
Appeal Decision

Site visit made on 24 November 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2022

Appeal Ref: APP/H1705/D/22/3308379

13 Dellands, Overton RG25 3LD

- 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 Russell Plumb against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 21/02129/RET, dated 14 June 2021, was refused by notice dated 20 April 2022.
 - The development is erection of front porch to property with gable roof and steps leading to driveway.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has already been carried out and planning permission is being sought retrospectively. There is no dispute that what has been built is consistent with the plans submitted and on which planning permission was originally sought. The appeal has been considered on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The site is located at 13 Dellands, which is a two storey terraced dwelling of brick and tile construction. It is elevated above the street, and therefore prominent in the street scene.
5. The development comprises a porch approximately 1.60m in depth, 2.55m in width, giving an area of 4.08m², and 3.90m in height above ground level to the ridge of the pitched roof. The steps measure approximately 0.50m in height above ground level at the highest point.
6. I acknowledge the examples of other development in the locality, which the appellant contends is similar to the development in this case. However, the details of how the other development came forward, such as details relating to the planning applications and decisions therein, or lawful development certificates demonstrating permitted development rights exist, are not in front of me.

7. Consequently, I cannot determine whether they were considered in the same context as the development presented in this case or are indeed lawful examples of development that should reasonably be taken into account.
8. Notwithstanding, the number of examples is limited. As such, even if similar in design, these other examples do not represent a common or prevailing feature to be weighed in the development's favour.
9. Moreover, the development in this case is predominantly viewed in the context of the existing terrace of dwellings within which it sits. The terrace is broadly consistent in appearance, with subtle differences in detail between each dwelling.
10. The development is significantly greater in scale than any other porch along the terrace, or indeed the neighbouring terrace. As such, it looks incongruous in its immediate environment, and is harmful.
11. Furthermore, the materials, which include blocks, add to this incongruity. They appear jarring when considered in the prevailing context of the terrace, which is constructed of brick.
12. Altogether, this incongruity, when taken in conjunction with the site's prominence due to its height above the street, results in very significant harm.
13. Whilst I acknowledge the appellant's contentions about a fallback position under permitted development rights, I am mindful of the fact that there is no lawful development certificate in front of me demonstrating that such a fallback position exists.
14. In any event, the Council's assessment of the fallback position is that it would result in a scale of development much less significant than the development presented in this case.
15. I agree with their assessment, and that the development in this case has a much more considerable impact on the character and appearance of the area by comparison. Consequently, and altogether, I attribute the fallback position limited weight.
16. Overall, the development harms the character and appearance of the area and conflicts with Policy EM10 of the Basingstoke and Deane Local Plan 2016, the Design and Sustainability Supplementary Planning Document 2018 and Policy LBE1 of the Overton Neighbourhood Development Plan 2016. Among other things, these policies seek to ensure all development is of high quality and based upon a robust design led approach.

Other Matters

17. I have given due regard to the Public Sector Equality Duty under Section 149 of the Equality Act 2010, and I acknowledge the appellant's comments about accessibility in relation to the disabled. However, I am not persuaded that a porch and steps of this combined scale¹ is necessary to achieve the accessibility aims of the appellant or indeed that it is the only option. It is highly likely that a more modest and less harmful form of development would be possible at the site to meet the same aims.

¹ Notwithstanding building regulations which is a separate matter outside of the planning system.

18. Consequently, the development in its current form is likely not the only option available to advance the equality of opportunity for those persons with protected characteristics, and I therefore give it limited weight in my decision. It would not therefore outweigh the very significant harm derived from character and appearance and conflict with the development plan.
19. Electric car charging would be limited, and it is not clear from the evidence presented what wider public benefits would emerge from this limited installation. Consequently, the matter has not been determinative in my decision.
20. Other interested parties may not have objected to the development, including neighbours and local councillors. Be this as it may, in and of itself a lack of objection does not render a development acceptable in planning terms. The development has been considered in accordance with the development plan and any other material considerations.

Conclusion

21. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR