



Appeal Decisions

Site visit made on 6 September 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 September 2022

Appeal A Ref: APP/N1730/Y/22/3292843

75 High Street, Odiham, HOOK, RG29 1LB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Gushev against the decision of Hart District Council.
 - The application Ref 21/01991/LBC, dated 22 July 2021, was refused by notice dated 13 December 2021.
 - The works proposed are internal alterations and single storey rear extension to create 2 bedroom dwelling. Replacement shop front and replacement glass to ground floor windows on front elevation.
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Appeal B Ref: APP/N1730/W/22/3292841

75 High Street, Odiham, HOOK, RG29 1LB

- 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 Gushev against the decision of Hart District Council.
 - The application Ref 21/01990/FUL, dated 22 July 2021, was refused by notice dated 13 December 2021.
 - The development proposed is internal alterations and single storey rear extension to create 2 bedroom dwelling. Replacement shop front and replacement glass to ground floor windows on front elevation.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The appeals relate to the same proposal under different legislation. Appeal A is made in respect of the listed building consent and Appeal B in respect of the planning application. I have considered each appeal on its own merits.

Main Issues

4. The main issue for both appeals is the effect of the proposal upon the significance of the grade II listed building known as 75 High Street, and the character and appearance of the Odiham Conservation Area.
5. An additional main issue for Appeal B only is whether the lack of parking provision would be appropriate.

Reasons Appeal A and B

6. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. It is understood that behind the appeal building's late 18th century front elevation lies a much older timber framed building that could date from as early as the 15th century. More modern extensions have been added to the rear. The traditional appearance of the building fronting the street and the significance of its historic fabric that dates from the 15th and 16th centuries, are primary contributors to its special interest.
8. The appeal building stands centrally within the Odiham Conservation Area (CA) in a prominent position on High Street. The CA is expansive and made up of separate character areas. The relevant part of the CA comprises a vibrant commercial area. Its retail character, with active shopfronts, many of which have a traditional appearance, interesting shop window displays, and a pleasant level of activity, is a positive characteristic of the CA that contributes to its significance.
9. Changes to the building to facilitate the conversion are limited to areas at the rear. Evidence before me demonstrates that the Council has considered the impact of these on the significance of the listed building, including a requirement for some investigative work to be carried out, to establish the historic value of the affected fabric. On the basis of this and my own observations on site I am satisfied that the proposal would not harm the historic fabric of the building.
10. The proposal would see the retail area of the building at ground floor level reduced to the front area that is directly behind the shopfront. It is suggested that the smaller size of the retained unit would be highly desirable and well suited to a range of uses. There is little evidence before me to dispute this, and I note that the retained area would be well proportioned and benefit from a broad and well located shopfront. However, the single space would be without any welfare facilities for staff such as a WC. The shop currently benefits from a utility room and WC. The lack of such provision would have a significant impact on how the retained area could be used and the type of business it would attract.
11. I accept that it may be possible to add such facilities at a future date, however listed building consent is likely to be required for such work and there can be no guarantee that it would be granted. Laying drainage for a WC may not be possible in the retained area without harming historic fabric, and there may be other insurmountable issues such as the need to provide ventilation. Accordingly, adequate welfare facilities are not currently proposed, and I cannot be sure that they could be provided at a future date. Without these, the retained shop would not be as attractive to future tenants and may even be difficult to let.
12. An empty shopfront would harm the vitality of this central part of the CA, in terms of both its appearance and a lessening of the level of activity that

contributes to its character. Additionally, the unused shopfront would have a harmful impact on the appearance of the building's front elevation, which is a primary contributor to its special interest.

13. In terms of the National Planning Policy Framework (the Framework) the harm would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
14. The proposal would deliver a small single dwelling. This is a public benefit that weighs in favour of the proposal, however the weight I give to this is limited by the Council's healthy housing land supply position.
15. The proposal also includes the replacement of the existing shopfront. The existing shopfront would benefit from a scheme of repair and redecoration. This is a heritage related public benefit. However, I only attach moderate weight to this as the shopfront works are not integral to the proposal and are instead works of routine maintenance.
16. On the basis that I cannot be confident that the shopfront unit would be quickly re-occupied the proposal would cause significant harm to the special interest of the listed building and the character and appearance of the CA. Paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset. The public benefits before me carry weight, however they are not sufficient to outweigh the level of harm I have identified.
17. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the building and would not preserve the character and appearance of the CA. It would be contrary to Policies ED6, NBE8 and NBE9 of the Hart Local Plan (Strategy and Sites) 2032 (LP) and Policy 9 of the Odiham and North Warnborough Neighbourhood Plan 2014-2032, which together seek to retain the vitality and viability of the central areas, safeguard retail uses, conserve heritage assets and secure high quality design.

Reasons Appeal B only

18. The proposal would not provide dedicated car parking for the use of the future occupants of the dwelling. The Council's Parking Provision Interim Guidance 2008 establishes that 2.5 spaces should be provided for a 2 bedroom dwelling in Odiham. Policy INF3 of the LP establishes that appropriate parking provision should be provided that accords with the Council's published parking standards.
19. I do however note that the Council's parking guidance is old, and is based on census data from 2001. Since then the potential for many jobs to be successfully undertaken at home with a good internet connection, and the increased availability of services provided online means that the data relied upon from 2001 is likely to be out of date.
20. Additionally, although the proposed dwelling would have two bedrooms, its layout is unlikely to suit a family. It would include areas where bikes could be stored easily and is well located to provide future occupants with easy access to a reasonable range of services and facilities within Odiham. Taking these matters together it is quite possible that future occupants of the dwelling might not consider it necessary to own a private car.
21. Notwithstanding this, parking exists nearby that includes on street parking and car parks. I appreciate that restrictions exist, however there is nothing before

me to suggest that it is difficult to find space to park a car locally, and I could see at my site visit that there are dwellings nearby that are also without dedicated car parking.

22. In summary, although there is conflict with Policy INF3 of the LP, I am satisfied that the material considerations set out above carry significant weight and are sufficient to overcome this conflict. With reference to Saved Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 the proposed lack of parking would be adequate for the reasons given.

Conclusion

23. In conclusion, although I have found that the lack of parking would be acceptable in this instance, this is not a matter that weighs in favour of the proposal. The proposal would conflict with the development plan and there are no other material considerations that outweigh this conflict. Therefore, the appeals should be dismissed.

A Tucker

INSPECTOR