



Appeal Decision

Site visit made on 4 May 2022

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2022

Appeal Ref: APP/N1730/D/21/3289422

Manor Court, Lees Hill, South Warnborough, Hook RG29 1RQ

- 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 Adam Banks against the decision of Hart District Council.
 - The application Ref 21/02664/HOU, dated 13 October 2021, was refused by notice dated 8 December 2021.
 - The development proposed is pool, pool house & jacuzzi.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on designated heritage assets.

Reasons

3. Manor Court is a Grade II listed building. The appeal proposal is for development within its grounds and therefore within the setting of the listed building. It is also located within the South Warnborough Conservation Area (the SWCA).
4. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced, recognising that this is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
5. The listed building comprises an L-shaped structure which according to the listing description was once a cottage and barn. This is attached to a larger more recent timber framed house with red bricks and red tiled roof. The property sits within a generous plot, surrounded by lawns and mature gardens which are positioned to the eastern side and rear of the building. The house and its gardens occupy an elevated position above adjacent development to the east and south as well as in relation to the road which slopes upwards from east to west. To its west, there is a contemporary building which is visible from within the rear garden area.
6. The garden is enclosed by a fence and boundary vegetation, offering limited views into both it and of the listed building from the public highway. The

gardens provide a sense of space around the building from which it is both viewed and experienced and form part of its setting. The spaciousness of this garden, within what is a relatively built-up village location, makes a positive contribution to the significance of the heritage asset.

7. The proposed pool house would be positioned towards the front of the eastern side garden, set in from its boundary with Lees Hill. It would be a short distance from the older, single-storey part of the house. It would also be single-storey and would have a large footprint in a L-shape. Due to its size and position, the proposed development would enclose the garden, reducing the gap between the listed building and the eastern garden boundary. This would reduce the space around this part of the listed building which would detract from its setting.
8. The large size of the proposed building and its similar height, with both buildings being single-storey, would visually compete with the listed building. Furthermore, whilst the use of timber boarding and clay tiles would not be inappropriate to the local vernacular of the village, it would bear little relation to the red bricks and tiles that characterise the host property. This would distract from the listed building. This would be harmful to the setting of the heritage asset and the significance of the listed building.
9. The swimming pool itself would be set into the ground. It would not impede views of the house and would retain the sense of space around the building. For this reason, I find this aspect of the proposal would preserve the setting of the listed building.
10. I appreciate that in allowing an appeal¹ for a new dwelling to the west side of Manor Court, the Inspector found that the new dwelling would preserve the setting of the listed building. However, that dwelling has a different relationship with the listed building. Whilst visible, its low height, flat roof and neutral palette of materials makes it appear unobtrusive. This is not directly comparable to the appeal proposal which would be prominently located in very close proximity to the oldest part of the building. The findings of that previous Inspector do not therefore alter my conclusions in this appeal.
11. The SWCA is characterised by a variety of properties of different ages and design, some of which are listed including the host property. The older buildings within the SWCA contribute to its significance although there are examples of modern infill properties. Manor Court is such a building.
12. The proposed development would be visible in glimpsed views through the boundary vegetation. However, in harming the setting of the listed building it would also diminish the contribution of that building to the significance of the SWCA. In this regard, it would fail to preserve or enhance the character or appearance of the SWCA.
13. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the listed building in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that special regard must be given to the desirability of preserving a listed building or its setting. I have also paid special

¹ APP/N1730/A/14/2224035

attention to the desirability of preserving or enhancing the character or appearance of the SWCA, as required by Section 72(1) of the Act.

14. The harm the proposal would cause to the significance of the heritage assets would be significant though less than substantial. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
15. The scheme would provide the appellants with facilities for recreation. These are private benefits of the scheme. In terms of public benefits, the scheme would generate some modest economic benefits during construction. However, these public benefits would be very limited and would not outweigh the less than substantial harm that I have found.
16. In view of this, I conclude that the proposed development would harm designated heritage assets. It would therefore not comply with Policies NBE8 and NBE9 of the Hart Local Plan (Strategy and Sites) 2032, adopted 2020 and Saved Policy GEN1 of the Hart Local Plan 2006. These policies seek to conserve or enhance heritage assets, do not permit proposals that would lead to harm to their significance and require a high quality design. It would also not accord with the Framework which seeks the conservation and enhancement of heritage assets.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR