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## Appeal Decision

Site visit made on 8 January 2020

**by H Porter BA(Hons) MScDip IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 January 2020**

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**Appeal Ref: APP/N1730/W/19/3235065**

**Land r/o Bel and The Dragon, 101 - 102 High Street, Odiham, RG29 1LP**

- 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 Friday Street Developments Ltd against the decision of Hart District Council.
  - The application Ref 18/02810/FUL, dated 5 December 2018, was refused by notice dated 15 February 2019.
  - The development proposed is erection of three houses with associated landscaping, car and cycle parking, refuse and recycling storage and collection and reorganised hotel parking.
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### Decision

1. The appeal is dismissed.

### Policy and procedural matters

2. 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. The development plan currently 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). The heritage, design and amenity policies within the development plan, which are most important for determining the appeal, are consistent with the Revised National Planning Policy Framework, revised February 2019 (the Framework) and are therefore not out of date.
3. During the course of the appeal, the appellant has submitted amended plans. Whilst the appellant considers changing dormer windows for rooflights would be to the betterment of neighbours' living conditions, I am conscious of representations received by interested parties who would not have had the opportunity to comment on the revisions. Even such relatively minor changes could potentially lead to prejudice and so I have considered the appeal on the basis of the scheme and plans that were before the LPA when it made its decision, and on which interested parties' views were sought.

### Main Issues

4. The main issues in this appeal are the effect of the proposed development on the significance of designated heritage assets and the effect on the character and appearance of the area; and the effect on the living conditions of occupiers

of Numbers 1 and 4 Red Lion Mews, with particular regard to privacy and outlook.

## **Reasons**

### *Heritage assets and character and appearance*

5. The appeal site lies within part of a long section of land to the rear of the former George Hotel, now known as the Bel and the Dragon, a Grade II\* listed timber-framed building of medieval origin (the George). Spanning across and mid-way down the rear plot is a brick-built former stable block, itself a Grade II listed building (the stable block). The appeal site and listed buildings thereon lie within the Odiham Conservation Area (the CA).
6. The significance of the CA lies with its combination of historic buildings, street pattern and townscape that have developed over many centuries. High Street forms the principal route through the town and is fronted by a variety of vernacular and listed buildings. Up and down High Street are remnants of the long, narrow plots that are characteristics of a medieval burgrave plot layout, a significant component of the town's historic development pattern. On the north side of High Street and the burgrave plots lie the open fields known as Deer Park, also of historic origin.
7. The significance and special interest of the George comes from its considerable age, surviving historic fabric, architecture and materials, and the contribution these make to the vernacular backcloth of Odiham. Also, of significance is the historic origins of the George as an early hotel and the continued interplay between it as the primary structure and the ancillary buildings and spaces of its associated plot. The significance and special interest of the mid-19<sup>th</sup> century stable block are informed by the group value it has with the George and its material treatment and form, characterised by its symmetrical façade and central archway.
8. The appeal proposal concerns the rearmost portion of the plot, which extends beyond the stable block and is bounded by a high red-brick boundary wall along its western edge. Although somewhat neglected and underused, the site continues to be read as an ancillary space, which has maintained a visual connection with the George and stable block. Although now in separate ownership, the functional ascendancy of the George over the appeal site and its ancillary stable block remains legible to this day. Therefore, the wider appeal site is an historic remnant and certainly comprises the setting of the listed buildings. All of these factors underpin their historic integrity and contribute to their significance as heritage assets.
9. Despite being truncated by the gardens of the neighbouring Byways, ostensibly, the land the appeal site and land up to the Deer Park has endured as open and devoid of development. There are several instances where legibility of the historic burgrave plots has been eroded through incremental change and development, some recent and visible from the appeal site. With such changes in the character of many of the town's back-land areas, the undeveloped nature of the appeal site as is now something of a rarity. As a remnant of the historic burgrave plot pattern and a transitional area between the town and the Deer Park beyond, the appeal site is of value to the character and appearance of the CA as a whole.

10. The appeal scheme would introduce three, three-bedroomed dwellings beyond the stable block, associated parking and enclosed courtyard spaces, all following a linear layout along the site's western boundary. The dwellings would be linked-attached by single-storey wings and car-ports, and on a tapering footprint as the plot extends rearwards.
11. The material treatment of the proposed dwellings would be of high quality and sensitive to the local context. Even so, other than at the very northwest corner of the site, the development would introduce an unbroken line of hard, urban form along virtually its entire western edge. Consequently, legibility of the plot's width and openness would be substantially lessened and perception of its western boundary-line virtually eradicated.
12. The ridge height of the proposed new dwellings would be below that of the stable block. However, together, the three new houses would have a substantial footprint. The highest parts of the development would step forward and obscure the lower portions. Viewed from the south, the proposal would appear bulky and unrelenting. While the variety of roof lines and pitches would lessen its architectural cohesion.
13. Taken with the provision of three separate parking and defensible courtyard or garden spaces, the site would be very obviously compartmentalised. Although allowing for a channelled view through to the Deer Park, cumulatively, the extent of hard, urban intrusion, including hard-surfaced hotel parking spaces, would dominate the appeal site and fail to meaningfully defer to its fundamentally open and spacious characteristics.
14. Irrespective of its prominence from High Street, the impact of the proposals would be readily apparent from the view through the arch of the stable block and above the boundary that runs alongside the adjacent footpath. Furthermore, the functional subdivision of the use of the land would compromise the extant hierarchy between the George as the primary structure and the land and buildings within its setting as ancillary to it.
15. Therefore, the proposal would undermine the significance of the George and stable block as listed buildings. So too would the appeal scheme weaken the integrity of the appeal site as a vestige of the burgage plot layout and as a remnant of undeveloped space reaching to the Deer Park. Therefore, the development would fail to respect historic plot boundaries and the significance of heritage assets; the character and appearance of the site and that of the CA as a whole not be preserved.
16. Overall, the proposed development would harm the significance of the CA and the Grade II\* and II listed buildings and would not be in keeping with the established character of the area. Bearing in mind that the scale and impact of the development would be localised, the degree of harm to relevant designated heritage assets would be less than substantial. To outweigh that harm, the Framework requires clear and convincing justification and wider public benefits. I turn to this in the overall planning balance below.

#### *Living conditions*

17. The Council's third reason for refusal relates to the effect of the appeal scheme on the living conditions of the occupants of Nos. 1 and 4 Red Lion Mews, a residential development of two-storey houses. These properties lie just beyond

the narrow footpath that runs alongside the western boundary of the appeal site. A small obscure-glazed bathroom window and a paired-sash bedroom window exist in the side wall of No. 4 Red Lion Mews; while two first-floor windows are within the rear elevation of No. 1 Red Lion Mews and a dormer window on its front, north elevation.

18. The perimeter wall would prevent any overlooking from ground level, but the first-floor bedroom window of proposed Unit 1 would provide a line of site, albeit slightly oblique, towards the first-floor window of Nos. 1 and 4 Red Lion Mews. There would also be an oblique view between the first-floor rear dormer of Unit 2 and the north-facing dormer of No. 1 Red Lion Mews. Even if the rooms these windows serve are bedrooms, the proposed development would increase the perception of being overlooked from within them. As submitted, the proposed development would therefore result in an unacceptable degree of unwanted overlooking leading to a loss of privacy.
19. Even if the rear dormer window was changed for two rooflights, the two-storey part of proposed Unit 1 would still be extremely close to the flank wall of No. 1 Red Lion Mews. Such a proximate relationship would significantly lessen the outlook from the its first-floor windows, resulting in an overbearing impact. The appeal scheme would therefore cause material harm in respect of living conditions.

#### *Public benefits and planning balance*

20. The proposal would bring about a number of public benefits. Not least, the construction of three dwellings would provide a small addition to the supply of housing, of which there is no upper limit, in a town-centre location and the range of services and facilities it offers within walking distance. There would also be benefits to the local economy during the construction phase and in subsequent occupation.
21. Through a Unilateral Undertaking (UU) occupation of the proposed development would be limited to persons aged 55 or over. Even with local policy support for new development inside settlement development limits and for over-55s housing, such considerations should not be at the cost of the character and appearance of the area or neighbours' living conditions. There would also be contributions of £7,500 towards future upkeep of part of public footpath 18 for five years; retention of a visual connection between the burgage plot and the Deer Park beyond; and potential for wayfinding and interpretation signage.
22. However, three is not a great number of additional dwellings and would not make a significant contribution to boosting housing supply or the choice of homes in the District. Indeed, all of these benefits would be to a limited degree due to the scale of the proposal and, in respect of construction, for a limited time.
23. Bearing in mind the existing relationship between the Deer Park and the appeal site, the retention of a channelled, visual connection between the burgage plot and the Deer Park beyond would not be a sizeable benefit and would not justify the intense urban encroachment the scheme would have on the appeal site.
24. General upgrades to footpath 18 may be welcomed, but the proposed introduction of rainwater down-pipes along its length would not present an

obvious enhancement. The footpath upgrades and any fingerpost signage and interpretation to the burgage plot and Deer Park views would essentially be in mitigation of the proposal and would not overcome or justify the wider harm that it would cause. Nor would parking improvements for the Hotel or generally tidying the site, which could arguably be realised in a less harmful way.

25. On the other hand, the appeal scheme would harm a number of designated heritage assets, fail to respond to the established character of the area, the setting of listed buildings, and cause harm in respect of neighbours' living conditions. Conflict therefore arises with the s66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act); and the heritage protection and design objectives within Saved Policies CON 13, CON 17, URB 12, GEN 1 and GEN 4 of the LP, the objectives and Policy 5 and 6 of the NP.
26. The statutory duty and presumptive desirability of preserving the listed buildings, their settings, and the CA must be given considerable importance and weight. This is irrespective of whether any potential harm amounts to less than substantial harm to significance or is supposed to be at 'lower end of the spectrum'.
27. Even cumulatively, the public benefits would not be sufficient to outweigh the less than substantial harm to the significance of designated heritage assets. Even if the policies which are most important for determining the appeal had been out-of-date, the policies in the Framework that protect assets of particular importance, which include designated heritage assets, would have still provided a clear reason for refusing the development proposed<sup>1</sup>. On balance, I do not find there to be material considerations that would overcome the conflict with the development plan or the Framework taken as a whole.

#### *Other matters*

28. Of the various appeals referred to in support of the proposals, none are usefully comparable to the appeal scheme in terms of the number of dwellings, affordable housing, or the harm found in respect of heritage assets. Whilst I recognise that there is no upper limit on housing land supply and the support for small windfall sites, I have made my decision based on the evidence and merits of the proposal before me and mindful of the statutory duties within Section 66(1) and 72(1) of the Act.

#### **Conclusion**

29. For the reasons given above and having considered all other matters raised, including the support from the Parish Council's Planning Committee, I conclude that the appeal should be dismissed.

*H Porter*

INSPECTOR

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<sup>1</sup> National Planning Policy Framework paragraph 11 d) i (footnote 6)