
Appeal Decision

Site visit made on 23 August 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2022

Appeal Ref: APP/M1710/W/21/3288679

Yew Tree Cottage, Eastland Gate, Lovedean, Waterlooville PO8 0SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Price against the decision of East Hampshire District Council.
 - The application Ref 26982/013, dated 18 June 2021, was refused by notice dated 17 September 2021.
 - The application sought planning permission for Partial demolition of existing stables, rebuilding of stables with home office above without complying with a condition attached to planning permission Ref 26982/007, dated 10 March 2021.
 - The condition in dispute is No 4 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans and particulars: Application form, CIL form 1, Covering letter/statement, Bat emergence survey, Preliminary roost & nest assessment, 01 A - location plan, 02 - proposed site plan, 10 A - proposed elevations, 11 A - proposed floor plans, 12 - proposed roof plan, 20 - existing elevations, 21 - existing floor plan, 22 - existing site plan.*
 - The reason given for the condition is: *To ensure provision of a satisfactory development.*
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has referred to a previous version of the National Planning Policy Framework (the Framework), which was revised in July 2021. The relevant paragraphs have not materially altered so I have referred to the revised version in my decision.

Background and Main Issue

3. The appellant seeks to amend condition 4 of the approved scheme and replace the approved rear facing roof lights with a dormer. This would increase the size of the approved roof space office to better facilitate the appellant's needs.
4. The Council consider the visual impact of the rear dormer as unacceptable in relation to the host outbuilding. Therefore, the main issue is the effect that varying the condition would have in relation to the character and appearance of the host outbuilding.

Reasons

5. Yew Tree Cottage and its ancillary outbuildings are set within a rural part of Hampshire. Their layout and form reflect a traditional country vernacular, creating what appears to be a visually attractive grouping of smaller buildings belying the overall size of the dwelling. The host outbuilding is part of a group of outbuildings used as stabling and ancillary facilities for Yew Tree Cottage. They are situated to one side of the main dwelling, creating a semi-enclosed courtyard to their rear which is not obviously visible from Eastland Gate, surrounding public rights of way, or neighbouring properties. This is due to established landscaping within the appeal site and the mature hedgerows and trees of the fields beyond.
6. It is evident from my site visit that the approved scheme has already commenced and is very near to completion. The roof form of the host outbuilding, as extended, matches the pitch and materials of the flanking buildings and so has assimilated well into its surroundings.
7. The proposed dormer would have a flat roof and include 4 windows facing into the existing courtyard. It would be of the same height as the crown of the now extended host outbuilding. Although the dormer would be finished in materials to match the existing roof and set in from the side elevations, it would be wider than the rear courtyard. This would not only alter the proportions of the host outbuilding but also visually dominate the rear courtyard. It would create a top heavy rear elevation introducing a more contemporary form and size of dormer which is at odds to the ancillary character of the host outbuilding. The rural vernacular of Yew Tree Cottage and its outbuildings is, in part, emphasised by multiple smaller gabled dormers and the proposal would be at odds to this style. It would be harmful to the traditional appearance of the host outbuilding and would unbalance the relationship between it, the other outbuildings, and the main dwelling drawing attention to the incongruity of that proposed.
8. The appellant argues that the proposal would not be visible from the wider area. Although a lack of visual impact on the wider setting of the appeal site is a consideration, it is not the only consideration in terms of character and appearance. In this regard, from my reasoning above, I find the proposal has not considered the design, scale, and character of the original building.
9. The functional requirement for the dormer, to increase head height in the roof space office, is noted. However, the office formed part of the originally approved scheme and the evidence before me does not justify why it is no longer fit for purpose, nor why such a functional matter was not considered at conception of the original scheme. Although I recognise the benefit this would have for the appellant, it does not mitigate the harm identified.
10. The lack of harm in relation to the living conditions of neighbouring occupiers is a neutral factor and so does not weigh for or against the proposal. Equally although it is appreciated there may be circumstances where flat roof dormers can be built without planning permission, I am required to assess the proposal which is before me.
11. Consequently, I find that varying condition 4 would have an unacceptably harmful impact on the character and appearance of the host outbuilding. It would also not provide a satisfactory development which is the reason the condition was attached to the original approval. Nor would it comply with Policy

HE2 of the East Hampshire District Local Plan: Second Review 2006, Policy CP29 of the East Hampshire District Local Plan: Joint Core Strategy, the Framework and the Residential Extensions and Householder Development SPD 2018, insofar as they seek exemplary standards of design and architecture.

Other Matters

12. The appeal site falls within the East Hampshire district which is within a catchment area for the Solent Special Protection Area (SPA). It is an area which, as designated by Natural England, needs action to be taken concerning nutrient neutrality. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment (AA) to ensure that the development would not adversely affect the integrity of the SPA. However, an AA is not necessary where there is no intention to grant permission (clause 63(1)). Therefore, as I am dismissing the appeal for other reasons, I have not pursued this matter further.
13. Matters relating to the previous planning decisions and the Council's responses to those should be raised with the Council. They are not directly relevant to this appeal, which I am required to deal with on its own merits.

Conclusion

14. For the reasons above, the variation of the condition proposed, would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations that would indicate a decision otherwise. The appeal is, therefore, be dismissed.

RJ Redford

INSPECTOR