



Appeal Decisions

Hearing Held on 24 September 2019

Site visit made on 24 September 2019

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 October 2019

Appeal A Ref: APP/N1730/W/18/3216937

Appeal B Ref: APP/N1730/W/18/3216939

Appeal C Ref: APP/N1730/W/19/3221697

Appeal D Ref: APP/N1730/W/19/3221701

57 Danetree House, High Street, Odiham, Hook RG29 1LF

- Appeals A and C are made under section 78 of the Town and Country Planning Act 1990 against refusals to grant planning permission.
 - Appeals B and D are made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against refusals to grant listed building consent.
 - Appeals A and B are made by Nohra Currie and Robert Aird against the decisions of Hart District Council.
 - Appeals C and D are made by Mr Robert Aird and Ms Nohra Currie and Monogram Technologies Ltd against the decisions of Hart District Council.
 - Appeal A application Ref 18/01528/FUL, dated 17 September 2018, was refused by notice dated 30 October 2018. The development proposed is change of use of property from B1(a) office to C3 residential. Demolition of existing single storey extension and erection of two storey rear extension. External changes (as per application 18/01359/FUL and 18/01360/LBC) and internal changes as shown on application drawings.
 - Appeal B application Ref 18/01529/LBC, dated 17 September 2018, was refused by notice dated 30 October 2018. The works proposed are change of use of property from B1(a) office to C3 residential. Demolition of existing single storey extension and erection of two storey rear extension. External changes (as per application 18/01359/FUL and 18/01360/LBC) and internal changes as shown on application drawings.
 - Appeal C application Ref 18/02583/FUL, dated 13 November 2018, was refused by notice dated 9 January 2019. The development proposed is demolition of existing single storey rear extension. Erection of new two storey rear extension. Demolition of internal walls and ground floor stair case to facilitate new open kitchen area, 2 sets of French doors on side elevations, reinstatement of existing wall to boot room and cloak room, provision of 3 bathrooms at first floor level with services to be provided under raised floors, new opening between master bedroom and bathroom 1 and closure of existing door. New soil pipe behind existing parapet wall. Change of use of property from B1 office to C3 residential for use as a single dwelling house. New boundary wall and metal railings.
 - Appeal D application Ref 18/02584/LBC, dated 13 November 2018, was refused by notice dated 9 January 2019. The works proposed are demolition of existing single storey rear extension. Erection of new two storey rear extension. Demolition of internal walls and ground floor stair case to facilitate new open kitchen area, 2 sets of French doors on side elevations, reinstatement of existing wall to boot room and cloak room, provision of 3 bathrooms at first floor level with services to be provided under raised floors, new opening between master bedroom and bathroom 1 and closure of existing door. New soil pipe behind existing parapet wall. Change of use of property from B1 office to C3 residential for use as a single dwelling house. New boundary wall and metal railings.
-

Decisions – all appeals

1. Appeals A, B, C and D are all dismissed.

Background and procedural matters – all appeals

2. I have also dealt with seven other appeals (Refs: APP/N1730/Y/19/3222316, APP/N1730/Y/19/3222365, APP/N1730/Y/19/3222366, APP/N1730/Y/19/3222368, APP/N1730/Y/19/3222370; APP/N1730/Y/19/3229573 & APP/N1730/Y/19/3229596) on this site. These are the subject of separate decisions.
3. These four appeal decisions address both planning and listed building consent appeals for two separate schemes at the appeal site. Both would involve demolition of a lean-to, its replacement with a two-storey extension, and the change of use and conversion of the appeal building from an office to a private residential dwelling.
4. The schemes differ in the detail of the design of the proposed extensions; in the scope of the works within the attic and basement areas; and in the re-configurations proposed at first floor level. Appeals A and B propose a contemporary extension and include works within the basement (Proposal 1). Appeals C and D propose an extension of more traditional design and have removed works within the attic and basement (Proposal 2). I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issues – all appeals

5. The remit of the planning and listed building regimes is different, and the main issues relate to either the planning appeals (Appeals A and C) the listed building appeals (Appeal B and D), or to both.
6. The main issues are:
 - whether the proposed works and development would preserve the listed building or its setting or any features of special architectural or historic interest it possesses and whether the character or appearance of the Odiham Conservation Area would be preserved or enhanced; and
 - whether there is sufficient evidence to justify the loss of an existing employment site in Odiham.

Reasons – all appeals

Policy considerations

7. The appeal property is a Grade II listed building within the Odiham Conservation Area (CA). In considering whether to grant planning permission or listed building consent, the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires decision-makers to have special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest which it possesses; and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
8. For the purposes of determining these appeals, the development plan consists of the Hart District Council Local Plan (Replacement) 1996 – 2006 (LP) and the Odiham and North Warnborough Neighbourhood Plan 2014 – 2032, June 2017

(NP). Though at an advanced stage in its preparation, the Hart Local Plan: Strategy and Sites 2016 - 2032 has not yet been made and is not yet part of the development plan.

Effect on designated heritage assets

9. The statutory list description identifies the appeal building as being early 19th century and the building's front-facing principal range has the proportions and architectural detailing typical of a relatively high-status rural town dwelling from the Regency period. The attic spaces within the High Street-facing range contain elements of a c. 17th century timber-framed structure. These reveal that a building of much earlier origins was in fact substantially remodelled and extended during the 19th century. The architectural and historic interest, and therefore significance, of the appeal building lies, in part, in its surviving historic fabric, plan-form and features that give evidence of the building's evolution and underpin its historic integrity.
10. The Odiham Conservation Area designation covers the centre of the historic town with its mix of residential, commercial and other uses. The CA's significance lies in, amongst other things, the origins of the plot subdivisions that originate in medieval times and in the quality and age of many of its buildings. The appeal building is a prominent and historic building that reflects the attributes of the local vernacular as well as a historic 'burgage' plot layout, making a valuable contribution to the significance of the CA as a whole.
11. Running at right angles to the principal range is an early 19th century service wing, which has been subsequently extended in two phases. In spite of alterations and extensions, the historic service function of this part of the building, with its separate circulation routes according to social hierarchy, remains legible to this day. The internal plan-form and surviving 19th century historic fabric, including the separate staircase and corridor, are amongst the features that reflect the building's narrative, and a part of its significance.
12. A single-storey lean-to extension projects from the gable end of the service wing and dates from the 20th century. The single-storey height, simple form and relatively modest footprint of the lean-to element establish a subordinate relationship with the earlier service wing and principal range. Therefore, though it is not of any historic or architectural value, it does not seriously detract from the significance and special interest of the building or of the CA as a whole.
13. The principle of removing the single-storey rearmost portion of the appeal building is not a contentious aspect of either scheme. Nor is there any specific development plan policy objection to the principle of extending a listed building, providing the scale is not materially changed and the design is appropriate to the character and setting of the building.
14. Proposal 1 would involve the demolition of the single-storey lean-to and its replacement with a single-storey link extension and two-storey, rounded-end structure. The newly built elements would have a footprint almost double that of the existing lean-to, and would house a kitchen/living room, bedroom and bathroom and utility at ground floor level and two 'home office' rooms and WC on the first.
15. Under Proposal 1, there would be a significant increase in the extent of development beyond the line of the single-storey extension. The effect would

