
Appeal Decision

Site visit made on 25 August 2021

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

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/N1730/W/21/3273660
Shell Hook, London Road, Hook RG27 9DZ

- 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 Shell UK Oil Products Ltd against the decision of Hart District Council.
 - The application Ref 20/01845/FUL, dated 6 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is described as construction of sales building, reconfiguration of forecourt layout and car parking, bin store, vent stack, air water bay and alterations to canopy (following demolition of existing sales building).
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council did not provide an appeal statement. Whilst it has not therefore offered any response to the appellant's case, I take this as an indication that it wishes to rely on its officer report. I have assessed the scheme accordingly.

Main Issues

3. The main issues are the effects of the development on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of Wellworth House in relation to outlook and noise and disturbance, and of Apex in relation to outlook.

Reasons

Character and appearance

4. The appeal site is occupied by a former used-car lot (the car lot) and filling station. The latter occupies a plot at the junction between Reading Road and London Road. A tyre and MOT centre occupy the ground floor and surrounding land at Wellworth House adjacent, and a second filling station and garage are located opposite. As such the site forms part of a small cluster of uses related to vehicle servicing and the motor trade.
5. Towards the northeast dwellings with generally deep front gardens line London Road. Towards the southwest commercial development and services of more varied layout populate the streetscene. Whilst the site as such marks a point of

general transition, common characteristics such as street facing orientation, brick or render finishes, and pitched or hipped roofs, help to provide a prevailing sense of overall character. This is most immediately illustrated by adjacent buildings such as Wellworth House and Apex.

6. The filling station itself incorporates an illuminated flat-topped canopy, totem sign, and a small flat roofed service building. Though forecourt access is from London Road, the limited depth of the plot means that the existing service building is positioned to the side. Consequently, the side elevation of the service building faces London Road. In view of the above, the design and layout of the filling station does not integrate well with the broader streetscene. This is to some extent true even in comparison with the filling station opposite, whose layout and relationship with London Road differs. The modest scale of the existing service building, its attachment to the canopy, and positioning set well back from the pavement does at least limit its visual prominence.
7. The appeal scheme would see the existing service building replaced with a considerably larger, but similarly orientated metal-clad structure, with slightly angled flat roof. The proposed building would extend much closer to the pavement, and would be greater in height than the existing building. Indeed, the height, footprint, positioning, scale and massing of the proposed building would cause it to be far more visually prominent and exposed to public view than the existing. Approached from the northeast along London Road its exposure and prominence would be increased further by the adjacent deep and open frontage of Wellworth House.
8. As noted by the appellant, the requirement to orientate a filling station service building towards the forecourt places some unavoidable limitations on design. These both are and would be highlighted in this case by the layout of the site. Service buildings nonetheless show wide variation in terms of their overall design, as expressed in terms of their height, form, materials, and detailing. Despite the limitations, ample scope therefore exists for the design of such a building to engage with the broader streetscene.
9. In this case however, the exposed side and rear elevations of the proposed service building would contain doors, but little other detailing. Given that both elevations would otherwise comprise flat metal-clad surfaces finished in white, they would provide a starkly utilitarian appearance devoid of visual interest. This would be further accentuated by the functional, rectilinear form of the building, whose boxy shape would in turn emphasise its scale and bulk. In these regards, aside from the canopy, the appearance of the building would make no obvious reference to development which predominantly characterises the broader streetscene, or the buildings alongside which it would be viewed. Whilst manifestly unattractive, the building would as such appear visually incongruous.
10. Limited planting has been proposed, but the appellant has indicated that this could be substantially increased and extended along the northeast boundary of the site. This would reduce the visual prominence of the rear elevation, and would also help to break up the current dominance of hard landscaping within the site and its immediate setting. The latter could provide some limited broader benefit. However, it is unlikely that planting would be wholly successful in its primary purpose of screening the building from view. In this regard the

capacity to undertake planting along the boundary provides little justification for the poor quality of design proposed.

11. Moreover, the side elevation would remain highly exposed, within which context its utilitarian appearance would highlight the limited extent of its engagement with London Road. I note that the intention to attach signage to the elevation is indicated on the plans. This could play an important role in providing visual relief and interest. However, no details are shown, and this would be subject of separate consent. As such I can attach very limited weight to this consideration.
12. I have little doubt that the side elevation would be interpreted directly in relation to the filling station of which it would form part, and not as a 'front' elevation. Indeed, approached from either direction, the overall identity of the site would remain that of a filling station. This impression would not be altered by the greater gap that would exist between the canopied area of the forecourt and the service building than at present. However, it is likely that this would remain true whatever design was proposed. Again in this regard, the fact that the proposed service building would form a functionally identifiable part of a filling station does not provide justification for the poor quality of the design proposed.
13. Insofar as the car lot is an open hard surfaced space, the scheme would result in loss of openness and of views across it. The car lot is however an unattractive space which holds no obvious intrinsic value. Nor does it directly complement the deep front garden spaces of dwellings towards the northeast. Views across the car lot likewise lack any distinct quality or interest, either in themselves, or in relation to the broader context. In this regard development closer the frontage than at present would readily correspond with the more varied layout of buildings towards the southwest. Loss of the car lot, its openness and views across it would not therefore be harmful. However, whilst this underlines the capacity of the site and context to accommodate development of the type and siting in question, it does not provide a basis to consider its overall design any more acceptable.
14. For the reasons set out above I conclude that the development would have an unacceptable effect on the character and appearance of the area. It would therefore conflict with Policy NBE9 of the Hart Local Plan (Strategy and Sites) 2032 (the Local Plan) insofar as this seeks to secure high quality design which positively contributes to the overall appearance of the local area; saved Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 (the LPR) insofar as this similarly seeks to secure development in keeping with local character; and Policy HK2 of the Hook Neighbourhood Plan 2018-2032 which states that development should make a positive contribution to the character and appearance of the village centre.

Living conditions

15. A flat is located on the first floor of Wellworth House. A bedroom window of this flat is located close to the boundary with the car lot. Though oblique views exist across the car lot, its outlook is otherwise directly across the parking area for the tyre and MOT centre on the ground floor.
16. Plant, consisting of air conditioning and refrigeration units, would be located in the eastern corner of the site. This would lie towards the south of the bedroom

window in question with a reasonable gap between. The operation of this plant would give rise to noise, which, given the reasonably busy nature of the immediate context, and use of the room, could be audible at night. A noise report provided by the appellant however shows that even following correction to take account of heating, additional noise levels would be very low.

17. Though the decision notice nonetheless states that the noise report is inadequate in relation to proposed plant, it does not state why. Nor is this identified as an issue within comments from the Council's Environmental Health Officer (EHO). Based on the evidence before me, scope for night-time disturbance would be limited, and thus unlikely to cause any unacceptable harm. In this regard required acoustic screening can be secured by condition, and maximum noise levels can be likewise limited.
18. Additional noise concerns raised by the EHO and interested parties in relation to air pumps, care facilities and the location of delivery bays were not issues identified by the Council in refusing the scheme. Indeed, the filling station already has an air pump, and though none is shown on the proposed plans, even if one was retained the noise impacts would presumably be little different than at present. No additional care facilities likely to give rise to noise are shown on the plans, and delivery vehicles would presumably utilise the area in front of the service building otherwise available for customer parking during opening hours.
19. As the new service building would occupy part of the car lot it would be visible from the bedroom window in question. As noted above however, such views would be oblique, and a gap of reasonable size would exist between. Consequently, the service building would be neither overbearing nor oppressive.
20. Apex is a single storey bungalow located immediately towards the northwest of the site. As it directly faces the filling station the existing service building and canopy have a significant presence within its outlook. Nonetheless at least one window currently has a reasonably clear outlook across the car lot.
21. The proposed service building would occupy part of the car lot, and both it and the boundary fence would be more substantial in scale and height than the existing. The existing clear outlook from Apex across this space would therefore be lost. Removal of the existing service building and part of the canopy would however open a gap immediately opposite a greater proportion of the frontage of Apex, thus balancing the effect. Moreover, any overbearing to which the development would give rise would principally affect the adjacent driveway and parking area. The above being so, no unacceptable harm would arise.
22. For the reasons outlined above I conclude that the development would not have an unacceptable effect on the living conditions of the occupants of Wellworth House or Apex. It would therefore comply with saved Policy GEN1 of the LPR insofar as this seeks to secure development that avoids any material loss of amenity to existing and adjoining residential uses. This would not however alter the existence of overall conflict with this policy given my findings in relation to character and appearance above. Though the Council also cited Policy NBE9 of the Local Plan, this contains no criteria directly related to neighbour amenity.

Other Matters

23. The service building would contain a small supermarket with ATM and toilet. This would provide useful expanded facilities for motorists and local people alike. It would provide a small number of jobs, and a similarly small boost for the local economy. All are benefits which weigh in favour of the development, whether or not other supermarkets are available locally. The very same benefits could however be delivered by a service building of different design.
24. Here I acknowledge that the National Planning Policy Framework (the Framework) states that decisions should help create the conditions in which businesses can invest, expand and adapt. However, I am equally mindful that the Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development processes should achieve. Whilst 'beauty' may be a high aspiration for a filling station service building, I see no reason why both objectives should not be broadly fulfilled by the development in question. That and the above being so, the social and economic benefits of the development do not serve to justify its poor design, or therefore outweigh the harm that this would cause.

Conclusion

25. The proposal conflicts with the development plan, and would cause unacceptable harm to the character and appearance of the area. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR