



Appeal Decision

Site visit made on 16 March 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2020

Appeal Ref: APP/H1705/W/19/3241966

**Barn and workshops to the rear of Sherdon House, Reading Road,
Sherfield-On-Loddon RG27 0EZ**

- 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 Dean Tinson against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/01759/FUL, dated 28 June 2019, was refused by notice dated 7 November 2019.
 - The development proposed is for the demolition of existing barn, garage, portakabin and office building and the erection of a terrace of 3 no. 2 bedroomed dwellings with provision for access, parking, turning and refuse storage, cycle storage and amenity space.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of an existing barn, garage, demountable building and office building and the erection of a terrace of 3 no. 2 bedroomed dwellings with provision for access, parking, turning and refuse storage, cycle storage and amenity space at Barn and workshops to the rear of Sherdon House, Reading Road, Sherfield-On-Loddon RG27 0EZ in accordance with the terms of planning application ref 19/01759/FUL dated 28 June 2019, and the attached schedule of conditions.

Procedural matter

2. I have made a minor alteration to the description of development to remove reference to the portakabin as this is a product name.

Main Issue

3. The main issue is the effect of the proposed dwellings on the living conditions of future occupiers with particular regard to the size of the private gardens.

Reasons

4. The development plan for the district includes the Basingstoke and Deane Local Plan 2011-2029 (2016) (LP) and the Sherfield-on-Loddon Neighbourhood Development Plan 2011-2029 (2018) (NP). Policy EM10 (2b) of the LP seeks to create high-quality development through a number of objectives and based on a robust design led approach. These objectives include to promote the efficient use of land, provide an appropriate parking provision and provide a high-quality amenity for occupants of development. High-quality amenity is required

- to be provided in consideration of issues of overlooking, access to natural light, outlook and space.
5. Sherdon House makes a positive contribution to the street. However, its rear elevation is exposed to the former commercial yard of the site. The retention of this building would result in the creation of a back-land site. However, it would create an improved relationship in comparison to the existing commercial use. The proposed dwellings would be in a row close to the rear of the site. This would enable the provision of adequate parking and manoeuvring areas in front of them. Accordingly, the proposed layout and configuration would make efficient use of the land and present a coherent design solution.
 6. The proposal would provide 3 two-bedroom dwellings. This house type would meet a local need identified within the NP. The layout would include the provision of a small rear courtyard garden for each dwelling. The Council's supplementary planning guidance for design¹ explains, at principle RA2, that private gardens should have a minimum garden size of 50 square metres for 2-bedroom dwellings. However, the guidance also states that an appropriate size for a garden will also depend on the character of the development and its surrounding area. Furthermore, paragraph 126 of the National Planning policy Framework (The Framework) provides further guidance in regard to well-designed places. Here it states that the degree of prescription to design standards should be tailored to the circumstances of each place and allow for a suitable degree of variety where this would be justified.
 7. The site constraints have resulted in the proposed terraced row including small rear garden areas. However, the gardens would be largely east facing. This would enable access to a reasonable level of natural daylight for large parts of the day. Furthermore, the nearest neighbouring dwellings are set away from the rear boundary and would therefore not substantially overlook the space. Consequently, the small courtyard gardens would provide a suitably private and pleasant external area for users. Moreover, the village includes residential plots of various shapes and sizes. Many nearby dwellings have gardens that are also constrained by size, orientation or shape. Consequently, the proposal would accord with the smaller plots within the local pattern of development and would thereby accord with the local character.
 8. Furthermore, although small, the private external areas would be adequate for adequate outdoor activity. The proposed two-bedroom house types would also be unlikely to appeal to families where demand for large external space would be accordingly lessened. They would therefore be proportionate to the needs of the likely age groups of future occupiers. Also, Sherfield Green Park is nearby and would provide access to local informal recreational use if desired by future occupants. As such, taking the above factors into account the proposed gardens would be of a sufficient size to provide acceptable private external gardens for occupiers of the development.
 9. Consequently, the proposal would satisfy policy EM10 (2b) of the LP which seeks development to be high-quality. Furthermore, the proposed development would also comply with the Council's Design Guidance that includes requiring garden sizes to respond to the character of the development.

¹ Design and Sustainability – Supplementary Planning Guidance 2018

Other matters

10. The proposed rear windows would serve a living room at ground floor and washrooms at first-floor. The first-floor windows are proposed to be obscurely glazed and would only open for ventilation. Furthermore, although the windows on the front elevation would enable overlooking into neighbouring windows, such views would be oblique and over a reasonable distance. Accordingly, overlooking would not occur from these windows to an extent that would demonstrably affect the privacy of neighbouring occupiers.
11. The proposal would be set away from the rear boundary of the site and be marginally taller than the existing warehouse. In contrast, the rear wall of the existing warehouse currently forms the rear boundary. Also, the proposal would be in a similar orientation of the existing building. Therefore, regarding the visual impact of the proposal on residents to the rear, the proposal would not be appreciably taller than the existing building. Accordingly, the impact of the proposed dwellings on the outlook for adjacent occupiers would be minimal in comparison to the existing form of development on site.
12. The existing site largely consists of hardstanding and built form. It therefore currently includes limited biodiversity value. Also, the warehouse was not found to contain a bat habitat². The proposal would consequently increase the quantum of green space and hence enhance the biodiversity opportunities of the site.
13. Representations have raised concerns in regard to the extent of car parking and turning on site. However, I find the level of parking to be appropriate for the size of units and the manoeuvring space would be sufficient to enable vehicles to exit the site in a forward gear.
14. Both main parties agree that the Council does not have a 5-year housing land supply. However, as I have found no conflict with the development plan, arguments advanced in regard to housing land supply and the tilted balance are not relevant to the decision.
15. The site is within the Sherfield-on-Loddon Conservation area. Its significance includes the pattern of built development consisting of groups of varied buildings that circle the oval shaped village green. Most historic buildings form small clusters around this green in a pleasant setting. Conversely, the existing buildings on-site are utilitarian with no architectural or historical interest. Consequently, these convey a negative contribution to the significance of the conservation area. Furthermore, the proposal would replace the existing buildings with high-quality development. Accordingly, the proposed development would preserve and enhance the character and appearance of the conservation area.
16. The site is in close proximity to two grade II listed buildings, being Old School House and The Four Horseshoes public house. The significance of Old School House relates to its age and architectural detailing. It is near to the site on the same side of the street. The Four Horseshoes is a timber framed building with partly exposed arch-braced framing and of architectural interest. This building is diagonally opposite the site and set back from the highway. The proposal would have a neutral impact on the significance of both listed buildings largely

² Planning, Design and Access and Heritage Impact Statement 2019

due to distance and intervening buildings. Accordingly, the proposal would not affect the setting of these listed buildings.

17. The site is within a 5-7km buffer of the Thames Basin Heaths Special Protection Area (SPA). Policy EM3 of the LP states that development within 5kms of the SPA will require mitigation. This would off-set the potentially significant effects of development on the ecological integrity of the SPA. The Council's related guidance³ is clear that minor development within the 5-7kms buffer would not affect the integrity of the SPA. No evidence has been submitted to dispute this. Accordingly, I find that due to its distance and scale, the proposal would not affect the integrity of the SPA.

Conditions

18. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance. I shall impose the majority of the Council's suggested conditions and have made minor adjustments to some for clarity.
19. The Framework advises that conditions should not be used to restrict permitted development (PD) rights unless there is clear justification to do so. Also, the Planning Practice Guidance states that exceptional circumstances should be shown when removing these rights. As such, although the proposed dwellings would be on relatively constrained plots there would be limited capability to extend or alter them. As such, I am unconvinced that they would be susceptible to alteration that would affect the living conditions of neighbouring or future occupiers. However, due to the limited size of the rear courtyards I find that the removal of PD rights for extensions would be necessary by exception. I have therefore not imposed the condition in regard to the insertion of new windows and also revised the suggested condition for the removal of PD rights.
20. I have therefore applied the following conditions in the interests of certainty and to define the approval [1 and 2], in the interests of the character and appearance of the local area [3, 4 and 6], to meet highway safety requirements [8 and 9], in the interests of the living conditions of neighbours [5, 10, 11 and 14], to satisfy ecological interests [7], to ensure the site is safely decontaminated for residential use [12 and 13] and to protect the living conditions of future occupiers [15]. Furthermore, conditions are also required to reflect the requirements of policy CN3 of the LP in regard to accessibility [16], to require water efficiency measures that meet policy EM9 of the LP [17], and for drainage details to satisfy the requirements of policy EM7 of the LP and G3 of the NP [18].

Conclusion

21. For the above reasons the appeal should be allowed, and planning permission granted subject to conditions.

Ben Plenty

INSPECTOR

³ Basingstoke and Deane – Landscape, Biodiversity and Trees, Supplementary Planning Document 2018

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1989/04 Rev B Location, Site and Block Plans; 1989/05 Rev B Proposed Floor Plans; 1989/06 Rev B Proposed Elevations; and 1989/07 Rev B Site Section and Street Elevation
- 3) Notwithstanding the approved plans, no development above ground floor slab level shall commence until details of materials and finishes, including samples of external materials have been submitted to and approved by the Local Planning Authority in writing. The works shall then proceed in accordance with the approved submission.
- 4) No hard landscaping works shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the approved dwellings are first occupied and thereafter maintained.
- 5) Prior to occupation of the first approved dwelling, details of the position, design, materials and type of all means of enclosure to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The approved screen walls/fences and enclosures shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained as approved.
- 6) The development hereby approved shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping. This shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate). The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the first dwelling. In addition, a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority before commencement of the landscaping works. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Prior to occupation of the first approved dwelling, a Schwegler 1FF bat box and a Schwegler 1B bird nest box shall be mounted under the eaves of the building.
- 8) Prior to occupation of the dwellings hereby approved, parking provision of two spaces per unit shall be provided within the site in accordance with the approved plans and shall be retained thereafter for such purposes.
- 9) The approved dwellings shall not be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings

shall show the position, design, materials and finishes thereof. Development shall be carried out, and thereafter maintained, in accordance with the approved details.

- 10) No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or on public holidays.
- 11) No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 nor after 1800, Monday to Friday, before the hours of 0800 nor after 1300, Saturdays nor on Sundays or on public holidays.
- 12) With the exception of the demolition of existing buildings and removal of existing hardstanding and any underground infrastructure no works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority: -
(a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority, (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary, proposals for future maintenance and monitoring. If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority.
- 13) The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 12(b) that any remediation scheme required and approved under this provision has been implemented fully in accordance with the approved details. Such verification shall comprise; drawings of the implemented scheme; photographs of the remediation works in progress; Certificates demonstrating that imported and/or material left in situ is free of contamination. Thereafter, the scheme shall be monitored and maintained in accordance with the scheme approved under condition 12(b).
- 14) The bathroom and en-suite windows at first floor level on the west (rear) elevation of the dwellings hereby permitted shall be glazed with obscured glass which achieves at least the equivalent of Pilkington obscurity level 4, and shall be permanently maintained. The windows shall be top hung opening fanlights as indicated on page 7 of the submitted supporting letter, dated 12 September 2019.

- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to the approved dwellings shall be undertaken without planning permission having first been obtained from the Local Planning Authority.
- 16) One of the dwellings hereby approved shall be built to accessible and adaptable standards. No development above ground level (excluding demolition of existing buildings and removal of existing hardstanding and any underground infrastructure) shall commence on site until details of the property that is to be built to such standards are submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 17) The development hereby approved shall not be occupied until a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 18) Prior to installation, full details of foul and surface water drainage treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out and thereafter maintained in accordance with the approved details.

End of conditions