



Appeal Decision

Site visit made on 13 July 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2020

Appeal Ref: APP/M1710/W/19/3240138

The Bumblebee Café, 2 The Green, Rowlands Castle PO9 6BN

- 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 Mark Smith against the decision of East Hampshire District Council.
 - The application Ref 22051/013, dated 12 April 2019, was refused by notice dated 13 August 2019.
 - The development proposed is: 1) Erection of 3m x 4m x 2.8m oak frame gazebo on brick hard standing immediately adjacent to main café business, fully owned and controlled by the business, which front onto the highway with no fencing or other border impedimenta. The area is already in use for customer seating, and erection is intended to provide overhead shelter from the elements, primarily from the sun; and 2) Installation of window awnings on the two main road facing windows.
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Decision

1. The appeal is dismissed insofar as it relates to the oak frame gazebo. The appeal is allowed insofar as it relates to the installation of awnings on the two front windows and planning permission is granted for the installation of awnings on the two front windows at The Bumblebee Café, 2 The Green, Rowlands Castle PO9 6BN in accordance with the terms of the application, Ref 22051/013, dated 12 April 2019, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following 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: Site Location Plan, Block Plan, Front Elevation and Annotated Photograph.

Main Issues

2. The Council does not object to the proposed awnings for the two front facing windows. Based on the information before me and my observations at the site visit, I have no reason to take a different view. The main issues in dispute are:
 - a) whether the proposed gazebo would preserve or enhance the character or appearance of the Rowlands Castle Conservation Area; and
 - b) the effect of the gazebo on the occupants of 4 The Green, with particular reference to sunlight, daylight and outlook.

Reasons

Conservation Area

3. Rowlands Castle Conservation Area focuses on The Green, a large triangular grass area which is fronted on two sides by buildings. Although none of the buildings are individually listed for their special architectural or historic interest, they have a group value which creates an attractive village centre. The Bumblebee Café is located at the eastern end of The Green by the railway arches, within a small cluster of commercial premises. Adjacent to the café and directly in front of 4 The Green is a small brick paved area which is used for outdoor seating. At the time of my visit the café was closed, and furniture was stacked up neatly under protective covers. However, photographs within the appellant's evidence show the area in use with tables and chairs.
4. The proposal is to erect an oak framed gazebo to provide shelter for the outdoor seating area. The submitted elevation is basic and not accurate as regards the relationship to architectural features on the building façade behind, but dimensions are provided and photographs from the intended supplier give an indication of the structure's appearance. This is sufficient to enable me to judge the impacts.
5. The gazebo would be sited in front of the building and it would be in full public view from the street. Notwithstanding its relatively modest dimensions, the structure would introduce visual clutter on the street frontage and detract from the appearance of the assemblage of traditional buildings behind.
6. The appellant explains that the gazebo would be dismountable. However, it is unclear on the information presented whether the intention would be to remove it out of season. Even if this were the case, the probability is that the structure would be in place for lengthy periods of the year including when the café is closed. It would thus have a permanent appearance.
7. Although the gazebo would undoubtedly be smart when new, the Council would have no means of ensuring that it is properly maintained, not just by the appellant but also by any future café proprietors. There is a significant risk that the condition of the gazebo, particularly its fabric canopy, would deteriorate over time and cause it to become unsightly. This would add to the harm to the street scene in this sensitive conservation area location.
8. Paragraph 196 of the National Planning Policy Framework (the Framework) explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The importance of the café to the community and local economy are matters capable of being taken into account as public benefits. However, there is no evidence to demonstrate that a gazebo is essential for sustaining the business and I note that there is the simpler option of using parasols which can be taken down outside of trading hours and replaced once weathered. Overall, I consider that the social and economic considerations do not outweigh the harm to the conservation area.
9. Accordingly, I conclude that the proposed gazebo would fail to preserve or enhance the character or appearance of the Rowlands Castle Conservation Area. It would conflict with Policies CP29 and CP30 of the East Hampshire District Local Plan: Joint Core Strategy (2014) (JCS) and Saved Policies HE5

and HE8 of the East Hampshire District Local Plan: Second Review (2006). These policies require, amongst other things, that development respects the character, identity and context of the District's villages, and conserves and, where possible, enhances its historic environment.

Effect on neighbouring occupants

10. The proposed gazebo would be positioned directly in front of a ground floor window belonging to 4 The Green. This window is south facing and therefore receives sunlight for a good proportion of the day. The gazebo would cast the window into shade and may lead to some reduction in daylight in the affected room, although the open nature of the gazebo means that the latter would be less significant. Although there would be a change to outlook, this does not equate to material harm as I am mindful that the area directly outside the window is already used for customer seating.
11. The appellant explains that No 4 is owned by his wife's family, and that the long term business tenant has no concerns with the proposed gazebo, which would be located outside an office window. I have seen no correspondence from the tenant to confirm this, and this limits the weight I can attach to the evidence, but in any event the Framework confirms that the need to promote a high standard of amenity applies to future as well as existing users. There is nothing within the Council's planning policies which restricts consideration of amenity issues to residential uses and in my view office users should have a reasonable expectation of a good quality working environment. Sunshine can be a valuable contributor to positive mental health, especially for those who work indoors.
12. I acknowledge that office users may appreciate the shade, to prevent glare on their computer screens for example. However, they already have the option of closing the blinds. The gazebo would cast the room into permanent shade. This would lead to conflict with JCS Policy CP27 insofar as it seeks to ensure that development does not have an unacceptable effect on the amenity of the occupiers of neighbouring properties through excessive overshadowing.

Conclusion

13. I have concluded that the proposed gazebo would be harmful to the Rowlands Castle Conservation Area and the amenities of the occupants of 4 The Green. The proposal would conflict with the development plan in this regard and there are no material considerations which would justify a decision otherwise than in accordance with the development plan.
14. However, the proposed awnings are acceptable and for this reason a split decision is appropriate. For the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the awnings and dismissed insofar as it relates to the gazebo.

Robert Parker

INSPECTOR