



Appeal Decision

Site visit made on 22 September 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/H1705/W/20/3250715

Breezehurst, Hilliers Farm Lane, Gore End RG20 0PL

- 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 P Dow against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/02672/FUL, dated 27 September 2019, was refused by notice dated 23 January 2020.
 - The development proposed is erection of new dwelling and detached garage; with associated parking, turning, landscaping, private amenity space and access. Demolition of existing structures and retention of existing bungalow. (Part retrospective)
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although described as a part-retrospective application, the dwelling and garage are substantially built.
3. The application form states that there are no existing dwellings on the site, but I have taken this to be an error as there is an existing bungalow.
4. The subject of the application is the new dwelling and its garage. I am concerned with the retention of Breezehurst only insofar as it provides the immediate context to what is before me. Whilst the existing permissions for the new dwelling and garage are valid fall-back positions, this is a separate application.
5. The appellant has submitted an amended site plan with the appeal. This would increase the size of the appeal site by extending it in the south-western corner. Development on this site has a planning history of several applications, and it is unclear why errors should be identified at this stage.
6. In any case, there appears to be inconsistency between several plans in this corner of the site. I have based my reasoning on the extent of the appeal site as shown on the site location plan. To consider development which extends beyond the previously submitted appeal site boundary could be prejudicial to other parties.

Background and Main Issues

7. The appeal site contains Breezehurst and a newly constructed substantial two storey dwelling with accommodation in the roof space, along with a detached

two storey garage with office space. The evidence before me indicates that the new dwelling and garage were lawfully built on land within Breezehurst's plot, which formerly contained outbuildings. However, the description of that permission includes the demolition of Breezehurst.

8. The appeal is therefore concerned with the sub-division of the existing plot and the retention of Breezehurst and its access, alongside the recently constructed dwelling, garage and amenity space.
9. The main issues are:
 - The effect of the development on the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty (AONB);
 - Whether the development would accord with relevant local policies and national guidance with regard to location; and,
 - The effect of the development on the living conditions of existing and future occupiers with particular regard to external amenity space.

Reasons

Character and appearance

10. The site is located to the north of Gore End, a small group of dwellings in a gently undulating agricultural landscape characterised by blocks of woodland, occasional long views over farmland and small clusters of dwellings in a verdant setting.
11. Paragraph 172 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
12. The East Woodhay Village Design Statement (VDS) notes that *new development should not adversely affect alter (sic) the context of the built environment, and that new dwellings should be of a size appropriate to their plot and visual separation, where this contributes to the character of the area.* It also states that plot ratios should be maintained as far as possible to allow detached houses to sit within a landscaped setting, and to allow views between houses towards the countryside.
13. The northern side of the lane has a loose arrangement of frontage dwellings. Before the new dwelling was built there was a significant gap between Breezehurst and Bridge House, some 60 metres to the north. This gap contained a group of single storey brick outbuildings arranged in a cluster which retained a large gap between them and Breezehurst. From the evidence before me I conclude that the combination of the generous lateral separation between Breezehurst and Bridge House, and the modest proportions of the bungalow and its outbuildings, gave spaciousness to this village edge, views to the countryside to the rear and direct appreciation of the rural context.
14. There was also a harmonious relationship between Breezehurst and the chalet style dwelling to the south, Brookfield. Although Brookfield's ridge is higher than Breezehurst and it has a side extension, the extension is set back. There remains appropriate lateral separation which retains a sense of openness between these two dwellings.

