The Planning Inspectorate

Appeal Decision

Site visit made on 12 November 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 26 November 2020

Appeal Ref: APP/M1710/W/20/3254856
112 Whitedown Lane, Alton GU34 1QR

- 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 ACB Development Ltd against the decision of East Hampshire District Council.
- The application Ref 58134/001, dated 20 November 2019, was refused by notice dated 9 April 2020.
- The development proposed is described as the erection of 2 no. additional residential dwellings and alterations to existing dwelling with associated access, parking and soft landscaping.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:

   - a non-designated heritage asset of archaeological interest;
   - the character and appearance of the area; and
   - the living conditions of occupants of 112 Whitedown Lane with regard to noise and disturbance, and outlook and privacy.

Reasons

Archaeology

3. The Historic Environment Record indicates that the site potentially contains the remains of a Roman building, which falls into the category of a non-designated heritage asset of archaeological interest. This was identified around 60 years ago, however some uncertainty exists over its precise location.

4. To this end the scheme is supported by an archaeological desk-based assessment (DBA). Based on the information available, this concludes that if the building is indeed present within the site, it is likely to be of high status, and well preserved.

5. In the event of presence being confirmed, the DBA states that further information is required in order to establish the extent, depth, and state of preservation of the remains. Accordingly, a written scheme of archaeological investigation (WS) has been produced.

6. The information that would be yielded by the investigation is required in order to confirm the significance of any archaeology on site, and to establish the likely impact of the development. It is therefore required prior to determination. The investigation has not yet taken place.

7. In this regard paragraph 197 of the National Planning Policy Framework (the Framework) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application, and that a balanced judgement is required having regard to the scale of any harm or loss, and the significance of the asset. In the absence of necessary information however, such an assessment is impossible. I cannot therefore adjudge that the impact of the development on the significance of the archaeology potentially present on the site would be acceptable.

8. In view of the above, the lack of information cannot be appropriately addressed by a condition securing implementation of the WS.

9. My attention has been drawn to an appeal decision relating to Turk's Head Yard, where the Inspector considered that an archaeological evaluation was not required prior to determination. I do not have the full details, however it appears that in that case there was less uncertainty as to the nature of the likely impact. This appeal decision does not therefore alter my findings above.

10. For the reasons outlined above I conclude that the appellant has failed to demonstrate that the effect of the development on a non-designated heritage asset of archaeological interest would be acceptable. The development would therefore conflict with Policy CP30 of The East Hampshire District Local Plan: Joint Core Strategy 2014 (the CS) which states that development proposals must conserve and, where possible, enhance the District's historic environment; and Policy HE17 of the East Hampshire District Local Plan Second Review 2006 (the LPSR) which requires archaeological field assessments prior to determination.

Character and appearance

11. The site is part of the garden of No 112, which is a single storey bungalow. This lies within an area of mixed suburban housing, at the end of a cul-de-sac. Though there is little overall uniformity in dwelling design, dwellings are nonetheless generally detached, and set back behind gardens/private parking spaces, within reasonably spacious plots that are directly accessed from the road.

12. Insofar as a semi-detached form of development has been proposed, this would not be consistent with existing housing within the cul-de-sac. Nor would the relatively small gardens, or fact that parking space would be provided immediately in front of No 112, with access otherwise required on foot around the frontage. Indeed, the proposed layout, which would see access and parking for the proposed dwellings effectively wrapped around the front and side of No 112, would be wholly atypical, and clearly at odds with the general spaciousness of existing development along the cul-de-sac. In this regard the layout would both be, and appear, cramped.

13. Other dwellings with similarly sized gardens have been identified within the broader area. Some such dwellings are also semi-detached. None however

features parking and access arrangements similar to those proposed, or whose overall layout is therefore comparably cramped.

14. The decision notice additionally states that pedestrian access to the proposed dwellings would be blocked. This would arise through within a space identified on the plans. Removal of this space could however be secured by condition. However, the fact that pedestrian access could be blocked in this way, serves to highlight the constrained nature of the access, and indeed, to underline the atypically cramped nature of the layout overall.

15. Views of the development from outside the site and its immediate setting would be limited, meaning that public perception of the development's various incongruities would be similarly limited. Whilst this would not alter the existence of these incongruities, it would reduce the level of harm that they would cause. In this regard, whilst the harm caused to the character and appearance of the area would be modest in nature, such harm would nevertheless be unacceptable.

16. For the reasons outlined above I conclude that the development would harm the character and appearance of the area. This would conflict with Policy CP29 of the CS, which seeks to secure high quality design which respects the area's particular characteristics; and Policy DE2 of the Alton Neighbourhood Development Plan 2011-2028, which largely reflects these objectives.

Living conditions

17. The hard-surfaced area immediately to the front of No 112 currently serves as a private parking space for the occupants. As the dwelling is located both at the end of the cul-de-sac, and beyond its turning head, no traffic passes or manoeuvres in front of the dwelling. Thus, whilst roads located towards the south and east of the site give rise to some modest exposure to road noise, more immediate sources of vehicular noise and disturbance are very limited.

18. As outlined above, the layout would see parking for the proposed dwellings located within the existing space to the front of No 112, with pedestrian access continuing across the front, and round the side. Noise would be generated by parking, manoeuvring and maintenance of vehicles, and by associated comings and goings. Contrasted against the existing arrangement, this noise would clearly be capable of causing disturbance to the occupants of No 112.

19. The parts of the dwelling most directly exposed would be the kitchen and a bedroom, with the latter most sensitive. In this regard, the separation distance of around 4 metres between the bedroom window and the parking area, would be unlikely to significantly limit the potential for disturbance of sleep by comings and goings, parking and manoeuvring in the evening or early morning.

20. Other single storey bungalows in the area are likely to feature front bedrooms, where, given the typical frontage layout described above, some potential will exist for disturbance by passing traffic, and/or on-street parking. However, parking immediately within frontage space is generally associated with the dwellings themselves, and thus falls within the private control of the occupants. As such, the nature of noise and disturbance likely to arise in the current case would not be typical of that experienced more broadly. The harm that would arise cannot therefore be justified on the basis of any clearly established pattern within the surrounding area.

21. The decision notice further references 'visual intrusion'. The extent to which this concern relates to privacy, outlook or to both, is unclear. In view of my findings above however, the use of the space immediately in front of No 112 for parking and access by the occupants of the proposed dwellings, would intrude upon both the outlook and privacy of occupants of No 112, without any clear means of mitigation. Again, this would be true both set against the existing arrangement, and that typical within the broader area.

22. The appellant has sought to justify the proposed arrangement on the basis of that held to exist within areas featuring terraced housing, 'settlement locations' more generally, and an appeal decision relating to scheme where the main issue was one of disturbance from passing traffic. Whilst the latter scheme bears no relation to the development or the issues in the current case, I have assessed the scheme with regard to the circumstances which exist on site, and within the immediate area. My findings above are therefore unaltered.

23. For the reasons outlined above I conclude that the development would unacceptably harm the living conditions of the occupants of No 112. The development would therefore conflict with Policy CP27 of the CS which states that developments that may cause pollution will only be permitted if they are appropriately separated and designed to remove the risk of unacceptable impacts.

Other Matters

24. The development would make a contribution toward the District's housing stock, addressing the broad general need for new housing. The scale of the contribution would however be small, as would any related social and economic benefits. They attract limited weight, which is clearly insufficient to outweigh the harm I have identified above.

25. Paragraph 68 the Framework which states that great weight should be given to the benefits of using suitable sites within existing settlements for homes. In view of my findings above however, the site is not demonstrably suitable for the development proposed. As such, my findings above are unaffected.

Conclusion

26. For the reasons set out above I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR