
Appeal Decisions

Site visit made on 29 January 2020

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 February 2020

Appeal Ref: APP/N1730/W/19/3236241

Fir Tree Cottage, Church Path, Hook, Hampshire RG27 9LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Fiona Lowe against Hart District Council.
 - The application Ref 19/00782/HOU, is dated 4 April 2019.
 - The development proposed is described as repairs to the existing building and erection of a single-storey side extension to the west and east with associated works, together with creation of a vehicular access.
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Appeal Ref: APP/N1730/Y/19/3236244

Fir Tree Cottage, Church Path, Hook, Hampshire RG27 9LY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mrs Fiona Lowe against Hart District Council.
 - The application Ref 19/00783/LBC is dated 4 April 2019.
 - The works proposed are described as repairs to the existing building and erection of a single-storey side extension to the west and east with associated works, together with creation of a vehicular access.
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Decision

1. Both appeals are dismissed, and planning permission and listed building consent refused.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the whether the development/works preserve the Grade II listed building (LB) and its setting.

Reasons

4. Statute requires that decision makers shall have special regard to the desirability of preserving LBs or their settings.¹

¹ S16(2) & 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

5. The appeal property is a small thatched rural house of circa 1800, the western walls of which are cob and the eastern walls painted brickwork, once an alehouse containing a walled-up former serving hatch in the centre of the north elevation. It is surrounded by more modern houses from a variety of eras.
6. Its significance lies, as Historic England has commented, in its architectural and historic interest as an unusual surviving example of a very modest dwelling from the late eighteenth or early nineteenth century whose overall character can clearly be appreciated both inside and outside the building. It is in a poor structural and decorative state generally, the front cob wall having had to be propped up with a timber frame in order to prevent it collapsing.
7. The Council acknowledge that the cottage would need to be extended in order to restore its optimum viable use as a dwelling. The appellant has previously sought to extend the east side of the cottage southwards into the garden and the Council refused this because of its overwhelming and disproportionate size.
8. Unfortunately, the same is true of this appeal proposal. The main extension, now proposed on the western side of the front garden, would be longer and deeper than the listed cottage and would also overwhelm it and be disproportionate in size. This is notwithstanding that its roof would be slightly lower in height and that it would be attached to the western wall of the cottage by a flat roofed linking extension. A small bathroom extension is also proposed to the east flank of the cottage as well as a new vehicular access and off-street parking area off Newnham Road, both of which would be quite acceptable.
9. I appreciate that additional accommodation is needed via the erection of an extension to the building but the amount of additional space being proposed in the western extension is clearly excessive. Any such extension must be subsidiary to the LB, not just in height, but in overall area, length and width. I realise that this constrains development on the site, but such development must needs preserve the significance including the setting of the LB.
10. For these reasons the proposed western extension would fail to preserve the Grade II listed building. This would be contrary to 'saved' Policy CON17 of the Hart District Local Plan, which requires extensions to LBs not to materially change the scale and design of the LB.
11. This harm to the LB would be 'less than substantial' in terms of paragraph 196 of the National Planning Policy Framework. But any harm to such a designated heritage asset must require clear and convincing justification and be weighed against its public benefits. The restoration of this listed cottage and its restoration to residential use would be a public benefit but this could be done with a smaller more proportionate extension that would respect the LB.
12. The issue of the invalidity of the submitted application is obviously peripheral to my above findings on the planning and heritage merits of the proposal. The submitted drawings are clearly sufficient to enable me – and the Council in its appeal statement – to conclude the unacceptability of the development/works.
13. However, that does not necessarily mean that the submitted plans and drawings are sufficient to comply with the national and local validation requirements. Section 2 of the Council's appeal statement is rather unclear as to why these were considered insufficient to make the applications valid. But it appears from Appendix D that the various contradictory heights of the

cottage's roof, chimneys and indeed of the extension on the submitted elevations are a sign of inaccuracy or at least vagueness in the scale of the drawings.

14. I agree with the Council that it is important that the measurements of the drawings, including the heights of existing features and the extension in relation to ground level, is clear and unambiguous. This is important because it must be clear whether a completed development complies with the detailed dimensions set out in scaled plans and elevations. There must be no vagueness about such dimensions.
15. For the reasons given above I conclude that the appeals should be dismissed.

Nick Fagan

INSPECTOR