
Appeal Decisions

Site visit made on 20 November 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal A: APP/N1730/W/19/3231219

The Holt, Holt Lane, Hook RG27 9EP

- 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 Hazel against the decision of Hart District Council.
 - The application Ref 18/02114/FUL, dated 25 September 2018, was refused by notice dated 8 March 2019.
 - The development proposed is erection of one detached dwelling with demolition to one section of existing boundary wall to create vehicular access.
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Appeal B: APP/N1730/Y/19/3231217

The Holt, Holt Lane, Hook RG27 9EP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Hazel against the decision of Hart District Council.
 - The application Ref 18/02115/LBC, dated 25 September 2018, was refused by notice dated 8 March 2019.
 - The works proposed are erection of one detached dwelling with demolition to one section of existing boundary wall to create vehicular access.
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Decisions

1. I dismiss both appeals.

Main Issues

2. In both Appeal A and Appeal B there is a main issue of the effect of the proposal on the architectural or historic significance of the listed building and its setting.
3. In Appeal A only there are further main issues of;
 - The effect of the proposal on the living conditions of adjacent residential occupiers with particular regard to privacy.
 - The effect of the proposal on the Thames Basin Heaths Special Protection Area.

Reasons

Listed Building and Setting

4. The house 'The Holt' is listed Grade II and the wall that part surrounds the plot associated with that house should be regarded as a curtilage listed structure. The architectural and historic significance of the house lies in its detailing and

presence on the street-scene and in it remaining as a building from an earlier time, notwithstanding the encroachment of more modern suburban development close by. The wall is an integral part of that significance, delineating the historic plot and with the grass verge, providing a fitting boundary to the lane which has reduced from the appearance of a modern estate road to that of a rural byway at this location.

5. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 193 of the 2019 National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. Saved Policies GEN 1 and GEN 4 of the Hart District Local Plan require development to be in keeping with the local character, include provision for the conservation of the historic heritage, and where it sustains or improves the urban design qualities of towns, villages and other settlements which derive from, among other things, the special features or the arrangement, scale and design of buildings and spaces. Criteria for residential development are set out in Policy URB12.
7. The listed house has a gable end and chimney stack to the roadside, from which point the wall starts at a low level, increasing in height relative to the lowering road level towards the north corner. The 'L' shaped arrangement of the house is seen from the north, but the architecturally more significant face is that seen on approaching from the south, and this view takes in the line of the wall and verge, with trees filtering and obscuring the view in places.
8. The grounds of the house currently extend behind this wall to the north end, with some lowering in ground level, but remaining above the level of the adjacent road and verge level, this fact being particularly apparent where there is a drainage hole at about ground level within the garden but at some 1m or so above the level of the verge at that point. The wall acting as a retaining structure may go some way to explaining the prominent brick buttresses that are such a feature of the street-scene.
9. It is proposed to sub-divide the plot behind the wall, the proposed house being to the north with an opening formed at the wall bay containing the small hole. Information has been provided on the existing levels within the garden but not those at the adjacent verge, but it is clear from the 'proposed elevations street-scene' drawing that it is intended that the slab level, parking and immediately surrounding land is to be lowered to near that of the road at the crossover. The 'site section C-C' shows an abrupt rise to the east boundary at the rear of the deep-plan dwelling, that batter becoming shallower as the distance increases to the south. This arrangement would lower the bulk of the house to that of the adjoining modern development to the north as well as appearing lower than the listed building.
10. This reduced level dig is not however shown on the long section A-A where the original garden to the listed building remains unaltered. For the reasons just referred to, this does not appear to be an accurate depiction of the outcome and the reality is more likely to be further reprofiling either wholly within the separated appeal site or shared between it and the site remaining with the

listed building. That would risk disturbance or removal of intervening vegetation and an opening-up of the visual link between the new and old buildings.

11. The apparent bulk of the deep-plan house has been further reduced by a Crown flat roof where 4 slopes meet, rather than continuing them up to a conventional ridge. This device would result in the building appearing blocky and poorly proportioned, and the degree to which the roofs and walls extend considerably back into the plot would be prominent in views from both the south and the north which each take in the listed building as either a foreground feature or to the rear of the new building.
12. Taking all of the forgoing into consideration and including the doubts over the actual arrangement of levels and their effect on the wellbeing of the wall, it is concluded that the proposal would harm the setting of the listed house and would harm the fabric of the wall through removal of a section, and that each of these shortcomings would be visually prominent, causing harm to the character and appearance of the street-scene.
13. The level of harm to the listed structures would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
14. There would be a public benefit of the provision of housing in what appears a sustainable location, although no evidence has been provided to indicate that the viable use of the listed building would be under threat for want of the development. The Council appear to have accepted the principal of residential development in the pre-application discussions, but there may be other less harmful solutions available rather than this large, deep-plan building.
15. The conclusion is that the benefits do not outweigh the harm, and that the proposed development and works would fail to accord with the Development Plan policies which seek good design that is in keeping with the local character and which conserves the historic heritage. The proposal would not satisfy the statutory tests in the 1990 Act.
16. These failings are sufficient to conclude that listed building consent in Appeal B should not be granted and that Appeal A should also fail, given the great weight that should be given to the conservation of designated heritage assets and their settings.

Living Conditions

17. Policy GEN 1 (iii) of the Local Plan requires development to cause no material loss of amenity to adjoining residential uses through, among other things, loss of privacy. Paragraph 127f) of the Framework requires a high standard of amenity for existing and future users.
18. There would be full-height windows and doors to the rear first floor serving Bedrooms 1 and 2, with a balustrade immediately outside, which is described in the Reasons for Refusal as a 'Juliet' balcony. There would be no outside area for sitting or the like, so that there would be no direct view over the more private area of the garden of The Holt, but this arrangement would allow a direct elevated view towards the rear garden of The Cottage and in particular

the area outside the rear of that dwelling where a higher degree of privacy might be expected and is presently enjoyed.

19. There is at present some vegetation along the mutual boundary, although the re-profiling of the land previously mentioned may have some effects on this. As it is the deep plan of the proposed house would place the rear wall in too close a proximity to the garden of The Cottage and there would be a real risk of harmful overlooking contrary to local and national policy.
20. There are also windows at that level to the elevation facing The Holt, but these are either obscure glazed to an *en suite* bathroom or are secondary windows to the bedroom and a study where, if all else were acceptable, the use of a condition to limit the view could have been canvassed.
21. Nevertheless, the findings with regard to the rear facing windows reinforces the conclusions to the first main issue that Appeal A should be dismissed.

Special Protection Area

22. The site is within the 5km Buffer Zone and mitigation would be required for the formation of a new dwelling. The Council made clear during pre-application discussions that access to a Suitable Alternative Natural Greenspace would need to be secured, to take recreational pressure off the Special Protection Area, and a requirement for Strategic Access Management and Monitoring mitigation would also be required, and this could be secured through a planning Obligation completed by the appellant.
23. In the event the Hook Parish Council's Planning and Infrastructure Committee has agreed a Suitable Alternative Natural Greenspace allocation for the scheme, but this has not been put into a formal agreement, and there is no mechanism to date that would secure the Strategic Access Management and Monitoring contribution.
24. As the Competent Authority the Secretary of State or the appointed Inspector would need to carry out a Habitats Regulation Assessment before permission may be granted and be satisfied as to any mitigation through a contribution secured by Obligation, as appears to be the possibility here. However, in view of the conclusion to dismiss Appeal A for other reasons, no further consideration of a Habitats Regulation Assessment is required.

Conclusions

25. The proposal is contrary to local and national policies, as well as statute on designated heritage assets, as it would cause harm to the setting of the listed building as well as the fabric and significance of the curtilage listed wall, and there are insufficient public benefits to outweigh that harm. That effect would also be detrimental to the character and appearance of the area. The rear facing full-depth windows and doors would risk adversely affecting the living conditions of neighbouring residential occupiers through overlooking. For the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR