
Appeal Decision

Site visit made on 24 August 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2021

Appeal Ref: APP/M1710/W/21/3272897

Old Down House, Swelling Hill, Ropley, Alresford SO24 0DA

- 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 and Mrs Trevor Carlin against the decision of East Hampshire District Council.
 - The application Ref 39720/014, dated 2 December 2020, was refused by notice dated 22 February 2021.
 - The development proposed is erection of detached dwelling with associated garden and parking following the demolition of the existing dwelling.
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Decision

1. The appeal is allowed and permission is granted for erection of detached dwelling with associated garden and parking following the demolition of the existing dwelling, at Old Down House, Swelling Hill, Ropley, Alresford SO24 0DA, in accordance with the terms of application Ref 39720/014, dated 2 December 2020, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matter

2. Since the refusal of the planning application and the submission of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. The main parties were given the opportunity to address this matter, and I have taken this into account where relevant to my decision.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the range of dwelling sizes in the countryside.

Reasons

Character and appearance

4. The site lies in open countryside between Four Marks and Ropley. It comprises a large plot of land which, on the basis of the evidence before me, was occupied by a traditionally designed, hipped roof, detached two storey dwelling, when the planning application was submitted. I saw during my site visit that the building has since been demolished.

5. The site lies within Monkwood Clay Plateau, where the rural area is elevated and gently undulating. Land levels across the site rise in a northeasterly direction, and the former dwelling was sited in an elevated position on a slope facing southwestwards over open countryside. The remainder of the site is given over to open soft landscaped land comprising open lawn, paddocks and fields to the west and north, and a landscaped rear garden to the east of the former house. There are some outbuildings in the southeast corner, together with a parking area and gravelled driveway access to the site of the former dwelling.
6. Other dwellings within the locality are mainly two-storey, comprising a mix of designs and materials. They are sporadically positioned along both sides of Swelling Hill and generally set within spacious and soft landscaped plots, which are interspersed by groups/belts of trees.
7. The site is largely screened in views from the public realm by mature trees along its road frontage and to the northeast and southwest, including a large area of woodland known as Old Down Woods to the northeast. The remaining site boundaries are more open. This, combined with the elevated position of the site, means it is visible in wider views from surrounding land to the west and southwest, including from St Swithuns Way public footpath, which lies approximately 800m to the west of the site, and runs northwards from Swelling Hill.
8. I have considered the site planning history and any fallback position. I have noted comments from both main parties in respect of various extensions and alterations that could potentially be made to the former dwelling as determined under the Prior Approval and Lawful Development Certificate processes. However, since the dwelling has now been demolished, I have not considered these further.
9. More significantly, having regard to the current appeal, the site benefits from an extant permission¹ (the extant permission) for a replacement two-storey dwelling of a contemporary design, incorporating a part flat and part pitched roof, and metal cladding, timber and flint finish, to be built in the same position on the site as the former dwelling. It appears to me, that since the previous dwelling has now been demolished, that the extant approval scheme has a real prospect of taking place in the alternative, should this appeal be dismissed. This comprises a fallback position which is an important material consideration that carries significant weight for the purpose of my decision.
10. The scale and massing of the approved scheme was not considered by the Council to be significantly larger than that of the former dwelling that existed on the site. The appeal scheme would be identical to the approved dwelling in respect of its design, footprint, scale, ridge height and massing above ground floor level and it would be positioned in the same place on the appeal site as the previous building and extant approval.
11. The appeal scheme differs from that of the extant permission by virtue of the proposed addition of a basement level of accommodation comprising approximately 250 sqm floorspace. This would involve excavating into the hillside and building a retaining wall in front of the proposed dwelling. The west elevation of the basement would contain a number of large floor-to-ceiling

¹ 39720/013

glazed openings leading onto a lower-level terrace between the dwelling and the retaining wall. As such, the west elevation of the new building would clearly be perceived as three-storey in height.

12. The appellants' supporting visualisation drawings indicating the impacts of the former dwelling and the approved and proposed schemes upon views of the site from St Swithuns Way demonstrate that, having regard to the topography of the land and the proposed building design, the proposed basement level of accommodation would not be visually apparent in wider views of the dwelling, and that the appeal scheme would have a similar impact on the character and appearance of the surrounding landscape as the former dwelling and the extant approval scheme.
13. The images submitted with the appeal show that the former building on the site included a large elevated 'wraparound' area of decking, which due to its height and design, gave an impression of an additional level of accommodation on the west side of the building when viewed from a distance. In addition, the light colour of the walls served to draw attention to the building. Having regard to these factors, I find that the proposed scheme would not be noticeably more visually prominent in wider views from the west and southwest than the former building. Moreover, the flat roof terrace and green planted roof areas to the sides of the ground floor accommodation would serve to break up the mass of building providing space to allow for a green backdrop to the building in these areas.
14. The proposal would retain the extant permission's more cohesive contemporary building design than that of the former dwelling, which comprised an ad-hoc arrangement of roof elements. The proposed timber and flint stone facing materials would also better reflect the rural location, and be less visually intrusive in wider views than the light coloured walls of the previous dwelling. These factors also weigh in favour of the proposal.
15. When viewed from close-up, the basement accommodation would not be visually apparent looking towards the north, south and east elevations of the building, due to its subterranean nature.
16. The cantilevered design of the ground floor overhanging the basement terrace, combined with the inset nature of the basement within the hill slope and additional screening due to the retaining wall means that any additional light spill from the basement level glazing would not be of a significantly higher level than that arising from the extant permission scheme, and that it would not be of a level that would be demonstrably harmful to the rural landscape character of the site and the surrounding area.
17. Having regard to the above factors, I find that as a result of its combined design, scale and mass and siting, the proposed building would sit comfortably within the appeal site without appearing visually dominant or a discordant feature within the site. It would be sympathetic to its immediate surroundings and would conserve the landscape character of the hillside.
18. For the above reasons, I therefore conclude that the proposal would not materially harm the character and appearance of the area. As such, it would accord with Policies CP20 and CP29 of the *East Hampshire District Local Plan: Joint Core Strategy* (2014) (the JCS), Policies RNP11 and RNP12 of the *Ropley Neighbourhood Plan* (2019) (the RNP) and the Design Guidelines of the *Ropley*

Village Design Statement (2007) (the RVDS), in so far as these policies and guidance require new development to seek exemplary standards of design and architecture with a high quality external appearance that respects the area's particular characteristics, be appropriate and sympathetic to its setting and its relationship to landscape features, provide visual interest, and protect the character, identity, context and appearance of countryside.

19. This is generally consistent with Chapter 12 of the Framework which seeks to achieve well-designed places.

Range of dwelling sizes

20. Saved Policy H16 of the *East Hampshire District Local Plan: Second Review* (2006) (the LPSV) restricts the size of replacement dwellings in the countryside, with the objective of maintaining a range of dwelling sizes outside settlement policy boundaries. In the case of the appeal proposal, there is no dispute between the main parties that the 'original dwelling' for the purposes of the policy falls within the second category of the four sizes of dwellings referred to as 'mid-range', having an original floorspace of between 67 sqm and 266 sqm, and where the policy allows for replacement with up to a maximum increase of 50% floorspace, and that the proposal would result in a floorspace increase of around 178%. As such, it would fail to comply with the permitted 50% increase allowed under Policy H16 and would conflict with the policy in this respect.

Planning Balance

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of this appeal be made in accordance with the development plan unless material considerations indicate otherwise.
22. Whilst the proposal conflicts with the floorspace restrictions of Policy H16, I have taken other considerations into account. The extant permission allowed for a 56% increase over the original floor area, so that the property would then fall within the 'large dwelling' category of property size of between 267 sqm and 400 sqm according to Policy H16. I note that even a Policy H16 compliant 50% increase would take the property into the 'large dwelling' category. The appeal scheme would comprise a 178% increase over the original dwelling floorspace and take the dwelling into the 'very large' category comprising over 400 sqm floorspace.
23. My attention has been drawn to an appeal decision² where the appeal Inspector queried the rationale behind the thresholds of Policy H16, and I share those concerns. The Council has not demonstrated why a proposal for an increase in dwelling size from one within the 'large' category (which would be the starting point by virtue of the extant permission or by another scheme proposing a policy-compliant 50% increase over the original dwelling size), to one within the 'very large' category of over 400 sqm floor area, as is now proposed, will help maintain a mix of dwelling sizes, or help to satisfy the District's identified housing need.
24. The supporting text to Policy H16 confirms that there has been a clear trend towards larger properties in the countryside, many of which were created by the expansion of smaller properties at a time when the District-wide housing

² APP/Y9507/D/16/3156720

needs surveys identify a continuing need for smaller, less expensive accommodation.

25. The dwelling that formerly existed on the site was a substantial 4-bedroomed dwelling, with two sitting rooms in addition to kitchen and dining rooms, and therefore sufficient space to accommodate additional bedroom provision at ground floor level. Having regard to its size, and also the extensive grounds and outbuildings which also form part of the appeal site, and add significantly to the value of the site, the retention of a dwelling the size of the former dwelling on the appeal site would not contribute towards the Policy H16 objective of addressing a continued need for smaller, less expensive dwellings.
26. Notwithstanding, that they fall within different categories in accordance with Policy H16, the former dwelling, the extant permission dwelling and the appeal scheme dwelling are all substantial 4-plus bedroom sized dwellings. The appeal proposal would add a significant amount of additional floorspace to that of the former building and extant approval scheme, but this seeks to provide additional space and an improved quality of living accommodation rather than additional bedrooms.
27. Furthermore, the appellant has drawn my attention to the Council's Interim Housing and Economic Needs Assessment (2018) which confirms that the housing requirements are still focussed on 2- and 3-bedroom homes and that there is also a higher need for larger accommodation of 4-plus bedrooms. This is not disputed by the Council.
28. I have found conflict with Policy H16. However, having regard to the above, I am not persuaded, on the basis of the evidence before me, including the recent identified housing need and the substantial size and high value of the former dwelling on the site, that the proposal would prejudice an underlying objective of Policy H16, of providing housing to reflect local needs, since there would be no resulting loss of smaller, less expensive accommodation. As such, the weight I attribute to the conflict with the development plan in this specific case is limited.
29. Also, the proposal would provide for notable energy efficiency enhancements in comparison to the former dwelling. This accords with another of the objectives of Policy H16, and this weighs in its favour. The proposal would also accord with the design quality aims of JCS Policies CP20 and CP29, RNP Policies RNP11 and RNP12 and the RVDS Design Guidelines.
30. Taking all the above matters into account, I therefore conclude that the appeal should be allowed.

Other Matters

31. I acknowledge a previous dismissed appeal³ in respect of a scheme for a replacement dwelling on the appeal site, where the appeal Inspector considered the proposal to fail to comply with the aim of Policy H16. However, I find that there are notable differences in circumstances in respect of the two proposals, including that the former appeal scheme was not considered to be of an acceptable design, energy efficiency benefits were not cited in the decision, and there are differences in respect of the fallback position and identified housing need details. As such, that appeal decision does not alter or justify my

³ APP/M1710/W/17/3169362

conclusion in respect of the current proposal, which I have determined on the merits of the scheme before me and other current material considerations.

Conditions

32. I have considered the Council's suggested conditions in accordance with Paragraph 56 of the Framework and the National Planning Practice Guidance and, where necessary, I have modified them. In addition to the standard implementation condition (1), it is necessary to define the plans for certainty (2).
33. In order to protect the character and appearance of the area, conditions are necessary to ensure appropriate materials (3), the provision of an appropriate landscape scheme (4) the protection of trees worthy of retention (5), and the removal of specified permitted development rights (6). In the interests of the living conditions of neighbouring occupants having regard to privacy, a condition is necessary to ensure that the area shown as 'green planted roof' is not used as an external amenity area (7).
34. In the interests of protecting and enhancing biodiversity, a condition is necessary to ensure the development is carried out in accordance with the appellants' proposed ecological mitigation, compensation and enhancement measures detailed within the supporting documents (8).
35. In the interests of sustainable construction, a condition is necessary to ensure that the development incorporates energy saving measures in accordance with Policy CP24 of the JCS (9).
36. To ensure that the development provides a satisfactory means of drainage, and does not increase flood risk on or off-site, a condition is necessary to ensure the implementation, and subsequent retention of, a scheme of foul and surface water drainage (10). Pre-commencement submission and approval of the scheme is necessary since the details need to be taken into account in the construction of the development, and therefore go to the heart of the planning permission. This condition incorporates the requirements of the Council's suggested condition no.9, as such there is no need for me to impose this condition in addition to condition (10).
37. Having regard to my findings in respect of the second main issue, the restrictions imposed by proposed condition (6), and the limited size of the roof space of the dwelling hereby approved, I do not find it necessary to impose a condition restricting the use of the roof space of the approved dwelling to incidental domestic storage only. As such, I am not proposing to attach the Council's suggested third condition.

Conclusion

38. For the reasons given above, I conclude that the appeal should succeed, and planning permission be granted subject to conditions.

S Leonard

INSPECTOR

Schedule of 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: 1911/ST.01 Rev A Existing Site Plan; 1911/ST.02 Rev A Proposed Block Plan; 1911/EX.01 Existing Ground Plan; 1911/EX.02 Existing First Plan; 1911/EX.03 Existing Roof Plan; 1911/EX.04 Existing Front and Rear Elevations; 1911/EX.05 Existing Side Elevations; 1911/GA.00 Proposed Basement; 1911/GA.01 Rev A Proposed Ground Plan; 1911/GA.02 Rev A Proposed First Plan; 1911/GA.03 Rev A Proposed Roof Plan; 1911/GA.04 Rev A Proposed Front and Rear Elevations; 1911/GA.05 Rev B Proposed Side Elevations; 1911/GA.06 Rev A Proposed Sections A and B; 1911/GA.07 Rev A West Elevation Comparison; 1911/GA.07 Proposed Sections B Comparison (received 11.02.2021); and 1911/GA.08 Approved and Proposed Visualisations (received 11.02.2021).
- 3) Notwithstanding the submitted details, no development shall take place above slab level until details of the following have been submitted to, and approved in writing by, the local planning authority: all materials to be used for the external facing and roofing of the development. The development hereby permitted shall be carried out and thereafter maintained in accordance with the approved details.
- 4) No development shall take place above slab level until a scheme of landscaping has been submitted to, and approved in writing by, the local planning authority. The landscape scheme shall include planting plans, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/ densities where appropriate, the design, type, position and scale of boundary treatments, hard surfacing materials and an implementation programme.

The approved landscaping shall be carried out in accordance with the approved details and implementation programme, with the soft landscaping scheme to be carried out in the first planting and seeding seasons following the first occupation of the development. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved.
- 5) The development hereby permitted shall be carried out in accordance with the Arboricultural Survey Implications Assessment and Arboricultural Method Statement, Ref RMT497, by RMT Tree Consultancy Ltd dated 31 July 2020.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no extensions or outbuildings as defined within Part 1 of Schedule 2, Classes A, B, and E of that Order, shall be constructed on the site.
- 7) The roof area of the southern projection of the dwelling hereby permitted shall not be used as an external amenity area.

- 8) The development hereby permitted shall be carried out in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Bat Emergence/Re-entry Survey and Mitigation Report by Darwin Ecology dated November 2020. The ecological mitigation, compensation and enhancement features shall be thereafter retained in a condition suited to their intended function.
- 9) No development shall commence above slab level until a scheme has been submitted to, and approved in writing by, the local planning authority to demonstrate that the built development hereby permitted incorporates measures that provides at least 10% of energy demand from decentralised and renewable or low carbon energy sources.

Before any part of the development is first occupied a verification report and completion certificate shall be submitted in writing to the local planning authority confirming that the built development hereby permitted has been constructed in accordance with the approved scheme.

The developer shall nominate a competent person for the purpose of assessing and providing the above required report and certificate to confirm that the completed works incorporate such measures as to provide these requirements. The measures shall thereafter be retained and maintained to the agreed specification for the lifetime of the development.

- 10) No development shall commence on site until details of a scheme for foul and surface water drainage has been submitted to, and approved in writing by, the local planning authority. Such details should include provision for all surface water drainage from parking areas and areas of hardstanding to prevent surface water from discharging onto the highway and should be based on site investigation and percolation tests. The development shall be carried out in accordance with the approved details before any part of the development is first occupied and shall be retained thereafter.

*****End of Conditions*****