the extent of surface car parking and the length of the drive between the house and the public highway I do not find the rationale for the condition sufficiently convincing and have not therefore imposed it.

Conclusion

36. For the reasons set out and having regard to all other matters raised the appeal is allowed in accordance with the formal decision above.

Janet Wilson

INSPECTOR

<<<< Schedule of conditions >>>>

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.
2. Details, including labelled samples (manufacturer, type and where it is to be used) of all external materials and finishes including rainwater goods, meter boxes, ducting and flues, shall be submitted to, and approved in writing by the Local Planning Authority prior to their use in the development. The development shall be carried out strictly in accordance with the approved details.
3. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no extension or alteration to this dwelling shall be made under Schedule 2, Part 1, Classes A, B, and E and Part 2, Classes A and C.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the ancillary accommodation located above the garage hereby permitted (annotated as 'ancillary accommodation' within the approved drawings) shall be restricted to use as ancillary accommodation to the existing dwelling at the site from which it shall not be let, sold separately, or severed thereafter.
5. The levels of the finished development shall be in strict accordance with the details shown on drawing number 170837-357.
6. No development shall start on site until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include:
 - A programme of (including any phasing) of demolition and construction work; The provision of long term facilities for contractor parking;
 - The arrangements for deliveries associated with all construction works;
 - Methods and phasing of construction works;
 - Access and egress for plant and machinery;
 - Protection of pedestrian routes during construction;
 - Location of temporary site buildings, compounds, construction material, and plant storage areas;
 - Provision for storage, collection, and disposal of rubbish from the development during the construction period; and
 - Re-use of onsite material and spoil arising from any site clearance or demolition work.

Demolition and construction work shall only take place in accordance with the approved method statement.

7. No development shall commence on site until a scheme has been submitted to and agreed in writing by the Local Planning Authority to demonstrate that the built development hereby permitted incorporates measures that provides at least 10% of energy demand from decentralised and renewable or low carbon energy sources. Before any part of the development is first occupied

a verification report and completion certificate shall be submitted in writing to the Local Planning Authority confirming that the built development hereby permitted has been constructed in accordance with the approved scheme. The developer shall nominate a competent person for the purpose of assessing and providing the above required report and certificate to confirm that the completed works incorporate such measures as to provide these requirements. The measures shall thereafter be retained and maintained to the agreed specification for the lifetime of the development.

8. No development shall commence on site, including demolition, until a finalised Tree Protection Plan, has been submitted to, and approved in writing, by the Local Planning Authority. The details shall include protective fencing and ground protection to be erected around all trees and installed, shrubs and other natural features not scheduled for removal and shall be retained for the duration of the works and shall be in accordance with the recommendations of BS5837:2012. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area. No burning of materials shall take place where it could cause damage to any tree or tree group to be retained on the site or on land adjoining. No soil levels within the root protection area of the trees/hedgerows to be retained shall be raised or lowered.
9. The development hereby approved shall not be first brought into use until a fully detailed landscape and planting scheme for the site, including details of boundary treatments, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. These works shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier.

Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

10. No work shall be undertaken on the site until details have been submitted to and approved in writing by the Local Planning Authority of measures to be taken to protect the garden terraces and associated steps and retaining walls.
11. No development shall take place until a programme of building recording and analysis has been completed and submitted to the Local Planning Authority. The programme shall be undertaken in accordance with a written scheme submitted and approved in writing by the Local Planning Authority.
12. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Dwg. No.170837-01A: Site Location Plan
 - Dwg. No.MFgardenhillTOPO (Sheet 1 of 4): Topographic Survey
 - Dwg. No.MFgardenhillTOPO (Sheet 2 of 4): Topographic Survey
 - Dwg. No.MFgardenhillTOPO (Sheet 3 of 4): Topographic Survey
 - Dwg. No.MFgardenhillTOPO (Sheet 4 of 4): Topographic Survey

- Dwg. No.MFgardenELH: Existing Elevations – House (Sheet 1 of 2)
- Dwg. No.MFgardenELH: Existing Elevations – House (Sheet 2 of 2)
- Dwg. No.MFgardenELG: Existing Elevations – Garage
- Dwg. No.170837-100: Existing plans – House & Garage
- Dwg. No.170837-357: Site Plan
- Dwg. No.170837-352: Design Scheme Plans
- Dwg. No.170837-353: Design Scheme Elevations (1 of 2)
- Dwg. No.170837-355: Design Scheme Elevations (2 of 2)
- Dwg. No.170837-356: Design Scheme Roof Plan/ Basement & Section
- Dwg. No.170837-358: Elevation Comparison @A1

<<<< End of Schedule of conditions >>>>