



Appeal Decisions

Site visit made on 11 January 2021

by Jonathan Manning BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04/02/2021

Appeal A Ref: APP/N1730/W/20/3250719

Lees Cottage, Lees Hill, South Warnborough, Hook, RG29 1RQ

- 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 Robert Evans against the decision of Hart District Council.
 - The application Ref 19/01949/HOU, dated 27 August 2019, was refused by notice dated 17 January 2020.
 - The development proposed is erection of a two storey rear extension, creation of basement. Single storey outbuilding with accommodation in roof space and replacement of metal railings with new fence and gate.
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Appeal B Ref: APP/N1730/Y/20/3251039

Lees Cottage, Lees Hill, South Warnborough, Hook, RG29 1RQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Robert Evans against the decision of Hart District Council.
 - The application Ref 19/01950/LBC, dated 27 August 2019, was refused by notice dated 17 January 2020.
 - The works proposed are erection of a two storey rear extension, creation of basement. Single storey outbuilding with accommodation in roof space and replacement of metal railings with new fence and gate.
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Decision

1. Appeal A and B are dismissed.

Procedural Matters

2. The development subject to Appeal A and B is the same. Appeal A presents the planning application and Appeal B is for the associated listed building consent.
3. Since the Council determined the applications, it has adopted the Hart Local Plan (Strategy & Sites) 2032 (the LP). I have therefore determined the appeals in accordance with the current development plan. Due to the timing of the Council's statement of case and the final comments from the appellant, both parties have had the opportunity to consider the effects of the adoption of the LP on their case.
4. The appellant has raised concerns with regard to the handling of the applications by the Council. However, such matters are not for me to consider as part of these appeals and I have considered the scheme on its planning merits.

Main Issues

5. The main issues for Appeal A and B are:

- whether the proposed development would cause harm to the significance of the Grade II listed Lees Cottage and whether it would preserve or enhance its setting; and
- whether the scheme would preserve or enhance the character or appearance of the South Warnborough Conservation Area.

6. For Appeal A, further main issues also include:

- the effect of the proposal on the beech tree within the appeal site; and
- the effect of the scheme on highway safety.

7. The Council's reasons for refusal also includes the consideration of the domestic encroachment into the countryside. I have considered such matters with regard to whether the scheme would preserve or enhance the character or appearance of the South Warnborough Conservation Area, as the two are intrinsically linked.

Reasons

Context

8. The appeal site is located on Lees Hill and accommodates a two-storey Grade II listed building known as Lees Cottage. The appeal site also accommodates several outbuildings of various sizes and states of repair. It was clear from my site visit that the site has a rural context with open fields on three of its boundaries. The site lies within the South Warnborough Conservation Area (the CA). There are a number of trees within the site which are protected by virtue of their siting within the CA. Levels on the site drop from west to east and also from north to south. A public right of way (FP2) runs close to the eastern boundary of the appeal site and clear views are available into the site.
9. The scheme proposes the erection of a two-storey rear extension that would connect to Lees Cottage via a glazed link. There would also be some internal alterations to the existing cottage and the creation of a basement and below ground parking. In addition, a single storey outbuilding is proposed that would include accommodation in the roof space and it is proposed to replace the existing metal railings with a new fence and gates.

Heritage Assets (Appeal A and B)

Grade II listed Lees Cottage

10. I observed on my site visit that Lees Cottage is a modest two-storey timber framed cottage. The listing describes the cottage as '*C17, C18. 2 storeyed timber-framed house of 2 periods, with irregular fenestration. Red tile roof. Frame exposed, with painted brick infill. Casements. Plain doors in solid frames, one with a modern open porch*'.
11. I understand that Lees Cottage was originally one half of a pair of workers cottages, although the attached cottage was removed by the beginning of the 20th Century. Whilst being extended to the rear, Lees Cottage retains a humble

and modest appearance. I consider that the size, form and vernacular of the cottage contribute substantially to its significance.

12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
13. The proposed rear two-storey extension would be approximately 6.5 metres in depth and 12.8 metres wide. It would also be some 7.3 metres high, which would be approximately 90 centimetres lower than the ridge height of the existing cottage. I consider this to be a substantial addition to the modest cottage that due to its scale, would compete for dominance and unacceptably detract attention away from the existing cottage, causing demonstrable harm to its significance.
14. I acknowledge that a glazed link has been used to try and mitigate the effects of the additional bulk of the proposed extension and to provide separation between the existing cottage and the proposed modern addition. However, I agree with the Council that in this particular case the size of the rear extension is of such scale that the attempt would be unsuccessful. Further, the fact that the proposed materials of the extension would not be as prominent as the striking white and black of the cottage does also not overcome my concern.
15. I also acknowledge that many key features of the internal layout would remain and externally the cottage itself would retain its appearance. However, these matters do not again overcome my concerns with regard to the scale and dominance of the proposed extension.
16. Turning to the proposed layout of the scheme, the drawings show that the proposed extension would accommodate the kitchen, breakfast / family room and sitting room at ground floor level. At first floor level the extension would house two bedrooms, including the master bedroom. Further, at lower ground floor or basement level, there would be two further bedrooms, utility room, pool and sauna. The main entrance would also move to the glazed link.
17. I accept that the existing cottage would home two first floor bedrooms, the family bathroom and dining room, which I would consider to be principle living spaces. However, it must be borne in mind that: there would be more bedrooms within the extension; all bedrooms would be en-suite, depleting the need to utilise the family bathroom; and there is likely to be a breakfast sitting area within the kitchen area of the extension. Further, I consider the study and 'snug' that would also be located within the existing cottage to not be primary living areas.
18. It is therefore clear to me that the proposed extension would take on the role of providing the principle living accommodation of the dwelling. I consider that this would diminish the importance of the cottage and also harm its significance.
19. For all of the above reasons, I consider that the scheme would cause demonstrable harm to the significance of Lees Cottage, resulting in less than substantial harm. The views of the architect and the Parish Council whilst noted, do not alter my own findings.

20. There is disagreement between the parties in terms of whether a fall-back position exists that is associated with a previously permitted development in 2005 (planning and listed building consent). Subsequent applications to extend the timescales for implementing these permissions were granted in 2009. Whilst it may be argued that the planning permission has been implemented by virtue of the garage foundations, the Council has pointed out that the garage did not form part of the listed building consent. On this basis, it appears to me that the listed building consent has now lapsed, and the appellant would not be able to implement the previous scheme.
21. Nonetheless, even if I were to agree with the appellant that there was a legitimate fall-back position, I am mindful that the previously permitted development was notably different in scale and design to this scheme and therefore, I consider such a fall-back position would have little bearing on my conclusions.

Outbuilding

22. The scheme also includes the provision of an outbuilding that would replace the existing mix of tired sheds, stables and barns. I consider that the proposed location of the outbuilding clearly falls within the setting of Lees Cottage. The current setting of Lees Cottage has a rural context with open fields to the west, south and east. The existing outbuildings are relatively modest in scale and appear subservient to Lees Cottage.
23. The proposed outbuilding would accommodate a party/games barn, stables, office and studio at ground floor level and a further office and room in the loft space. The footprint of the outbuilding would be greater than that of the cottage, even as extended by this scheme.
24. I acknowledge that the outbuilding would be single storey in height and that ground levels are notably lower at this location. Further, I accept that there are existing outbuildings that would be replaced and that the scheme would result in the garage permitted in 2005 not being constructed. Despite these matters and bearing in mind the distance that would be between the two, I consider that the significant footprint and subsequent scale of the outbuilding would compete for dominance with the cottage, even as extended by the scheme. Further, I agree with the Council that its scale would be akin to that of a new dwelling and not an ancillary structure. The use of traditional materials would not overcome these concerns.
25. The appellant has also set out that there have historically been outbuildings, such as three thatched barns, stables and stable yard around Lees Cottage, as shown on historic maps in the Design and Access Statement and that the scheme is reinstating its historic setting, including hard landscaping. However, it appears from the limited evidence before me these have not been in place for a considerable period of time and were not in place when Lees Cottage was listed.
26. Overall, the proposed outbuilding would not preserve the setting of Lees Cottage and would appear as an overly dominant feature within its setting, detracting from its significance. I consider that there would also be less than substantial harm caused to Lees Cottage in this regard.

Public benefits (Lees Cottage)

27. Where less than substantial harm is identified, the National Planning Policy Framework (NPPF) identifies that the harm must be weighed against the public benefits of the scheme. For the reasons given above, I consider that the level of harm that would be caused to the significance of Lees Cottage would, on a sliding scale, be on the higher end of less than substantial.
28. I observed that the cottage is undoubtedly in a poor state of repair and is in need of significant works. The appellant is of the view that the proposed scheme will secure the long-term conservation of the cottage. Whilst this would be the case, I share the concerns of the Council with regard to whether the extent of the proposed works with regard to the extension and outbuilding and their subsequent harm are necessary to achieve this aim.
29. It has been suggested that the expenditure on maintenance and repair of the existing cottage is unlikely to be justified. However, there is no further evidence to support this point, in terms of likely costs. The appellant has set out that he is unable to rent the property at a commercial rate due to its current state (namely, from water ingress). However, there is no evidence to suggest, for example, that it would be economically unviable for the cottage to be repaired in its current form and then rented at a higher commercial rate.
30. Even if this was unviable, the proposed extension and outbuilding represent very extensive works and I am not satisfied that their extent and scale are necessary to secure the long-term conservation and optimum viable use of the cottage.
31. Whilst the cottage might not be as thermally efficient as modern houses, the majority of the rooms of the cottage are relatively small and the staircase is relatively steep, I am not of the view that these result in the cottage being uninhabitable. Indeed, many people choose to live in such dwellings over more modern options.
32. I acknowledge that the visual improvements within the site, namely the removal of the existing outbuildings and enhanced landscaping, including the removal of the high hedge to the northern side of the cottage and the reinstatement of the historic pond would improve the setting of the appeal site. Further, I accept that there would be some economic benefits from the construction, although modest. There would also be some environmental improvements through the use of sustainable materials, environmental standards, such as ground source heating and electric car charging points, as well as biodiversity gain.
33. Taking all of the above matters into account, including the fact that it is acknowledged the scheme would secure the long-term use of the cottage, I do not consider that either individually or cumulatively, such public benefits are of sufficient magnitude to outweigh the identified less than substantial harm to the significance of Lees Cottage. Consequently, the scheme conflicts with Policies NBE8 and NBE9 of the LP and the NPPF, namely Paragraph 196.

Character and appearance of the Conservation Area

34. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

35. As set out above the appeal site has a largely rural context with open fields on three sides. The Council has brought to my attention that the South Warnborough Conservation Area Character Appraisal states: *'Travelling from an easterly direction up Lees Hill open views are found between the cottages on the south side of the road, between Manor Cottage and Lees Cottage, adjacent to Lees Cottage, between Peacecroft and Hill Top Cottage, and opposite South Warnborough Lodge, all looking south across green fields towards Humbly Grove Copse. The sheer breadth and distance of views over this attractive downland countryside makes the setting of the conservation area particularly valuable'*.
36. I observed that the appeal site and Lees Cottage itself are particularly visible within the CA and its setting. For example, despite the presence of some screening, the southern and eastern boundaries of the appeal site and Lees Cottage are clearly visible from the footpath (FP2) that runs to the east. Whilst additional planting may provide further screening, it is unlikely to be able to reduce views entirely. Further, filtered views across the appeal site contribute to the open rural character when walking along the footpath and a significant screen of vegetation blocking such views would, in my view, in itself, be harmful.
37. The northern and western boundaries and elevations can also be viewed from Lees Hill. I agree that views out of the village between the existing built development to and from the open countryside contributes significantly to the character and appearance of the CA in this location. Despite the assertion of the appellant, I consider that the proposed development will be visible from Lees Hill when in the vicinity of the appeal site and I observed such views include an appreciation of the rural backdrop and the open countryside beyond.
38. The overly dominant scale of the proposed extension would be evident, as would the significant footprint and scale of the proposed outbuilding. This would cause harm to the rural character of the CA in this location and would have an overly domestic appearance. I acknowledge that the existing outbuildings are visible from the footpath to the east (FP2). However, these are of a smaller scale than that proposed, which would appear, due to its layout, as a large continual block of development.
39. In addition, the scheme also includes a parcel of undeveloped land to the south of Lees Cottage that would be landscaped and laid to lawn. It is currently fenced off separately and is currently being used for the keeping of chickens. Given the evident boundaries of the site, I am not satisfied that this parcel of land could be described as being within the curtilage of Lees Cottage. The scheme would extend the residential curtilage of Lees Cottage into the open countryside, which could be used for housing garden paraphernalia, further encroaching into the open landscape to the south. It has been suggested by the appellant that this parcel of land could be omitted. However, there are no revised plans before me to consider in this regard. Further, I am not of the view that this would be offset by the relocation of the proposed outbuilding further north than the existing outbuildings.
40. I accept the appellants view that the appeal site is not largely visible from footpath FP3, with only the gable end of Lees Cottage being noticeable. However, this does not overcome any of the above concerns.

41. For the above reasons, the proposed development would not preserve or enhance the character or appearance of the CA. This would result in less than substantial harm to the CA as a whole.
42. The appellant has drawn my attention to two other developments close to the appeal site at Varndells on Gaston Lane and Holm Place, next to Manor Court, Lees Hill. I observed these developments on my site visit. However, it is clear that these developments are notably different to the appeal scheme, namely both are for new separate dwellings. In addition, I acknowledge that many other listed buildings within the village have evolved overtime and been subject to development. However, I must consider the scheme on its own merits based on its particular circumstances and context. Consequently, the above matters do not alter my conclusions.
43. On a related matter, there has been much debate in relation to the curtilage of Lees Cottage and the path of the settlement boundary that cuts through the appeal site. Based on my own observations, it appears to me that despite the distance from Lees Cottage, the piece of land in question that accommodates the existing outbuildings is used as a residential garden with the outbuildings being used ancillary to Lees Cottage. I am also mindful that the Council officer in 2012 shared this view and also stated: '*...the older planning history shows that it has been used as such for quite some time*'. I consider that the landownership evidence provided by the appellant also provides support to this view.
44. Further, it seems unclear to me why the settlement boundary has been drawn the way that it has. For example, as pointed out by the appellant, the driveway serving Lees Cottage falls part within and part outside of the settlement boundary, as does the historic pond.
45. Given that part of the appeal site is outside of the adopted settlement boundary, it could be suggested that in policy terms the scheme conflicts with Policy NBE1 of the LP. However, I consider that my above findings would outweigh any such conflicts in this instance as material considerations, and it would not be a reason to refuse the appeal. Notwithstanding the above, given the other reasons for dismissing the appeal this has had little bearing on my overall decision.

Public benefits (CA)

46. The public benefits associated with the CA are the same as those already set out above in relation to Lees Cottage. However, again I am not of the view that these are sufficient to outweigh the less than substantial harm to the CA and the scheme also conflicts with Policies NBE8 and NBE9 of the LP and the NPPF, namely Paragraph 196 in this regard.

Beech tree (Appeal A)

47. The scheme would result in the loss of a protected beech tree numbered '12' on the tree protection plan accompanying the application. The tree is classified as a Category B (moderate) specimen. I see no reason to disagree with this assessment. Its loss would be due to the location of the proposed outbuilding. I observed that the beech tree makes a positive contribution to the visual amenity of the surrounding area.

48. Notwithstanding this, I accept the appellant's view that the loss of the beech tree would be suitably compensated by the additional planting that is proposed. Whilst there would be a short-term loss in amenity value, I consider that overall, there would be a long-term gain once the planting had matured. On this basis, I consider that the scheme complies with Policy NBE9 of the LP.

Highway safety (Appeal A)

49. The drawings provided appear to show that the proposed entrance gates would both be located less than 6 metres from the highway. I agree that this could result in highway safety concerns with vehicles overhanging the road whilst the gates are opened. However, I observed on my site visit that there is ample room within the appeal site to move the gates further back into the appeal site. Consequently, I am content that an alternative location for the gates at least 6 metres from the highway could be secured by an appropriately worded planning condition. On this basis, I consider that the scheme complies with Policy INF3 of the LP.

Planning Balance and Overall Conclusion

50. I have found that the scheme would cause less than substantial harm to the significance of Lees Cottage and to the CA. These impacts are not outweighed by the public benefits of the scheme. The proposal therefore conflicts with Policies NBE8 and NBE9 of the LP and the NPPF, namely Paragraph 196.
51. Whilst I have found that the loss of the beech tree would be suitably compensated and highway concerns can be overcome by a planning condition, these are matters of neutral weight.
52. The proposed development would conflict with the development plan when considered as a whole and there are no material considerations to warrant a decision other than in accordance with the development plan. Appeal A and Appeal B are therefore dismissed.

Jonathan Manning

INSPECTOR