



Appeal Decision

Site visit made on 29 December 2021

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 JANUARY 2022

Appeal Ref: APP/N1730/D/21/3282115

Wisteria, Fir Drive, Blackwater, Hampshire, GU17 9BX

- 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 M Fellowes against the decision of Hart District Council.
 - The application Ref 21/00945/HOU, dated 29 March 2021, was refused by notice dated 6 August 2021.
 - The development proposed is the erection of a detached garden building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached garden building at Wisteria, Fir Drive, Blackwater, Hampshire, GU17 9BX in accordance with the terms of the application, Ref 21/00945/HOU, dated 29 March 2021, subject to the 5 conditions set out in the Schedule below.

Main Issue

2. The main issue is whether the proposed development would be incidental or ancillary to the enjoyment of the host dwelling.

Reasons

3. The Council have refused the application on grounds relating to the internal layout and use of the building. They have referenced general design policies Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 Saved Policies, and Policy NBE9 of the Hart Local Plan 2016-2032.
4. The proposal is a garden building to be used for ancillary purposes by the occupants of the host dwelling. The Council, within their report, have based the reasoning for the refusal on the potential of the proposed garden building to be used as an independent residential unit. Such a change does not form part of the proposal in front of me, and any such change to the future use of the proposed building would require a new planning permission. Therefore, I consider that this can be overcome by condition.
5. However, the use of the building cannot be considered in isolation when regarding Policies GEN1 and NBE9. There is a necessity to consider the proposed development in context of the character and appearance of the area.
6. The host dwelling, Wisteria, is a well-proportioned detached two storey dwelling on a corner plot between Hawley Road, and the subsidiary Fir Drive. To the rear of the dwelling there is a large, enclosed garden. This is predominantly screened by mature shrubbery, hedges, and trees, and is set

back from Hawley Road behind a neighbouring property's garden and outbuildings, and a substation compound.

7. The surrounding properties are generally large, detached dwellings within well-proportioned plots, some including large outbuildings or garages either to the rear or side of the main dwelling. The area is predominantly suburban and verdant with mature planting around and between the properties.
8. The proposed development would be of a form and design commensurate to the host dwelling and would be sited to the rear of it. The scale of the proposal is large when considered in isolation, however in relation to the host dwelling's size, the proportion of the curtilage still undeveloped, and the similar properties surrounding it, it is considered subsidiary in size, proportionate and acceptable in this location.
9. Although partial views of it would be possible from Fir Drive, via the existing parking area, it would be clearly subservient to the host dwelling due to its significantly lower height and set-back position. There would be limited views of it from Hawley Road and it would be predominantly screened by the retained trees, boundary treatments and existing development between.
10. The Council's Arboricultural Officer is satisfied that the proposed development would not harm the protected trees on site and their safety during construction could be secured via condition. On this matter I agree. It is noted that the Arboricultural Officer refers to a Arboricultural Method Statement produced by Duckworths Arboriculture. Although it does not form part of the appeal submission, there is no conflict between parties in relation to the contents of the statement nor its recommendation for inclusion within a condition.
11. The Council has suggested several other conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity. The conditions specifying the approved plans and materials are necessary as they provide certainty. The condition limiting use will protect the living conditions of the adjoining residential properties.
12. It is therefore concluded that the proposed development would not harm the overall character and appearance of the area. It would comply with Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 Saved Policies, and Policy NBE9 of the Hart Local Plan 2016-2032.

Other Matters

13. It is noted that there were several public representations made on the planning application. Although supportive in nature there were some concerns relating to the potential of overlooking from the roof lights. This has been considered by the Council in terms of a lack of impact on the living conditions of neighbours and I agree with its findings. Another concern related to waste and surface water drainage. The plans submitted show appropriate guttering and that services will lead through the appeal site. I am therefore content that drainage will also not harm the living conditions of neighbours.

Conclusion

14. Consequently, the appeal scheme complies with the development plan and there are no other material considerations that would indicate otherwise. The

appeal should therefore be allowed, subject to the conditions set out in the Schedule below.

RJ Redford

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:
 - Location Plan 1:1250
 - Proposed Garden Building FL 1802/4 Rev. A
 - Tree Protection Plan TPP 05307/2019 R2
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials to match those used in the dwelling known as Wisteria.
- 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Wisteria.
- 5) Tree protection fencing and ground protection shall be installed in accordance with the Tree Protection Plan [TPP 05307/2019 R2] and the Arboricultural Method Statement, revised March 2022 and produced by Duckworths Arboriculture. The fencing and ground protection shall be installed before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within the areas marked 'Construction Exclusion Zone – Keep Out!' on the Tree Protection Plan [TPP 05307/2019 R2], and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.