



Appeal Decision

Site Visit made on 15 June 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal Ref: APP/M1710/W/21/3270887

Cleavelands, 11 Basingstoke Road, Alton, GU34 1QB

- 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 Peter + Suzhanna McGuigan against the decision of East Hampshire District Council.
 - The application Ref 34677/002, dated 9 September 2020, was refused by notice dated 3 December 2020.
 - The development proposed is the demolition of the existing double garage & workshop to rear of 11 Basingstoke Road. Construction of new 2-bedroom split-level house. New driveway access from Princess Drive (dropped kerb already in place).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr + Mrs Peter + Suzhanna McGuigan against East Hampshire District Council. The application is the subject of a separate decision.

Preliminary Matters

3. Since the submission of the appellant's appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and comments, where received, have been taken into consideration.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the locality;
 - The effect of the proposal on the living conditions of the occupiers of the host dwelling; and
 - Whether the proposal has an acceptable means of access.

Reasons

Character and appearance

5. The appeal site is located in the rear garden of 11 Basingstoke Road. This road is characterised by detached properties sited on large plots with regular shapes and depths that rise steeply from the road. There is no evidence, and I am

unaware of any relevant planning permissions, in the immediate locality of the provision of dwellings in rear gardens, with the result that this characteristic has not been significantly eroded. This area of Princess Drive is a predominantly residential suburban estate characterised by similarly designed two storey dwellings, which creates a degree of uniformity. No built development immediately adjoins the site with areas of landscaping to either side creating a pleasant environment.

6. Whilst a garage already exists in the location this is clearly ancillary to the host dwelling which retains its long rear garden which is characteristic of the area. The construction of a dwelling and provision of associated amenity space would significantly reduce the garden area of the host dwelling which fails to respect the spatial characteristics and pattern of development in the area.
7. Due to the topography of the site the proposal will be split level with the appearance of a single storey building from Princess Drive. The proposal will be finished in black timber cladding under a black metal roof. In the context of the similarly designed two-storey dwellings finished with red brick, cladding and tiled roofs the proposal would appear as an incongruous addition to the street scene at odds with the appearance of nearby dwellings. Whilst the appellant has provided drawings detailing some landscaping, this does not overcome the harm identified.
8. For these reasons, the proposed house would cause unacceptable harm to the character of the area and is therefore contrary to Alton Neighbourhood Development Plan (NDP) Policy DE2 and East Hampshire District Joint Core Strategy (CS) Policy CP29 which together seek to ensure that development respects and maintains that characteristics of a locality. The proposal is also at odds with the advice set out in paragraph 130 and 134 of the National Planning Policy Framework (the Framework) that seeks good design sympathetic to the local character and design that fits in with the overall form and layout of their surroundings.

Living conditions

9. The proposal would be located in the rear garden of 11 Basingstoke Road but would have a separate access from, and front on to, Princess Drive to the south of the site. The site is at a lower level than Princess Drive and slopes steeply down towards the host dwelling, meaning that the proposal would be at an elevated position in relation to the host dwelling and associated garden.
10. It is noted from the submission that the Council and the appellant disagree with regards to the distances between the proposed and host dwelling which range from 18 – 21 metres. However, the appellants submission of cross sections and sight lines demonstrates that even at 18 metres distance, with the introduction of a 1.8 metres fence as mitigation, there would be no potential to overlook the gardens or habitable rooms of the host property.
11. As such there would be no unacceptable harm to the living conditions of the occupiers of the host dwelling and the proposed development complies with CS Policies CP27 and CP29 which seek to protect the privacy of occupiers of neighbouring properties. The proposal also complies with the advice set out in paragraph 130 of the Framework that seeks high standard of amenity for existing and future users.

Access

12. The proposal will be accessed off Princess Drive over an area of land which appears, from the various appeal submissions, to be unregistered. The appellants submission details that a right of access is available to the appeal site and I note that permission has been granted by the Highways Authority for a dropped kerb and vehicular access to the site. I also note the consultation response from Highways which does not object to the use of this access or provision of parking for the proposal nor sustain any objection on highway or pedestrian safety grounds. On site I noted that this area of land was being used to park cars and provided access to the existing garage. Whilst the Council contend that the site is land locked I consider that the evidence before me demonstrates that access is currently available and achievable to the site.
13. I have had regard to the submissions from third parties on this matter and note that there is some dispute over land ownership, access rights and the provision/removal of a safety railing. From reviewing the submission, I note that a garage has existed at the site for several years, a right of access to the site also exists and a new access has been granted highways approval. In any event, matters related to the ownership of the land would be separate to and would not ultimately influence the assessment of the planning merits of the proposal.

Other considerations

14. I have had regard to the personal circumstances outlined by the appellant and whilst I have given this careful consideration, I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. For this reason, I therefore find that this factor is not sufficient to outweigh the harm identified.
15. The appellant has advised in their appeal statement that the proposal would be for a self-build and has provided information relating to the lack of self-build plots in the Council area. Such proposals would need to be secured via a planning obligation and one has not been submitted as part of the appeal for consideration.
16. I have had regard to the Council's suggested conditions which the appellant agrees with; however, I do not consider that these would overcome the aforementioned harm identified.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR