



Appeal Decision

Site visit made on 5 October 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/H1705/W/22/3301105

The Old Shop, Woolton Hill RG20 9UJ

- 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 R Parker against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 22/00215/FUL, dated 28 January 2022, was refused by notice dated 20 May 2022.
 - The development proposed is Proposed subdivision of the plot and construction of a detached bungalow with associated parking, access and landscaping following demolition of outbuildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has referred to an emerging East Woodhay Neighbourhood Plan (NP). The NP includes policies that indicate development on residential garden land will be supported, subject to certain criteria, as well as policies that support smaller homes. However, whilst the plan is further advanced than at a previous appeal, the plan is under consultation prior to its independent examination and is yet to be adopted. I have therefore afforded it little weight in the determination of the appeal.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the area, including the conservation and enhancement of the natural beauty of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is located on Trade Street in a rural village within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The site is in the rear garden of The Old Shop, which adjoins an undeveloped paddock of land to the rear. A private cul-de-sac of bungalows adjoins to the south east.
5. Trade Street is largely characterised by low-density residential development fronting the Street. The dwellings are a mix of styles, but in the immediate context most are large, detached or semidetached dwellings with some set back from the Street behind mid-sized hedgerows, with generous rear gardens and spaces in-between. The Old Shop is a two-storey detached period property with a simple form and appearance fronting Trade Street. The bungalows to the south

east are contemporary detached properties in more constrained plots. Two of the adjoining bungalows are visible from the paddock to the rear, and accessed via the private cul-de-sac off Woolton Hill. The verdant setting, low density and simple pattern of development within the area provides a sense of space that positively contributes to the character and appearance of the settlement within the AONB.

6. In the immediate context of the appeal site the dwellings are mostly two storeys in height, within spacious plots with a legible relationship to each other and the road. In contrast, the proposed dwelling would be a single storey bungalow, and introduce a form of backland development that does not currently exist in the immediate setting. It would also not address the road as well as being within a less spacious and more constrained plot. Although the proposed dwelling would replace existing outbuildings, they are relatively low in height and form, as well as having a closer relationship with the host property. As such, the siting, scale and height of the proposed dwelling would be at odds with the low density and simple pattern of development present on Trade Street, which provides a sense of space that positively contributes the character and appearance of the area.
7. Furthermore, despite the existence of other gravelled driveways, the width of the access track and associated parking area would considerably harden the appearance of the site from the front, impacting upon the verdant character and appearance of the site. The proposed development would also be prominent from locations close to the site on Trade Street, as well as wider views from the undeveloped paddock to the rear of the site. This prominence would exacerbate the unacceptable impact of the proposed development on the character and appearance of the area.
8. I appreciate that the scale and design of the proposed development looks to replicate the appearance of the bungalows to the south east. However, the development is in the rear garden of The Old Shop, orientated to face its rear elevation and accessed directly off Trade Street. As such, the proposal would not address the private cul-de-sac in the same manner as these properties and would appear divorced and isolated from them. I also note that landscaping has been proposed to soften the access track and limit views of the bungalow from the front and rear. However, landscaping should not be introduced to hide a development, which would otherwise be unacceptable.
9. I have also given weight to the conservation (and enhancement) of the landscape and scenic beauty of the AONB in my decision. Although the proposals would be viewed within the context of the built form of the village, the pattern of development provides a sense of place that contributes to the character and appearance of the settlement within the AONB. As the proposed development would cause harm to the character and appearance of the area by failing to reflect the established pattern of development, it would not conserve or enhance the natural beauty of the AONB.
10. Accordingly, the proposed development would adversely impact on the character and appearance of the area, including the conservation and enhancement of the natural beauty of the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The proposed development would be contrary to Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2016 (LP), and the Design and Sustainability Supplementary Planning Document (2018). These policies and guidance seek, amongst other things, for development to positively contribute to

local distinctiveness, the sense of place and the existing street scene. Also, development should have due regard to the density, scale, layout and appearance of the surrounding area, and the relationship to neighbouring buildings.

11. The proposed development would also be contrary to the design objectives set out in section 12, and the conservation of the natural environment policies in section 15 of the National Planning Policy Framework (the Framework).

Other Matters

12. I have had regard to the previous scheme dismissed at appeal¹. I recognise the current scheme has been amended to reduce the number of dwellings, as well as the overall footprint and height of the proposed dwelling. Despite this, for the reasons set out above, the scheme would be harmful to the character and appearance of the area.
13. The appellant has also highlighted an appeal decision² in support of the appeal and its impact upon the AONB. I appreciate this case had similarities, but I have not been provided with the full details that would have been available to the previous decision maker. Nevertheless, although the appeal decision highlighted was near to Trade Street, this is a different location with a different impact upon the character and appearance of the area. For these reasons, the scheme is not directly comparable, and I have considered this scheme on its own merits.
14. Part of the appellant's case is also that proposal would be a self-build proposal as described under The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). However, a condition to secure self-build schemes is not sufficient in this regard, and a section 106 legal agreement or a Unilateral Undertaking would be the most appropriate method to secure such matters. As there is no planning obligation before me, there is no mechanism in place to ensure that the proposed scheme would be for a self-build.
15. I accept that the proposal included an appropriate level of living conditions for future occupants and the neighbouring properties, and no issues were raised in respect of ecology, highway safety and trees. However, these are neutral matters and do not mitigate the harm I have identified to the character and appearance of the area.

Planning Balance and Conclusion

16. The main parties agree that the Council cannot demonstrate a 5-year housing land supply. In such circumstances, the Framework makes it clear that the most important policies for determining the application are out of date in the terms set out in paragraph 11d) and footnote 8 of the Framework. Thus, permission should be granted unless, as set out at paragraph 11(d)(i), the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the proposal; this includes, as set out in footnote 7, Areas of Outstanding Natural Beauty. As I have found that the proposals would cause harm to the AONB, the tilted balance is not engaged.
17. The contribution that one new dwelling from a windfall site could make to the local housing stock is a benefit, albeit limited due to the small scale of the

¹ APP/H1705/W/20/3265737

² APP/H1705/W/20/3247113

development. I also note that there would be social and economic benefits from the construction of the new dwelling, in terms of additional expenditure in the local economy and the creation of construction jobs. However, these benefits would be limited and do not outweigh the significant harm I have identified to the character and appearance of the area, which is in conflict with the development plan.

18. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR