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# Appeal Decision

Site visit made on 24 November 2022

**by Laura Cuthbert BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 January 2023**

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**Appeal Ref: APP/H1705/W/22/3302369**

**Land west Of Silchester Road, Little London, Tadley RG26 5EX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant technical details consent.
  - The appeal is made by Mr & Mrs D Snook against the decision of Basingstoke and Deane Borough Council.
  - The application Ref 21/03037/TDC, dated 22 September 2021, sought consent pursuant to permission in principle Ref 19/02278/PIP, granted on 29 October 2020.
  - The application was refused by notice dated 13 May 2022.
  - The development proposed is Application for Technical Details Consent in respect of the erection of 4 no. dwellings; in accordance with Permission in Principle Ref: 19/02278/PIP.
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## Decision

1. The appeal is allowed and technical details consent is granted for Application for Technical Details Consent in respect of the erection of 4 no. dwellings in accordance with Permission in Principle Ref: 19/02278/PIP at Land west of Silchester Road, Little London, Tadley RG26 5EX in accordance with the terms of the application, Ref 21/03037/TDC, dated 22 September 2021 and subject to the conditions set out in the attached schedule.

## Application for costs

2. An application for costs was made by Mr and Mrs D Snook against Basingstoke and Deane Borough Council. This application is the subject of a separate Decision.

## Preliminary Matters

3. The proposal is for technical details consent following the grant of permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle has established that the location, land use, and amount of development is suitable in principle. The technical details consent that is the subject of this appeal can consider the remaining detailed matters but cannot reopen what has been agreed at the permission in principle stage. I have determined this appeal on that basis.
4. The appellant submitted amended plans as part of their appeal submission, which removed the garages from the proposed scheme. For the avoidance of doubt, I have considered the proposal on the basis of the plans which were before the Council when it made its decision, which included the garages.

5. The Council has provided an electronic link to watch the relevant Development Control Committee meeting at which the appeal application was discussed. I have not watched this as I cannot be sure that all relevant interested parties have access to the facilities to watch it. It also does not bear directly on the planning merits of the case and therefore does not materially affect my judgement in the appeal.

### **Main Issue**

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

### **Reasons**

7. The appeal site consists of a parcel of land, currently used as a paddock, to the west of Silchester Road. There is a wide grass verge to the front of the site alongside the road. The site is enclosed with a well established hedgerow, interspersed with two mature oak trees, which are prominent in the streetscene. Further to the west is Berry Court Farm House and Berry Court Business Park. Berry Court Solar Farm is situated to the south-west.
8. On the eastern side of Silchester Road, there is an existing linear row of residential properties consisting of a handful of detached dwellings and two pairs of semi-detached dwellings. There is also St Stephens's Hall, the local village hall. These existing dwellings are enclosed from the road by fences, walls and existing hedgerows, which all have an opening within them to allow for vehicular access. The existing dwellings are of a variety of styles and scales, including some large, detached properties. They are all situated at different distances from the road and from each other. I also note that planning permission has been granted for the erection of five dwellings at the southern point of this linear row<sup>1</sup>, on a site known as Fair Oak Poultry Farm.
9. Whilst the western side of Silchester Road is currently devoid of residential development at this section of the road, further to the north there is linear development on both sides of the road. Therefore, the proposal would not be incongruous in the wider surroundings. Due to the existing variation in the area, the scale and massing of the proposal would not be out of character to Silchester Road. The stepped arrangement would help to break up the massing of the development and the spacing of the proposal would not appear as particularly jarring with its surroundings. Furthermore, the breaks in the hedgerow to form separate accesses through to the four dwellings would not be out of character along Silchester Road.
10. Whilst detached garages to the front of dwellings are not common along Silchester Road, there are other examples where they are positioned forward of the building line and in prominent positions, which I note is something that the Council's Design and Sustainability Supplementary Planning Document (the SPD) (July 2018) discourages. However, there is not a particularly strong building line along this part of Silchester Road. The stepped arrangement of the proposal would help to mitigate the visual impact of the detached garages. In particular, the garage associated with plot 4 would actually line up with the front of the dwelling on plot 1. Whilst the garage associated with plot 1 would be prominent in the street scene, it has been designed as an open, 3 bay car

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<sup>1</sup> Application reference 20/02658/FUL

port, with hipped roof and timber weatherboard cladding on the side. These design details would allow the garage to respond positively to the site's more rural and open context. It would allow the garage to sit in this prominent position without harming the character and appearance of the area. Whilst the garages would be either 6.5m or 7m high, they would still be seen as ancillary to the main dwellings proposed. The retention of the hedgerow and the adjacent oak tree would also help to mitigate the visual impact of the garage. An appropriately worded condition would ensure a suitable landscaping scheme would be secured on the site which would assist with integrating the development further into its countryside setting.

11. Consequently, the proposal would not harm the character and appearance of the area. It would be in accordance with Policies EM1 and EM10 of the Local Plan which, in combination, seek to ensure that proposals are sympathetic to the character and visual quality of the area and have due regard to the density, scale, layout and appearance of the surrounding area. It would also be in accordance with the SPD which requires garages to be of high quality design and respond positively to the context and the design of the other buildings within the development. It would also be in accordance with the principles set out in Chapters 12 and 15 of the National Planning Policy Framework which states, amongst others, that developments should be sympathetic to local character, and that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

### **Other Matters**

12. As mentioned, there are two existing oak trees along Silchester Road. An 'Arboricultural Impact Assessment, Protection Plan and Method Statement', prepared by Harrison Arboriculture, accompanied the application. This recognises that the proposed access to plot 2 would encroach into the root protection area (RPA) of one of the oak trees and the garage for plot 1 would encroach into the RPA of the other oak tree.
13. Tree protection measures are outlined in the Arboricultural Impact Assessment to safeguard the long-term health of the oak trees, and to prevent root damage and soil disturbance. These include no mechanical excavation within the RPA, no adjustment to ground levels and using permanent ground protection, such as cellular confinement systems. I am satisfied that these measures would prevent long-term damage to the trees. I note the Council in their decision did not raise any objection on this matter either. An appropriately worded condition would ensure that these measures would be secured on the site. It is also considered necessary to require the submission of a cross sectional drawing, to illustrate how the proposed driveway would be sited in relation to the field boundary and highway, to ensure that the oak trees are safeguarded in the long-term.
14. Berry Court Farm House and Kinghern Cottage are both Grade II listed buildings. The appeal site does not relate functionally or visually with Berry Court Farm House. The setting of Berry Court Farm House is now heavily influenced by Berry Court Solar Farm and the Berry Court Business Park. It is considered that the setting within which Berry Court Farm House is now experienced would be preserved. The significance of Kinghern Cottage is best experienced from within its own enclosed private domestic curtilage. Its setting

is already influenced by the existing neighbouring residential properties and there would only be very glimpsed intervisibility between the proposal and the Grade II listed building. Therefore, the setting of Kinghern Cottage would also be preserved. I also note the Council did not raise any concerns in regard to the setting of either of these Grade II listed buildings.

15. Local residents and the Parish Council have expressed a wide range of concerns including flooding and drainage, highway safety, the impact of the proposal on biodiversity and the removal of existing hedgerow. However, having considered the technical evidence before me and the views of the relevant statutory consultees and that of the Council, I consider that these matters can be controlled and maintained by appropriately worded conditions.

### **Conditions**

16. The Council have suggested 24 conditions. I have assessed these in light of the advice provided in the Planning Practice Guidance (PPG) and have amended them as necessary.
17. A condition setting a time limit for commencement of the development is required by statute. It is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty. A condition regarding further details or samples of the materials to be used externally is necessary to safeguard the character and appearance of the area.
18. As already alluded to, a soft landscaping condition is necessary in the interests of the character and appearance of the area. I have amended it slightly for clarity purposes. A condition to require details of the materials to be used for hard and paved surfacing is also considered necessary in the interests of the character and appearance of the area.
19. Conditions for the parking and turning spaces for the dwellings, as well as the provision of the required visibility splays, are both considered necessary to ensure that there are adequate parking facilities to serve the development and in the interests of highway safety. Conditions to ensure appropriate cycle and refuse storage is secured are also considered necessary in the interests of highway safety.
20. As already alluded to, in order to safeguard the two oak trees, a condition to ensure the tree protective measures are implemented is considered both reasonable and necessary. A condition requiring cross-sectional drawings is also considered reasonable to ensure that adequate measures are taken to safeguard the oak trees.
21. Condition to ensure appropriate disposal of foul sewage and surface water are both considered reasonable and necessary to ensure the proposal is provided with a satisfactory means of disposal on both. In order to ensure the proposal delivers an acceptable level of sustainable water use, it is considered necessary to require a Construction Statement, detailing how the new dwellings shall meet a water efficiency standard of 110 litres or less per person per day to be submitted and approved. I have amended it slightly for clarity purposes.
22. A condition to ensure details of electric vehicle charging provision to serve the proposal are considered necessary in order to encourage the use of more sustainable modes of transport.

23. In order to ensure at least one of the dwellings is built to accessible and adaptable standards, a condition is considered necessary to require details of which property is to be built to such standards. I have amended it slightly for clarity purposes. In order to minimise disruption to surrounding residents, conditions to limit deliveries, removal of spoil, demolition and construction to acceptable hours has been attached.
24. The Council have suggested restricting the use of the garage/annexe building so that it remains ancillary to plot 4. This building, whilst it might provide facilities for day-to-day living, forms a very close relationship with the main dwelling on plot 4. It shares the access, parking and garden. The annexe has not been presented to me as a separate dwelling. If this structure is not built or used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required. Consequently, a condition restricting the annexe to be ancillary to plot 4 is not considered reasonable or necessary.
25. A condition to ensure adherence to the measures set out in the Landscape and Ecology Management Plan in regard to delivering the net gains to biodiversity and mitigation measures to safeguard protected species is considered both reasonable and necessary. In order to prevent impacts on foraging bats, a condition to ensure that the details of any external lighting should be submitted for the Council's approval is considered necessary.
26. The Council have also suggested the removal of permitted development rights in relation to extensions and outbuildings. The PPG states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. However, in order to protect the character and appearance of the area, it would be both reasonable and necessary to ensure that the dwellings do not extend in size.
27. Finally, a condition to require the ground floor and first floor windows in the side elevations of the proposed dwellings to have obscured glass and be fixed below a height of 1.7m is considered necessary to prevent overlooking to the occupants of the neighbouring properties.

## **Conclusion**

28. For the reasons set out above, the appeal should therefore be allowed.

*Laura Cuthbert*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 190730-01 Rev A - Site Location Plan
  - 190730-02 Rev A - Site Plan
  - 190730-101 - Plot 1

- 190730-102 - Plot 2
  - 190730-103 - Plot 3
  - 190730-104 - Plot 4
  - 190730-105 - Plot 1 Garage
  - 190730-106 - Plot 4 Garage and Annexe
  - 190730-012 Rev A - Visibility Splays Plan
- 3) No development above slab level shall commence on site until details of the types and colours of external materials to be used, including colour of mortar and timber staining (where applicable), together with samples, have been submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
- 4) Notwithstanding the approved plans, no soft landscaping works shall commence on site until a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate) shall be submitted to and approved in writing by the local planning authority. The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or when the use hereby permitted is commenced.

In addition, a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the local planning authority before commencement of the landscaping works. The planting shall be maintained in accordance with the approved schedule of maintenance.

Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) Notwithstanding the approved plans, no hard landscaping works shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the local planning authority. All areas of hardstanding in front of the houses hereby approved shall demonstrate compatibility with the surface water drainage strategy in accordance with the provisions of condition 13. The approved surfacing shall be completed before the adjoining buildings are first occupied and thereafter maintained in accordance with the details so approved.
- 6) The dwellings hereby approved shall not be occupied until provision for the parking and turning of vehicles, in accordance with the details illustrated on the approved plan (drawing 190730-02 Rev A) have been provided (for the avoidance of doubt this includes spaces within garages). The parking and turning areas shall thereafter be available for use by vehicles and kept free from obstruction throughout the lifetime of the development.
- 7) The development shall not be brought into use until visibility splays of 2.4m x 43m for each property access onto Silchester Road as indicated on

drawing 190730-012 Rev A has been provided. The splays shall hereafter be maintained free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway

- 8) The accesses shall be constructed with a non-migratory surface material for a minimum distance of 6m measured from the nearside of the carriageway on the adjacent highway and will be therefore maintained as such.
- 9) The dwellings hereby approved shall not be occupied until details of cycle storage (including space for the long term storage of at least 2 bicycles for plots 1-3 and 3 bicycles for plot 4) have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented before occupation or the use commences, whichever is the sooner, and shall be thereafter retained and maintained in accordance with the approved details.
- 10) The dwellings hereby approved shall not be occupied until details of a scheme for the storage (prior to disposal) of refuse and recycling containers (1 number 240ltr refuse 2-wheeled bin, 1 number 240ltr recycling 2-wheeled bin and 1 number glass recycling box) for each dwelling, and details of the refuse/recycling collection point(s) have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented before occupation or the use commences, whichever is the sooner, and shall be thereafter retained and maintained in accordance with the approved details.
- 11) The development hereby approved shall be carried out in strict accordance with the protective measures, including fencing, ground protection, supervision, working procedures and special engineering solutions as set out within the Arboricultural Impact Assessment, Protection Plan and Method Statement by Harrison Arboriculture dated December 2021.
- 12) Prior to the commencement of the development hereby approved, full details of the method of disposal of foul sewage shall be submitted to and approved in writing by the local planning authority. The dwellings shall not be occupied until the approved foul drainage details have been fully implemented in accordance with the approved details. The development shall be maintained thereafter in accordance with the approved details.
- 13) No development shall commence on site until details of the works for the disposal of surface water have been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate that the surface water will not be discharged to the public network. The dwellings shall not be occupied until the approved surface water drainage details have been fully implemented in accordance with the approved plans. The development shall be maintained thereafter in accordance with the approved details.
- 14) Prior to the occupation of the dwellings hereby approved, a Construction Statement detailing how the new dwellings shall meet a water efficiency standard of 110 litres or less per person per day shall be submitted to and approved in writing by the local planning authority. If this is not possible

- then it must be justified through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out and thereafter maintained in accordance with the approved details.
- 15) Prior to occupation of the dwellings hereby approved details of electric vehicle charging provision shall be submitted to and approved in writing by the local planning authority. Such details should include the specification, appearance and siting of any charging points. Where charging points are not proposed, details of parking areas which can be conveniently retrofitted at a later date shall be provided. This includes details demonstrating that that electrical connections within the site are suitable for future use for electric vehicle charging. The development shall be carried out in accordance with the approved details.
  - 16) A minimum of one of the dwellings hereby approved shall be built to accessible and adaptable standards. No development above slab level shall commence on site until details of which property (or properties) is (or are) to be built to such standards are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 17) No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays, unless otherwise agreed in writing by the local planning authority.
  - 18) No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays, unless otherwise agreed in writing by the local planning authority.
  - 19) The development hereby approved shall be carried out in strict accordance with the Landscape and Ecology Management Plan by The Ecology Co-op dated 4/1/2022.
  - 20) Prior to the installation of any external lighting, an external lighting scheme in line with the recommendations made within Appendix 2 of the Landscape and Ecology Management Plan (by The Ecology Co-op dated 4/1/2022) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out and maintained in accordance with the approved details.
  - 21) Prior to the commencement of the development, cross sectional drawings, demonstrating the existing and proposed ground levels and setting how the proposed driveways would sit in relation to the retained field boundary and highway, shall be submitted to and approved in writing by the local planning authority. Once approved in writing development shall commence in full accordance with the approved details.

- 22) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A; AA; B; C; D; or E; of Part 1; of Schedule 2 of the Order shall be erected on the application site.
- 23) The ground floor and first floor windows in the side elevations of the development hereby approved, serving the bathrooms and WC's shall:
  - a. be glazed with obscured glass, to at least the equivalent of Pilkington level 4 standard; and
  - b. be permanently fixed closed below a height of 1.7m above finished floor level, and shall thereafter be retained in that form.