



Appeal Decision

Site Visit made on 9 March 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021

Appeal Ref: APP/N1730/D/20/3264920

9 Hares Lane, Hartley Wintney, Hook RG27 8AD

- 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 & Mrs P & T Treadwell against the decision of Hart District Council.
 - The application Ref 20/02241/HOU, dated 1 September 2020, was refused by notice dated 6 November 2020.
 - The development proposed is the demolition of existing garage and provision of replacement garage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and provision of replacement garage at 9 Hares Lane, Hartley Wintney, Hook, RG27 8AD in accordance with the terms of the application, Ref 20/02241/HOU, dated 1 September 2020, 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: P 01 Rev A.

Preliminary Matters

2. The appellants suggest that the Hartley Wintney Conservation Area (HWCA) has not been lawfully designated by the Council. The matter before me relates to the refusal of a planning application and is not the forum to test the legality of the conservation area designation. Therefore, in the absence of compelling evidence to indicate that the conservation area has been found to have been unlawfully designated, I have assessed the proposal taking into account this designation.
3. According to the Council's refusal reason, Policies GEN1, NBE8 and NBE9 are saved policies of the Hart Local Plan. However, only Policy GEN1 appears in the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policies (LP). Policies NBE8 and NBE9 are in the Hart Local Plan: Strategy and Sites 2016-2032 Proposed Submission Version February 2018 (LPPSV).
4. I also note that Policy NBE8 relates to sustainable water use in new homes so is not relevant to the appeal proposal. In listing the relevant planning policies, the officer's report refers to Policy NBE8 as relating to the Historic Environment and NBE9 as relating to Design. These policies are in fact numbered NBE9 and NBE10 of the LPPSV.

5. In light of the above, it is clear that there has been drafting errors in both the officer's report and the council's decision notice. Based on the information before me the relevant policies are GEN1 of the LP and NBE9 and NBE10 of the LPPSV. As the appellant has referred to the effect of the proposal in terms of the HWCA and design neither main party will suffer any injustice if I assess the proposal against these policies.

Application for costs

6. An application for costs was made by Mr & Mrs P & T Treadwell against Hart District Council. This application is the subject of a separate decision.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the Hartley Wintney Conservation Area.

Reasons

8. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that, in making decisions on planning applications and appeals within a conservation area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. The HWCA is divided into 5 different character areas. The appeal site is located at the northern end of the Hunts Common and London Road character area, which derives its significance, in part, from its open fields and rural appearance.
9. The proposal would replace an existing garage to the front of the host dwelling, which is one of five outbuilding of various size and form along the northern side of Hares Lane. To the west of the appeal site is a terrace of four dwellings that sit forward of the existing garage. Facing these are four detached garages finished in black weather boarding under a pitched, slate, roof that sit close to the highway. The houses and other buildings in the area generally have red brick or rendered walls. Roof forms are a mix of hipped and gabled roofs and are finished in either red tiles or slate. Opposite the appeal site is what appears to be a large car park that was being used for the sale of sheds at the time of my visit. I observed a number of sheds on display at this site, including large examples along its north boundary. As such, the area of the HWCA in which the appeal site is situated has a variety of buildings and uses that contribute to its overall character and appearance.
10. The proposed garage would be larger than the building that it would replace and the adjacent outbuildings. However, it would be set further back from the highway than the existing garage and would be largely screened from view by the adjacent terraced housing when approached from the west, which would reduce its visual impact. From other vantage points, the proposed garage would be seen in conjunction with the adjacent existing garages. Given their mix of form, design and sizes, the proposed garage would sit comfortably within these surroundings. As such, the proposal would not appear discordant or overly dominant within the streetscene and the HWCA.
11. Moreover, the existing garage as a result of its utilitarian form and use of unsympathetic materials makes a negative contribution to the conservation area. It would be replaced under this proposal with a more sympathetic building that reflects the built form and materials of the surrounding area which would improve the appearance of the appeal site and the contribution that this

makes to the HWCA. As a result, the proposal would have a minor positive effect on the character and appearance of the conservation area.

12. I conclude that the proposal would not cause harm to the character and appearance of the Hartley Wintney Conservation Area and that there would be no conflict with saved Policy GEN1 of the LP and Policies NBE9 and NBE10 of the LPPSV. In summary, these seek to ensure that proposals are in keeping with local character and that they should protect, conserve and where possible enhance heritage assets and their settings. There would also be no conflict with Policies 2 and 5 of the Hartley Wintney Neighbourhood Plan 2017-2032 Referendum Plan August 2019. These seek, among other things, to ensure that proposals are proportionate to the scale, layout and character of surrounding buildings and that development in conservation areas should conserve or enhance the heritage asset in accordance with its significance.

Other Matters

13. Hartley Wintney Parish Council have no objection to the proposal but commented on the likely need for lighting between the proposed garage and the main dwelling. However, as no such works are before me this is not a matter that I am able to consider.

Conditions

14. The Council have suggested conditions that it would wish to see imposed in the event that the appeal is allowed. These include the standard plans condition which I will attach for certainty. A condition is suggested requiring the materials to be used in the construction of the external surfaces of the development to match those used in the existing building. The proposal would replace a building that has a negative effect on the character and appearance of the HWCA in part through its use of unsympathetic materials. The proposed external materials are annotated on the submitted drawing and there is no substantive evidence before me that would indicate that these are not acceptable. The suggested condition would therefore be detrimental to the appearance of the proposed building and the HWCA and I shall not attach it.

Conclusion

15. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the above reasons, I conclude that the appeal should be allowed.

Scott Britnell

INSPECTOR