- be to substantially elongate the listed building along its side and cause an encroachment of new-build elements within the plot. While smaller, ancillary structures extending rearwards may be a feature of historic burgage plots, there is no evidence that these would have been of the scale and assertive form proposed.
16. The question of architectural style is, to some degree, subjective and I take no issue with an overtly contemporary design approach per se. That said, the design of the extension in Proposal 1 would cause it to have an awkward and challenging relationship with the listed building. Although the lower link element would allow for clear delineation between the gable end of the service wing, the two-storey rounded end would manifestly contrast with the strong verticals that characterise the principal range and service wing, introducing an unduly dominant and incongruous feature.
 17. The extension within Proposal 1 would lack architectural subtlety and be a significant departure from the simple, modest form of the extant extension. As a result, the scale of the appeal building would be materially changed and the extension would harmfully compete with, rather than complement, the special architectural and historic interest of the listed building.
 18. Proposal 2 would involve a two-storey extension that would extend directly off the rear gable end of the 18th century service wing, within which two first-floor window openings would be blocked. The extension would contain a utility bedroom, shower and living area on the ground floor and a bathroom, store and 'home office' on the first. The footprint of the Proposal 2 extension would be smaller than in Proposal 1 and the garden area would be slightly increased. The extension would still be substantially larger than the existing diminutive lean-to structure and would not be read as a subservient addition.
 19. The design of the Proposal 2 extension would be a more traditional architectural expression, which, of itself, is not controversial. However, this iteration would directly abut the gable end of the 19th century service wing at first floor level. Though the ridge would be marginally lower than that of the historic structure, there would be limited differentiation between the two. The dormers and steep pitch of the extended roof would have a clumsy relationship with the first floor of the listed building, within which there would be a notable re-ordering of the historic circulation routes and plan form at first floor level. Even with a slight reduction in footprint compared with Proposal 1, the overall increase in built-form along the lane and elongation of the extant building's side elevation would not be meaningfully off-set by this reduction, the stepping-in towards the rear of the plot or the slight increase in garden size.
 20. Indeed, both appeal schemes would add extensively to the overall accommodation at the appeal site and in a manner that would fail to defer to the character, historic plan-form and scale of the listed building. Therefore, while noting arguments made in respect of the appellants working from home and desire to increase property values, the extension in Proposal 1 and Proposal 2, would fail to preserve and thereby cause harm to the significance and special interest of the Grade II listed building.
 21. The appeal building has been adapted and evolved according to the tastes and fashions of certain points in time. The building lacks basic modern facilities that would be required to facilitate its meaningful use going forward. From this point, pragmatically, some intervention in the building fabric is inevitable and

- justified. To my mind, much of what the schemes propose within the primary range, such as installing modern bathrooms and services, and positioning bedrooms in the quieter parts of the house, merely represents a justified increment in the building's evolution. That said, in view of its statutory protection, safeguarding the integrity of the listed building is of very great importance.
22. In order to facilitate the creation of an open-plan kitchen/diner, within both schemes, the internal walls that currently demark two separate rooms and a corridor within the 19th century service wing would be removed. So too would the lower flight of the early 19th century service staircase and two chimney breasts, up to first floor level.
23. While accepting that the rear service wing has been built over two phases and has, in parts, been unsympathetically altered, the ground-floor plan form of the service wing would be totally transformed and eroded by both proposals. The opening-up proposed in both schemes would create a single room, disproportionately large in comparison with any in the extant building. With such an extensive loss of walls, and the insertion of modest supporting columns, there would be very little by which to identify where two separate rooms and a corridor would have existed. The hierarchical relationship between the principal range and the service wing would be fundamentally weakened.
24. As paragraph 199 of the Framework makes clear, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted. That the service stair and walls in the rear service wing could be recorded does not justify allowing the harm that would result from their removal. Put simply, the works within the ground-floor service wing under both schemes would cause material harm to surviving elements of historic fabric of significance. All of this would be to the detriment of the character and integrity of the listed building and would cause harm.
25. Proposal 1 drawings show sets of bi-fold doors in widened openings along the side garden-facing elevation, which would link with the kitchen diner giving the service wing a pattern of fenestration out of proportion and totally unrelated to the balance between solid wall and window openings elsewhere. The fenestration intended in Proposal 2, which would be French doors within narrower openings would be less obtrusive and an acceptable solution.
26. Proposal 1 would incur a substantial remodelling of the rooms at first-floor level within the primary range, to facilitate a master-bedroom suite and walk-in wardrobe. The attic would be partitioned to provide a fifth bedroom, bathroom, study and dayroom. A new stair would also be inserted to the front of the attic and several roof-lights within its rear roof slopes. This would represent further alteration of historic plan-form, loss of historic fabric and adulteration of circulation routes, to the detriment of the integrity of the listed building.
27. Broadly, I see no issue with dry-lining the basement and insulating within the attic; indeed, there would be benefits in reducing damp and water ingress. That said, there is limited detail to illustrate precisely how such measures might interfere with historic fabric. If I had been allowing Proposal 1, such details could have been controlled by conditions.
28. Under Proposal 2, the bedroom and bathroom layout at the front of the principal range would also be more sympathetic to the historic plan-form and

cause less overall harm comparative to Proposal 1. Subject to more detail, including fabric affected, large scale sections and elevations, and method statements, the raised floors within the proposed bathrooms would be acceptable.

29. In respect of the listed building, the change of use from office use back to residential use would not be harmful per se; indeed, a residential use may well secure the long-term conservation of the heritage asset and realise significant investment in its fabric. However, as they stand and notwithstanding their differences, both schemes would cause harm to the significance and special interest of the Grade II listed building.
30. The harm would affect the historic appearance and character of the listed building, which would be perceptible from the side access lane, rear carpark and nearby properties. Given that historic buildings, including the appeal building, make a valuable contribute to the character and appearance of the CA, there would inevitably be some residual harmful effect on the CA as a whole.
31. On the first main issue, I find that the works and development proposed in all appeals would fail to preserve the listed building or its setting or any features of special architectural or historic interest it possesses; while the character or appearance of the CA would not be preserved. I would qualify that, though serious, the degree of harm to the significance of the designated heritage assets concerned would be less than substantial. The Framework requires any harm be clearly and convincingly justified and be weighed against the public benefits of the proposal, including securing its optimum viable use. I turn to these matters in my overall planning balance.

Change of use (Appeals A & C)

32. The current lawful use of the appeal building is as B1 offices. An aim of the local plan is to protect employment opportunities and secure local jobs; an objective of the NP is to strengthen and support the economic activity of retail units and commercial premises in and around High Street; moreover, the Framework establishes that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.
33. Saved LP Policy URB 7 permits the loss of an existing employment site (including B1 use) if the existing use causes harm, the site is incapable of continuing in an employment use or there would be substantial benefits to the locality. Whilst this policy pre-dates the Framework, both are underpinned by corresponding economic objectives and so are consistent.
34. There is no doubt that the interior spaces within the building are in need of modernisation and that the current under-use and deteriorating state of the appeal site do little to support the economic objectives of the development plan. What is less clear, however, is whether the site's under-use is a symptom of a lack of market demand for smaller B1 sites locally or a consequence of the assumptions and choices made by its successive owners or tenants.
35. The appeal building has been vacant since December 2016, before which time only two rooms were being utilised by its previous tenants. A letter from its previous long-standing tenant sets out that, when the decision was made to vacate, only two rooms were used in the entire building. Although stating that

- the possibility of finding new tenants was researched in 2016, the precise scope and results of such research is not given. It is unclear whether the campaign involved national and local press adverts, site boards, or particularly targeted B1 office users.
36. Subsequently, the appeal site was purchased, and applications made to the Council for its conversion into six flats. Following that, the site was marketed for some 9 months and this period is covered by the submitted 'Marketing Report'. Though it logs a number of viewings and comments, and indicates that necessary consents were made explicit, there is no indication what the guide price was; nor the scope and extent of the marketing campaign. Bearing in mind the explanatory text to Policy URB 7 states that an exception to policy does extend to market consideration of land values, clarity is needed to better establish whether the guide price suitably reflected the B1 office use or the condition of the building.
37. Overall, there is very little meaningful evidence by which to fully assess whether the appeal site would be incapable of succeeding in viable employment use. On the one hand, the Council has business rate information in Odiham, showing that of 9 offices two are currently vacant. Against this there is anecdotal evidence of several commercial sites in Odiham being vacant. However, it is not clear whether these are comparable with the appeal site, in terms of the use class, on-site parking, size and nature of the space on offer.
38. I have noted the list of supposed requirements of suitable office accommodation. However, that the building is listed does not in itself indicate that it could not be suitably upgraded, especially when there is no specific policy objection to the principle of refurbishment, extension or modification. In the absence of any demonstrable evidence, such as a refusal to grant listed building consent, it would be premature to judge that the appeal building would not have the potential to be modernised to become viable and attractive for a B1 office user.
39. It may well be that there is no market demand for B1 office use in Odiham, or that there is evidence of an over-supply of lower grade office stock becoming obsolete in the wider district. However, although the appeal site has been subject to marketing of sorts, I am not persuaded that it has been demonstrated that the viability of employment use continuing has been fully explored.
40. On the available evidence, it has not been satisfactorily demonstrated that the extant B1 use causes harm, or that options for the retention of that use have been explored with rigour. Bearing in mind the heritage harms already identified, I cannot agree that the proposed change of use would bring substantial benefits to the locality. Without more robust evidence to the contrary, the proposal would lead to the unjustified loss of an existing employment site in Odiham, which conflicts with the economic objectives of the development plan and the Framework.

Planning balance

41. There are aspects of the scheme that would undoubtedly be positive and of public benefit; these include much of the works renovating elements of the building's fabric that would, in themselves, enhance the listed building and CA in which it sits. There would also be some social and economic benefits,

brought about through the construction phase and through future residents supporting services and facilities in Odiham.

42. Fundamentally, the appeal site is a large building with scope for extension and sensitive alteration. Having invested in buying and upgrading a property, it is natural to wish to maximise its value. However, this should not come at the cost of irreplaceable assets of national significance. Indeed, I am unconvinced that the proposals within either scheme represent the least harmful way of realising a comfortable, extended and well-appointed family home. Rather, it seems that the motivating factors that have resulted in the scale of the rear extensions proposed and harmful internal changes ultimately derive from realising the appellants' private wants and wishes, which are not of public benefit.
43. The Government's Planning Practice Guide explains that if there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset; and that the optimum viable use may not necessarily be the most economically viable one, nor need it be the original use. In light of my findings on the second main issue, it has not yet been convincingly demonstrated that B1 office use would not be a viable use. It follows that residential use is not demonstrably the optimum viable use of the appeal building. Therefore, the harm the development would cause is not justified in the interests of realising the optimum viable use of the asset.
44. Although some aspects of the proposed schemes would be acceptable and the degree of harm less than substantial, the overarching statutory duties must be given considerable importance and weight. On balance, the less than substantial harm would not be outweighed by the public benefits of the proposal, including securing its optimum viable use. As insufficient evidence has been presented to justify the loss of existing employment site in Odiham, this adds further weight against the development proposals.
45. Conflict therefore arises with the s66(1) and 72(1) of the Act; the heritage protection and economic objectives within Saved Policies CON 14, CON 17 and CON 18, URB 7 and URB 12 of the LP, the objectives and Policy 5 and 6 of the NP; and the policies and principles of the Framework.

Other matters

46. I know that my decisions to dismiss the appeals will be disappointing to the appellants and that, as a result, the future of the appeal building may continue to be uncertain and that its condition could continue to worsen. I also note the body of representations from interested parties and their support for the investment in and re-use of the appeal building. However, heritage assets are an irreplaceable resource and these other considerations do not justify allowing the serious and permanent harm the appeal schemes would cause.

Conclusions – both appeals

47. For the reasons set out above, and having considered all other matters raised, I conclude that Appeal A, B, C and D should be dismissed.

H Porter

INSPECTOR

APPEARANCES

FOR THE APPELLANTS

Robert Aird & Nohra Currie - Appellants

Nicholas Cobbold BSc (Hons) Dip MRTPI – Planning Agent (Bell Cornwell LLP)

Peter Bell BA MA PDD IHBC– Heritage Consultant (Asset Heritage)

FOR THE LOCAL PLANNING AUTHORITY

Stephanie Baker BSc MSc MRTPI – Senior Planning Officer, Hart DC

Nigel Barker-Mills BA(Hons) PHD Dip BuildCons IHBC FSA – Heritage Advisor

INTERESTED PARTIES

John Pattison

Cllr Kenneth Crookes

Derek Kearns

John Champion

Antionette Parkes

DOCUMENT SUBMITTED AT THE EVENT

Latest HM Land Registry Plans & Property Registers

Historic photograph of appeal building c. 1900

Ground, first, site and elevation plans associated with application Ref HDC/LBC/41 dated November 1976