15. The new dwelling is considerably taller than Breezehurst. Although set back from the building line, its proximity, height and scale lead to its appearing inappropriately close and disproportionately large to Breezehurst. Although the garage is subservient in height and scale to its host building, it is taller than Breezehurst and occupies a footprint that is not much smaller.
16. The new dwelling and garage appear to occupy a larger cumulative footprint than the former outbuildings. They are also considerably taller. Consequently even the fall-back position represents a substantial increase in mass and bulk, a significant intensification of built form, and filling in of the gap between Breezehurst and Bridge House. To retain Breezehurst alongside the new building would increase the built form and bulk on this plot even further. This would significantly diminish the former spaciousness between Breezehurst and Bridge House, and substantially reduce the contribution the site makes to openness on the edge of the village.
17. Moreover, the difference in height, bulk and scale between Breezehurst and the new dwelling is aggravated by their limited lateral separation. This creates an awkward juxtaposition between the existing and new dwellings. The orientation of the new dwelling and garage parallel to the lane, also diminishes the perception of space behind the building line.
18. I conclude therefore that allowing this appeal would substantially increase built form and urbanisation on the site, with the attendant loss of openness and rural character.
19. The 2017 design and access statement (DAS) for the new dwelling states that Breezehurst is a non-descript building of little architectural merit, and that its demolition would reinforce openness on Gore End and also provide a good sized usable amenity area for the new dwelling. That statement also refers to significant improvements to the site, the surrounding area and the AONB arising from Breezehurst's demolition and its replacement with a larger new dwelling.
20. The DAS also notes that Breezehurst's removal would allow the proposed dwelling to benefit from a sense of space, and allow it to breathe in the same way that the existing buildings do. It states that the removal of Breezehurst and its outbuildings can only result in a betterment in landscape and visual impact terms. I see no reason to disagree with the arguments advanced in 2017 and it is unclear why they are no longer valid. If I give weight to the arguments raised in the 2017 DAS it follows that the retention of Breezehurst would be detrimental to the character and appearance of the area and would prevent the new dwelling from benefitting from a sense of space.
21. It is argued for this appeal that the bungalow is well related to its current context. It remains however that the amount of built form would be significantly intensified if it was retained. It also remains that the bungalow appears incongruously close to a building of far greater scale and height which would be detrimental to the semi-rural character of the lane. In any case, although the appellant advances arguments that Breezehurst has been part of the street scene for 80 odd years, it is the new dwelling and garage that are the subject of this appeal.
22. The dwelling presents an imposing frontage to the lane and the set-back from the building line gives it appropriate separation from the lane. However, to the

rear and side, the dwelling appears rather cramped within the site. This detracts from the overall contribution it makes to the area and is also in conflict with the VDS guidance with regard to visual separation. Moreover, there is limited external space to provide adequate landscaping to ensure that the new dwelling and garage blend into the rural context, also as set out in the VDS.

23. The appellant argues that the 2017 officer's report considered that the removal of outbuildings rather than the existing bungalow allowed the new dwelling to sit comfortably in the street scene. However, it is clear that the officer is considering that application on the basis of a replacement dwelling. As the new dwelling is much larger than Breezehurst, the removal of the outbuildings as well as the bungalow, weighed in favour of that application.
24. In any case, given the substantial inconsistency between the arguments advanced in 2017 and the current appeal, I conclude that it is appropriate to give limited weight to both and to base my reasoning on my own observations.
25. In the light of the above, I conclude that the development would fail to respect the established character of the area and would be detrimental to the character and appearance of the AONB. This would be contrary to Policy EM1 of the Local Plan (LP) which requires proposals to be sympathetic to the character and visual quality of the area concerned, and respect, enhance and not be detrimental to that character or visual quality. It would also be contrary to LP Policy EM10 which requires proposals to positively contribute to local distinctiveness, sense of place and street scene amongst other considerations, and to have due regard to density, scale, layout and the appearance and relationship to neighbouring buildings.
26. The development would also fail to accord with the provisions of Section 12 of the Framework which is concerned with high quality design, and Section 15 which is concerned with conserving and enhancing the natural environment. In accordance with Paragraph 172 of the Framework I am mindful that I am required to give great weight to conserving and enhancing the AONB.

Location

27. The site is located outside settlement boundaries and the new dwelling is therefore development in the countryside. LP Policy SS6 sets out exceptions for new housing.
28. In 2017 the Council allowed the construction of the new dwelling on the basis that it was a replacement. However, it is also apparent that in subsequent applications the Council has considered the site to be previously developed land. On the basis that the plot previously contained outbuildings I see no reason to disagree. In such circumstances, LP Policy SS6 allows new housing where the proposed use and scale of the development is appropriate to the site's context.
29. However, although I have no concerns in relation to use, I have set out above why I consider that the new dwelling and garage are of a scale that is unsuitable for the site.
30. As such, the development would fail to accord with relevant local policies with regard to location which would be contrary to LP Policy SS6, as outlined above. It would also be contrary to LP Policy SS1 which permits new housing outside

settlement boundaries only where it meets the criteria for exceptions set out in LP Policy SS6.

31. The Council has also cited LP Policy SD1. This is a general policy which refers to the presumption of sustainable development set out in the Framework. However, neither LP Policy SD1 nor the presumption of sustainable development changes the statutory status of the development plan as the starting point for decision making.

Amenity space

32. The new dwelling has five bedrooms as well as a large playroom in the roof space. Moreover, although the house contains a large study, there is spacious office space above the garage. It is a substantial family dwelling.
33. Guidance in the SPD¹ notes that private gardens should have a minimum depth of 10 metres, and the supporting text makes it clear that this refers to rear gardens. The dwelling has an indented rear elevation but for most of its length it is about 5 metres from the paddock boundary.
34. The SPD also states that side gardens may contribute to the provision of amenity space but only where it is demonstrated that their size and shape genuinely contribute to the meeting the needs of the occupants. The side elevation is about five metres from the Breezehurst garden boundary. Although there would be a strip of garden land running along the back of Breezehurst's plot this is not particularly integrated into the rest of the garden area. The limited width and L-shape of the side garden would not genuinely meet the needs of future occupants.
35. Although the SPD gives a minimum size of 60 square metres for dwellings of 3 or more bedrooms, it also states that 5 bedrooomed detached houses will normally require gardens considerably in excess of the minima. It is also stated the gardens must be of a shape and size which is practical and usable. Even if I take the enlarged appeal site into account, the garden is not a very usable shape for family living and gives the impression of space left over from locating a very large dwelling on a constrained site.
36. The 2017 DAS argued that demolition of Breezehurst would enable the provision of good-sized usable amenity space commensurate to the size of the new dwelling. In particular, it states that the *proposed dwelling will benefit from large areas of useable private amenity space to the south and west*. On this basis it follows that the amenity space for the current application would not be commensurate with the size of the dwelling and would not benefit from those large areas to the south and west. I see no reason why the new dwelling's amenity space requirements should have changed since 2017. Although I appreciate that not all families require large gardens, the scale of the dwelling and the accommodation provided appears incongruous with the size and arrangement of the amenity space.
37. Although the front elevation is set back from the lane by some 11 metres this is shown as gravel driveway. It is in any case shown as separated from the rear and side garden areas. Parking and hardstanding areas do not compensate for private amenity space.

¹ Design and Sustainability 2018

38. The Council has also raised a concern in relation to the amenity space for Breezehurst. However, as far as I can see the garden would be 10 metres deep at the rear. This complies with the SPD and I see no reason why this should be detrimental to the living conditions of occupiers of this small dwelling.
39. Nonetheless, the development would fail to provide adequate amenity space for future occupiers which would be detrimental to their living conditions. This would be contrary to LP Policy EM10 b) which requires a high quality of amenity for occupants of development, having regard to amenity space amongst other considerations. It would also fail to meet the guidelines for private garden space set out in the SPD. Both are supported by Paragraph 127 of the Framework which requires development to provide a high standard of amenity for future users.

Planning balance

40. It is not disputed that the Council is unable to demonstrate sufficient five year housing land supply. Paragraph 11 of the Framework states that permission should be granted where policies important for determining the application are out of date, including the provision of housing, unless the application of policies in the Framework that protects areas of particular importance provides a clear reason for refusing the development proposed.
41. AONBs are one of the protected areas listed under Footnote 6. As great weight is given to conserving and enhancing landscape and scenic beauty in AONBs, harm to the AONB should be given significant weight in my reasoning. The provisions of the Framework, as well as the local policies noted above, give a clear reason for refusal.
42. In any case, although allowing the appeal would add a modest bungalow to local housing it would make a very small contribution to the Council's supply and the minor benefits would not outweigh the harm identified above.

Other matters

43. The appellant notes that the conditions for the 2017 permission did not specifically require the demolition of Breezehurst. However, it is not within my remit to speculate as to why this might be the case. It is nonetheless clear to me that the Council considered the demolition of Breezehurst to be necessary to make the new dwelling acceptable in planning terms and this was an argument strongly promoted by the appellant at the time. I see no reason to disagree. The lack of a condition or other legal requirement attached to the 2017 or subsequent permission does not alter my reasoning in relation to this appeal.
44. It is unclear to me why Breezehurst would be renovated, as suggested, in the full knowledge that the Council expected its demolition and compliance with the approved plans for the new dwelling and its garage. In any case, I have no evidence before me regarding the current condition of Breezehurst. I appreciate that it may now be occupied but I give this argument limited weight. The situation was foreseeable.
45. The presence of other bungalows in Gore End is not determinative. I am concerned only with this particular locality. With regard to the Council's reference to additional spend in the local economy in the 2017 officer's report,

it seems to me that this is cogniscent of the fact that Breezehurst was unoccupied at that point. In any case, one additional dwelling would make only a minor contribution towards supporting services which as far as I could ascertain were some distance away.

46. Other matters have been raised but as I have found harm in relation to the main issues it is not necessary for me to consider these further.

47. I note that the development does have some support, but the arguments raised do not outweigh the harm identified above.

Conclusion

48. I conclude that the development would fail to accord with relevant local policies and the Framework and that there are no material considerations of such weight to lead me to reach a different conclusion. The appeal is dismissed.

A Blicq

INSPECTOR