
Appeal Decision

Site visit made on 3 August 2020

by Robin Buchanan BA (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2020

Appeal Ref: APP/M1710/D/20/3252009

4 Holmes Field Court, Main Road, Bentley, Farnham GU10 5DF

- 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 A Davison against the decision of East Hampshire District Council.
 - The application Ref 58584, dated 17 January 2020, was refused by notice dated 26 March 2020.
 - The development proposed is the erection of a detached outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached outbuilding at 4 Holmes Field Court, Main Road, Bentley, Farnham GU10 5DF in accordance with the terms of the application, Ref 58584, dated 17 January 2020, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. In its first reason for refusal, the Council states that the proposed development is contrary to Policy CP27 of the East Hampshire District Local Plan: Joint Core Strategy, 2014. However, in this appeal the relevant part of this Policy relates to the 'amenity' of occupiers of neighbouring properties, which is the premise of the Council's second reason for refusal. I have determined the appeal on this basis.
3. Due to the alignment of the settlement boundary, as shown in the development plan, part of the proposed outbuilding would be within the defined settlement boundary and part outside, in the countryside. This potentially brings the floorspace of the outbuilding into conflict with the Council's Saved Policy H16 of the East Hampshire District Local Plan: Second Review, 2006, which is concerned with the size of extensions to dwellings in the countryside.
4. Even if the combined floorspace of the proposed outbuilding and the existing dwelling on the appeal site does not exceed the relevant limitation in Saved Policy H16, the supporting text confirms that its 'non-habitable' use would overcome any such policy conflict. I have no reason to reach a different view. This could be addressed by a condition and the Council has suggested a condition for parking and storage use of the outbuilding (see 'conditions' below). Such a condition would restrict habitable use of the outbuilding and, on this basis, there would be no conflict with Saved Policy H16.

Main Issues

5. The main issues are the effect of the proposed outbuilding on the character and appearance of the area, and on the living conditions of the occupiers of 3 Holmes Field Court, having particular regard to outlook.

Reasons

Character and appearance

6. Number 4 Holmes Field Court (No 4) is a two storey house in a small residential cul-de-sac, behind development fronting the north side of Main Road, in the Bentley Conservation Area. Next to Holmes Field Court is Crocks Farmhouse, a Grade II listed building. The compact layout of this high quality cul-de-sac development includes gaps between some houses, with views towards the countryside and its spacious, landscaped, mainly rural setting.
7. The proposed outbuilding would occupy the end of a paved space between No 4 and number 3 Holmes Field Court (No 3) which is enclosed by a tall close board fence at ground level. However, it would be well set back behind the front elevations of both houses and the gap between them is relatively narrow. It would therefore be unnoticeable in most views from within the cul-de-sac, except face on. Whilst the outbuilding would be taller than the fence to eaves, the difference would be small and it would not be as wide. The hipped roof would be reasonably tall but the ridge line would be very short and the pitch would slope down rapidly. A substantial space would therefore be retained above the roof either side and between No 4 and No 3. Due to intervening planting and buildings, the outbuilding would not be conspicuous in views from Main Road.
8. Considering the above, whilst the appeal proposal would reduce the extent of the gap between No 4 and No 3, its scale, siting and design would not result in an excessively large or visually overbearing building and it would remain subservient in scale and massing to the houses either side. Furthermore, to the limited extent that it would be seen from within the cul-de-sac, views would be very localised and not unduly prominent or visually intrusive. The appeal proposal would not therefore detract from the overall cohesive nature and form of residential development in this cul-de-sac and, in particular, would not unacceptably prevent views of the sky or towards trees in the background.
9. Accordingly, the proposed development would not harm the character or appearance of the area. It accords with Policy CP29 of the East Hampshire District Local Plan: Joint Core Strategy, 2014 (the CS), Saved Policies HE2 and H16 of the East Hampshire District Local Plan: Second Review, 2006 (the LP) and Policies 1 and 2 of the Bentley Neighbourhood Plan, 2016. These include that development should contribute to local distinctiveness and be sympathetic to its setting, including adjoining buildings, spaces and landscape features.
10. It would also reflect the Council's 'Residential Extensions & Householder Development' Supplementary Planning Document, 2018 (the SPD) and would respect the National Planning Policy Framework (the Framework) paragraphs 8(c), 124, 127(a), (b), (c) and (d), 130 and 170(b). These include that development should add to the quality of an area, be visually attractive, maintain a sense of place and be sympathetic to the surrounding built environment and landscape setting.

Living conditions

11. A side elevation and a front corner of the proposed outbuilding would be relatively close to the side boundary of No 3, including the rear garden, and to a ground floor habitable room rear window and French doors. However, the relative orientation of No 4 and No 3 means that these houses face slightly away from each other. As a result, the space in between increases towards where the proposed outbuilding would stand such that the main outlook from No 3 and its garden would not be directly towards it.
12. Furthermore, although the side elevation would be close to the garden, it would be at a relatively low 1.6 metre eave height, similar to the existing garden boundary fence. Despite the rise in ground level, from No 3 to No 4, most of this part of the outbuilding would therefore be no more apparent in views from No 3 than the existing fence. Whilst the roof would be visible above the fence and would rise to a reasonably tall ridge height, there would be no ridge line facing No 3 and the closest part would have a lower 'cat slide' form.
13. Considering the above, part of the outbuilding could be seen in some views out of the window and French doors of No 3 but this would be a small, and not unduly tall part, and would be at an oblique angle. The roof slope would be reasonably steeply pitched but as its height increased it would recede further away and be on the north side of No 3. The proposal would not therefore unduly obstruct or interfere with the outlook from the ground floor window and French doors, or from the garden of No 3, including towards the sky and trees beyond. Nor would it unacceptably reduce daylight or sunlight into the ground floor or garden of No 3. Consequently, and having regard to its scale, siting and design, the proposed outbuilding would not be excessively large so as to cause overshadowing or be a visually overbearing development in relation to No 3, or any other surrounding property.
14. Accordingly, the proposed development would not harm the living conditions of the occupiers of No 3, having particular regard to outlook. It accords with LP Policies CP27 and CP29 which include that development should be appropriate and sympathetic in scale, height and massing to adjoining buildings and spaces and not have an unacceptable effect on the amenity of the occupiers of neighbouring properties, including through excessive overshadowing. In this regard, it would also reflect the Council's SPD and would respect the Framework paragraphs 8(c) and 127(f). These include that development should support well-being and create places that have a high standard of amenity for existing residents.

Other Matters

15. The Council's Conservation Area appraisal¹ identifies that some residential properties are set back from the north side of Main Road and tightly grouped. Steeply pitched plain clay tiles are a predominant roof form and trees provide a backdrop to the immediate landscape setting at the rear of buildings. Development in Holmes Field Court is broadly consistent with this distinctive character and appearance and the proposed outbuilding would be of traditional design and detailing, including high quality natural oak timber and clay tiles. Consequently, the appeal proposal would preserve and enhance the character and appearance of the Conservation Area. In this regard, I note that the

¹ The Bentley Conservation Area Character Appraisal and Management Plan, 2014.

Council's Conservation Officer did not object to the proposed outbuilding, nor due to adverse effect on the setting of Crocks Farmhouse listed building. I have no reason to come to a different view.

16. I recognise that there are other gaps between buildings in this cul-de-sac. Nonetheless, I have assessed the appeal proposal on its individual planning merits based on the evidence before me. Having done so, as outlined above, I have found that it would not cause harm to the character and appearance of the area, such that it would not set an unacceptable precedent. Any comparable development proposals in the vicinity that might come forward in the future would also be considered and determined on their individual merits.
17. Bentley Parish Council has suggested that, if permitted, provision should be made to avoid damage to the retaining wall (a fence) between No 4 and No 3. However, private property interests such as this, or disputes in that regard, are not a planning matter.

Conditions

18. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans to ensure certainty. The approved plans include some details of the materials to be used in the construction of the external surfaces of the outbuilding, but I have also imposed a condition to ensure that the tiles match those used in the house at No 4. This would ensure that the appearance of the outbuilding roof is in keeping with existing development and would also preserve and enhance the character and appearance of the Bentley Conservation Area.
19. As requested by the Council, I have attached a condition to include use of the outbuilding for domestic vehicle parking. This would potentially avoid parking within the main cul-de-sac road that might otherwise cause harm to highway safety. The condition also allows domestic storage use. Since the wording of this condition prescribes the approved uses of the outbuilding (which does not include any 'habitable' use) it is not necessary or reasonable to expressly refer to any precluded uses, as the Council had otherwise suggested, including because any use that was not an approved use could be investigated by the Council using its planning enforcement powers.
20. The Council, and Bentley Parish Council, have suggested that a condition should be imposed to ensure that details of surface water drainage are submitted to, and approved by, the Council. However, the proposal makes use of the existing paved hard surface, which includes a cut-off drain next to the boundary with No 3, and the footings of an existing garden shed. In addition, the design of the outbuilding includes a gutter to prevent rainwater from the roof discharging into the garden of No 3. It is therefore not necessary or reasonable to impose such a condition.

Conclusion

21. For the reasons given, the appeal succeeds.

Robin Buchanan

INSPECTOR

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:
 - Unreferenced 1:1250 scale site location plan
 - Unreferenced 1:500 scale block plan
 - RBXIX 1173 Sheet 1, Issue 1 plan and roof plan
 - RBXIX 1173 Sheet 2, Issue 1 south and west elevations
 - RBXIX 1173 Sheet 3, Issue 1 east and north elevations
- 3) The materials to be used in the construction of the external roof surface of the development hereby permitted shall match those used in the house at 4 Holmes Field Court.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the development hereby permitted shall only be used for the purpose of parking private motor vehicles and storage in connection with the residential use of 4 Holmes Field Court.