The Planning Inspectorate

Appeal Decision

Site visit made on 17 February 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2020

Appeal Ref: APP/N1730/W/19/3240725
Albion Yard, Hook Road, North Warnborough, Hook RG29 1EU

- 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 and Mrs J E Champion, Ms B Champion, Mr A J Champion and Mr and Mrs L Dorman against the decision of Hart District Council.
- The application Ref 19/00543/FUL, dated 1 March 2019, was refused by notice dated 22 July 2019.
- The development proposed is erection of ten dwellings (two 1 bed, four 2 bed, three 5 bed, one 6 bed) four detached cart shed garages and associated site works with plots 1-4 being self-build by applicants.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs J E Champion, Ms B Champion, Mr A J Champion and Mr and Mrs L Dorman against Hart District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development in the banner heading above differs from that on the planning application form, but accords with that on the decision notice and appeal form, and has been agreed by both parties. My decision is based on the revised description.

4. The reason for refusal and the Officer's report do not refer to any policies of the emerging *Hart Local Plan: Strategy and Sites 2016 - 2032* (HLPSS). The Council's statement of case confirms that the HLPSS has reached a very advanced stage of preparation, with consultation in respect of the proposed modifications, following the Inspector's recommendations, having taken place in July 2019. The Council considers Policies NBE9 (Historic Environment) and NBE10 (Design) of the HLPSS to be relevant to the appeal determination.

5. The Council confirms that upon adoption of the HLPSS, Policy NBE9 will replace Saved Policy CON13 of the *Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 (2009)* (HDLP). The Council has further confirmed that a decision on the adoption of the HLPSS was due to be made at the Full Council Meeting on 26 March 2020, but that this did not take place due to the Covid-19 situation. The

Council intends to adopt the HLPSS at the earliest opportunity. Given its advanced stage and likely imminent adoption, I attach significant weight to the relevant emerging HLPSS policies.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the North Warnborough Conservation Area (NWCA) and on the setting of the nearby Listed Buildings.

Reasons

7. The site lies within the NWCA and is within the setting of the Basingstoke Canal Conservation Area to the south of the site. There are adjacent Listed Buildings at The Thatched Cottage, Albion, The Cat, and the fire-damaged Swan public house, in Hook Road. The significance of these heritage assets derives in part from their rural context.

8. Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* as amended (the Act) requires that with respect to development affecting buildings or other land in a conservation area, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.' Paragraph 193 of the *National Planning Policy Framework* (the Framework) sets out 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.

9. The NWCA *Character Appraisal and Management Proposals* (2009) (CAAMP) states that the conservation area is a rural conservation area based on the River Whitewater, part of the Basingstoke Canal, North Warnborough Green, and the buildings in Bridge Street and The Street. It goes on to say that 'the conservation area is large with much open ground and a generally quite low density of built form, therefore the overall character tends to be of an unplanned, rural settlement, with buildings taking a lower priority in visual terms than the landscape and the trees.' Identified key positive characteristics include 'notable green spaces and trees, interwoven with man-made and natural water features'.

10. The site mainly falls within Character Area 2: North Warnborough Green of the CAAMP, which largely comprises undeveloped countryside and whose positive features include wet grassland, providing a setting for Odiham Castle, containing footpaths providing views across the Green and over surrounding farmland and containing mostly 19th century modest cottages. A small part of the site, including the proposed access and part of plots 7 – 10, falls within Character Area 3: Hook Road and Bridge Road, which is more built up, and where key positive features include a linear settlement with buildings located along the roadside, spaces between buildings providing views to the Green and the canal and a variety of building types and plot sizes.

11. The general urbanisation of the rural area is identified as an issue within the NWCA by the CAAMP, and recommendations for the conservation area include the preservation of the rural qualities of the area.

12. The appeal site comprises a grassed field, with allotments and a pond at one end, which is used informally as a caravan site. It is located on the edge of North Warnborough, surrounded by residential properties along Hook Road,

open fields to the west and the Swan Cutting and Basingstoke Canal to the south. Vehicular access is from Hook Road through Albion Yard, with a secondary grassed track access between The Cat and Wycliffe House. There is also an access track to Albion Farm to the west.

13. Accordingly, the appeal site exhibits characteristics which are intrinsic to the rural character and appearance of the conservation area. For similar reasons, the site makes a positive contribution to the significance of the NWCA and the setting of the adjacent listed buildings.

14. The CAAMP predates the allocation of the site for housing, comprising approximately 12 dwellings, under Policy 2 of the Odiham and North Warnborough Neighbourhood Plan 2017 (ONWNP). The Policy does not require the site to be developed in strict accordance with the housing layout of the accompanying indicative sketch plan. However, it does set out specific development criteria, which include requirements for the building forms to respect the scale and design of the adjacent traditional and listed buildings, the development layout to include green open spaces to reflect the rural and open character of the conservation area and surrounding countryside, and the layout to include trees, both in private and communal amenity areas, to reflect the edge-of-village location of the site. These criteria are reinforced by the annotated design principles on the indicative sketch plan which accompanies Policy 2, which include the provision of communal green space to be retained in perpetuity to provide setting and amenity.

15. The appeal scheme would introduce a suburbanising form of development onto the site, which would be at odds with the predominantly rural character of the conservation area and the current appearance of the appeal site as an open area of land. The straight, dense and regular arrangement of dwellings around the central access road in a private close arrangement, with uniform front and rear building lines, would be out of keeping with the more informal, loose-knit, spacious, form of built development typical of Hook Road. As a result, the proposed layout would introduce a discordant feature within the conservation area, at odds with the prevailing pattern of development.

16. I acknowledge that the site is allocated for housing, and that ONWNP Policy 2 potentially allows for a greater number of units than currently proposed. However, the scale and footprint of the proposed dwellings and the significant amount of space taken up by the access road, parking and turning areas, means that built development would dominate the scheme to the detriment of the rural nature of the site. Aside from the land around the existing pond, there would be no meaningful green communal open space within the development. The majority of the proposed soft landscaping would be around the perimeter of the site and within private gardens, and being within private ownership, there would be no guarantee of its future retention.

17. Whilst landscaping and trees could be provided around the boundaries of the site, and reasonably secured by condition, this would have the result of shutting in the development, so that, rather than forming an integral part of the development and linking it to the surrounding countryside, it would have the effect of closing off the housing, which would be inward-looking and focussed upon the access road.

18. I acknowledge that there are a variety of different dwelling forms and designs within the vicinity of the site, and that the proposed materials and design

detailing of the new dwellings take references from those of nearby properties. However, neither the large-scale detached houses nor the single storey detached and terraced bungalows are typical of the scale and form of built development which predominates in this part of the conservation area. The dwelling styles, similarities in design within each of the three types of dwelling, and the regular positioning of the buildings in relation to each other, combine to give the overall character of that of a suburban housing estate close.

19. The Appellant has drawn my attention to additional developments that have been built within the vicinity of the appeal site since the adoption of the CAAMP, which have had the effect of reducing views into the site from Hook Road. I have noted these changes, but they do not alter my views in respect of the harm arising from the suburbanising impact of the proposal upon this part of the conservation area.

20. My attention has also been drawn to existing examples of housing situated behind the main line of development fronting onto Hook Road. However, on the basis of the evidence before me, I do not find any of these to be of a comparable layout to that of the appeal scheme, as there are a number of differences, including in respect of the alignment of the access road in relation to Hook Road and the arrangement of dwellings around the access road.

21. The Appellant has referred to other planning applications and appeals for residential development that involved similar issues to that of the current appeal (Refs 16/00635/FUL, 19/00069/FUL and APP/N1730/W/19/3231930). On the basis of the evidence before me, I do not find the site circumstances and development details of these schemes to be directly comparable to those of the current appeal, in respect of the form of development proposed or its relationship with neighbouring properties and the surrounding area. In any event, I must determine the appeal on the basis of the particular circumstances of the appeal site and the merits of the scheme before me.

22. The aforementioned adjacent listed buildings in Hook Road front onto the road, and are separated from the appeal site by their back gardens. Nonetheless, their proximity to the appeal site is such that their settings would be harmed by the detrimental change to the rural character of the appeal site that I have identified above, from which part of their significance in heritage terms derives.

23. With regard to Paragraph 196 of the Framework, the harm to the conservation area and listed buildings would be no greater than 'less than substantial'. Less than substantial harm does not equate to less than substantial planning objection, and the Framework sets out the need to address the 'less than substantial harm' against the public benefits of the scheme.

24. Public benefits suggested by the Appellant include that the proposal would be located in an accessible location, close to the community facilities and services and public transport connections in Odiham and North Warnborough. The proposed additional residential units would bring economic, social and community benefits, including construction jobs, increased local spend, use of local community facilities, and sustainably located homes.

25. Furthermore, the proposal would boost the supply of housing, including a range of dwelling sizes and the provision of housing for older people. In terms of the overall number, the proposal would make a modest contribution to the Council's supply of housing; particularly since the Council has confirmed that it

can demonstrate a five-year housing land supply. I also agree that potentially significant benefits could result from the proposed 4 affordable houses and 4 self-build units, as the Council has confirmed an identified need for these types of dwellings. However, the weight attached to this is diminished to very little by the lack of planning obligation or other substantial evidence to secure such affordable and other self-build dwellings.

26. The proposed undergrounding of some overhead cable and a reduction in the height of the transformer poles which lie within the conservation area would achieve an objective of the CAAMP. The Appellant also refers to the incorporation of sustainable design elements into the design of the dwellings, the provision of a SuDS drainage scheme and the provision of landscaping and biodiversity within the development. These factors have some potential public benefits arising.

27. Whilst the aforementioned matters attract weight as public benefits, they do not outweigh the less than substantial harm to the designated heritage assets or their settings. Moreover, having regard to the letters of support for the development, I do not find that they overcome my concerns on the main issue identified above.

28. For the above reasons, the proposed development would fail to preserve and enhance the character and appearance of the NWCA. For similar reasons it would fail to preserve the settings of the adjacent listed buildings. As such, the appeal proposal would not accord with Saved Policy CON13 of the HDLP and Policies 2, 5, 7 and 8 of the ONWNP, as supported by the NWCA CAAMP which, amongst other aims, seek to ensure that development proposals comprise high quality design, and that they protect, conserve, and where possible enhance heritage assets and their settings, taking account of their significance, as well as the distinctive character of the District's townscapes and landscapes. For similar reasons, the proposal would also be contrary to emerging Policies NBE9 and NBE10 of the HLPSS and Policies of the Framework which seek to conserve and enhance the historic environment as set out in Chapter 16.

Conclusion

29. The proposal conflicts with the development plan as a whole, and also emerging local planning policies, and there are no material considerations to outweigh this conflict. As a consequence, the appeal should be dismissed.

S Leonard

INSPECTOR