



Appeal Decisions

Site visit made on 4 May 2022

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Appeal A Ref: APP/N1730/W/21/3277676

31 Haywarden Place, Hartley Wintney, Hook RG27 8UA

- 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 Lee Savill against the decision of Hart District Council.
 - The application Ref 21/00287/HOU, dated 29 January 2021, was refused by notice dated 2 June 2021.
 - The development proposed is rear single storey extension to form new kitchen dining space.
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Appeal B Ref: APP/N1730/W/21/3283232

31 Haywarden Place, Hartley Wintney, Hook RG27 8UA

- 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 Lee Savill against the decision of Hart District Council.
 - The application Ref 21/00288/FUL, dated 29 January 2021, was refused by notice dated 19 July 2021.
 - The development proposed is 2 bed new build house attached to existing dwelling.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Application for costs

3. An application for costs was made by Hart District Council against Mr Lee Savill in respect of Appeal B. This application is the subject of a separate Decision.

Preliminary Matters

4. The appellant has submitted revised drawings as part of the appeal in relation to Appeal B. These proposed to increase the width of the dwelling to provide enlarged internal floorspace.
5. The *Procedural Guide – Planning Appeals – England* makes clear that if an applicant thinks that amending their application proposals will overcome the local authority's reasons for refusal they should normally make a fresh planning application. Furthermore, the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially the same as that on which the local planning authority took their decision and on which the views of interested people were sought.
6. In my view, the increase in width of the proposed dwelling would be materially different to that which had previously been proposed. This amendment has not

been consulted on and therefore interested parties have not been given the opportunity to comment. I have therefore not taken this revision into account and proceeded to base my decision on the proposals before the Council when it made its decision.

Main Issues

7. The main issue in Appeal A is the effect of the proposed development on the living conditions of the adjacent neighbour at 30 Haywarden Place with particular regard to a sense of overbearing, overshadowing and loss of light.
8. The main issues in Appeal B are:
 - the effect of the proposed development on the neighbouring occupiers at 31 Haywarden Place, with particular regard to a sense of overbearing, overshadowing and loss of light
 - whether the proposed development would provide satisfactory living conditions for future occupants, with particular regard to its internal size and layout; and
 - the effect of the proposed development on protected habitats.

Reasons

Appeal A Living conditions – 30 Haywarden Place

9. The appeal property is a small, modern 2-storey end of terrace dwelling. It adjoins 30 Haywarden Place (No 30) to the north which is a similar property. The west facing rear garden to No 30 is narrow and rectangular.
10. The proposed extension to Number 31 (No 31) would be full width and project rearwards by approximately 3.8m from the rear elevation of the host property very close to the shared boundary with No 30. It would have a pitched roof projecting from just below the first floor windows, with a height indicated to be around 3.5m.
11. The proposed extension would be a substantial structure on the southern boundary to No 30. This property has a narrow rear elevation with a window and glazed back door at ground floor level. The outlook from the window and door would be adversely affected by the length and height of this wall on the boundary which would appear both overbearing and oppressive. Moreover, due to the narrowness of the garden, it would have an enclosing effect on this space which would add to this harm.
12. The substantial height and length of the proposed extension would also reduce daylight to these windows resulting in more gloomy living conditions at the rear of this small property. Furthermore, as the proposed extension would lie directly south of this property, it would overshadow both the rear garden and restrict sunlight to the rear of this property. Together these would adversely affect the living conditions of occupants of No 30.
13. I appreciate that other properties within the vicinity have been similarly extended, notably Numbers 25 and 26 Haywarden Place (Nos 25 and 26) to the north at the other end of the terrace. However, where the extension to No 26 adjoins the neighbouring property, this is adjacent to a conservatory and the relationship with rear facing windows is not the same as in the appeal scheme

in terms of effect on daylight and outlook. Furthermore, these properties lie to the north of un-extended properties and therefore would not affect sunlight in the same way as the appeal proposal does in relation to No 30. The presence of these extensions does not therefore lead me to a different conclusion in respect of the scheme before me.

14. Elsewhere properties at Numbers 23 and 24 have also been extended, however, these form part of a different terrace with their own relationship with adjoining properties. They do not therefore justify the proposal before me.
15. I conclude that the proposed development in Appeal A would significantly harm the living conditions of neighbouring occupants at No 30 with particular regard to a sense of overbearing, overshadowing and loss of light. The absence of objections from this neighbour does not alter my findings in this regard. It would therefore conflict with Saved Policy GEN1 of the Hart District Local Plan 2006 (the HDLP) which requires development to avoid any material loss of amenity to adjoining residential uses.

Appeal B Living conditions – 31 Haywarden Place

16. The proposed house would extend rearwards along the boundary with No 31 in a similar way to how the proposed extension to No 31 would extend along the boundary with No 30. The garden to No 31, which currently wraps around the property would be reduced to a similar narrow, rectangular west facing area as currently exists at No 30.
17. In the absence of an extension to No 31, the proposed dwelling would have the same harmful effect on the living conditions for occupants of No 31 as I have found the extension proposed under Appeal A would have on the occupants of No 30.
18. I note that the occupant of No 31 has written in support of the development commenting that they wish to extend their property in a similar way. However, as I have found that such an extension would be harmful to the living conditions of No 30, this does not alter my conclusions.
19. The proposal would therefore significantly harm the living conditions of neighbouring occupants at No 31 with particular regard to a sense of overbearing, overshadowing and loss of light. It would therefore conflict with Saved Policy GEN1 of the HDLP as referred to above. It would also conflict with the National Planning Policy Framework (the Framework) which requires a high standard of amenity for existing users.

Living Conditions - Future Occupants

20. The proposed dwelling would be a 2-bedroom, 2-storey house. The Nationally described space standard¹ (NDSS) requires a minimum gross internal floor area (GIA) of 70 square metres (sqm) for a 2-bedroom, 2-storey dwelling. For a property of this size, the provision should be for 3 bedspaces including a double bedroom which should be a minimum size of 11.5sqm.
21. The proposed dwelling would have a GIA of 66sqm. Both bedrooms would be single bedrooms being less than the minimum size for a double bedroom. The accommodation would therefore fall short of the NDSS requirements.

¹ Technical housing standards – Nationally described space standard, DCLG, March 2015

22. Although the drawings indicate a double bed there is limited space around the bed for occupants to move around within the room and this would not provide adequate space for a couple. In terms of the overall size of the proposed accommodation, with personal items and furniture in place, occupiers would have limited space to move around leading to a cramped living environment. With no double bedroom and a shortfall in floorspace, the proposal would not provide satisfactory accommodation.
23. I appreciate that the proposal matches the existing properties within the terrace in terms of floorspace. However, it is likely that these properties pre-dated the requirement to comply with minimum space standards.
24. I conclude that the proposed development would not provide satisfactory living conditions for future occupants with regards to internal space. It would therefore conflict with Policy H6 of the Hart Local Plan (Strategy and Sites) 2032, adopted 2020 (the HLP) which requires development proposals for new homes to meet the NDSS. It would also conflict with the Framework which requires a high standard of amenity for future users.

Protected habitats sites

25. The appeal site lies within 400m of Hazeley Heath SSSI which is part of the Thames Basin Heaths Special Protection Area (the SPA). This is protected as a European Site of Nature Conservation Importance and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. Regulation 63 prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the European site. I am the competent authority for the purposes of this appeal.
26. The SPA is a network of lowland heathland sites which provide a habitat for the internationally important breeding bird species of woodlark, European nightjar and Dartford warbler. These are ground nesting species and particularly vulnerable to disturbance from increased recreation as well predation by cats.
27. The *Thames Basin Heaths Special Protection Area Delivery Framework* (2009) set out that the Council, in consultation with Natural England, considers that within 400m of the SPA the impact of net new residential development on the SPA is likely to be such that it is not possible to conclude no adverse effect on the SPA. There is therefore a presumption against development within this zone. An appropriate assessment would be needed to demonstrate that any development would not have an adverse effect on the SPA, taking into account any avoidance measures.
28. No avoidance measures have been proposed. The appellant has sought to justify the scheme on the basis that there are other houses closer to the SPA. Whilst this may be the case, I have no evidence whether these were built prior to the SPA being designated where there would have been no restrictions of this type in place. In any event, it has been established that development in close proximity to the SPA would be harmful. In the absence of evidence to demonstrate that this would not happen, I am not satisfied that the proposal would not adversely affect the protected habitat site.
29. I therefore conclude that the scheme would conflict with Policy NBE3 of the HLP and Saved Policy NRM6 of the South East Plan which together set out that development within 400m from the SPA will not be supported unless evidence

demonstrates that mitigation measures will be capable of protecting the SPA. It would also conflict with the Framework which seeks the protection of habitats sites.

Other Matters

30. The addition of a single dwelling in Appeal B would make a small contribute to housing supply. However, the house is too small to provide satisfactory accommodation and therefore the benefit from this would be very limited and not sufficient to outweigh the harms I have identified.
31. The proposed house would be the same design as other properties within the terrace and would not harm the character and appearance of the terrace or wider area. The garden space is of low value for local wildlife and no harm would arise from its loss. However, these are neutral factors.

Conclusion

32. For the reasons set out above, I conclude that both Appeal A and Appeal B should be dismissed.

Rachael Pipkin

INSPECTOR