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# Appeal Decision

Site visit made on 9 January 2023

**by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI**

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

**Decision date: 27 January 2023**

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**Appeal Ref: APP/N1730/D/22/3304842**

**14 Lucas Close, Hampshire, Yateley, GU46 6JD**

- 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 and Mrs Russell Bone against the decision of Hart District Council.
  - The application Ref 22/01274/HOU dated 13 June 2022, was refused by notice dated 27 July 2022.
  - The development proposed is single storey side and rear extension, following demolition of existing garage, and infill to front porch.
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## Decision

1. The appeal is allowed and planning permission is granted for single storey side and rear extension, following demolition of existing garage, and infill to front porch at 14 Lucas Close, Hampshire, Yateley, GU46 6JD in accordance with the terms of the application ref: 22/01274/HOU dated 13 June 2022, subject to the following conditions:
  - 1) The development to which this permission relates must be begun not later than the expiration of three years, beginning with the date of this decision;
  - 2) The development hereby permitted shall be undertaken in complete accordance with the following approved plans: site location plan (unreferenced scale 1:1250 on A4), site plan (unreferenced scale 1:1500 on A4), drawing P FP 6 (proposed floor plan), drawing RE 2 (rear elevations), drawing FE 1 (front elevations), drawing ASE 4 (alternate side elevations) and drawing SE 3 (side elevations).
  - 3) The materials used in the development hereby permitted shall match those of the existing dwelling or those stated on the submitted application form as appropriate unless details are submitted to, and approved in writing by, the Local Authority.

## Main Issue

2. The main issue is the impact of the proposal upon the character of the existing property and the character and appearance (visual relationship) of the surrounding area.

## Reasons

3. The appeal site is a detached dwelling within a residential area which proposes to demolish an existing, attached, garage and erect a single storey side and rear extension (to include replacement of the existing garage) and infill to the front porch. The Council's report does not appear to include the infill to the

front porch as part of the refusal reason and I have no reason to conclude differently on this element. The appeal will therefore focus on the remaining elements of the proposal against the refusal reason stated.

4. The side extension, viewed from front elevation within the street scene in Lucas Close, would have no adverse impact upon the character or appearance of the street scene nor the host dwelling itself. Whilst the proposal is slightly taller and would be constructed up to the front elevation building line it would bare strong visual resemblance to the existing built form in general views within this area of the street scene. It would also present as visually subservient to the host dwelling viewed from this elevation.
5. The rear element that would extend into the rear garden would extend around 8.12 metres from the rear elevation in total. Whilst this is acknowledged I find it a highly relevant consideration that there is an existing garage structure, which the proposal would replace, above which the proposal only projects marginally in terms of overall length and width. The Council's main issue is the overall depth from the rear elevation which, in terms of built form, I find essentially already exists as a result of the garage. I acknowledge the proposal differs in design to other single storey extensions in the area which are perhaps more characteristic but each case must be considered on its own merits and, in this case, I find the footprint of the existing garage to be key and which is already part of the local character of the area extending built form into the garden.
6. The Council note that the proposal would be approximately 6.77 metres from the end of the garden of the appeal site, whilst currently there is a 14 metre distance from the nearest point of the rear elevation of the current dwelling to the end of the rear garden. That itself is not a refusal reason given that, as outlined above, the proposal does not extend much further than the current built form of the existing garage which is, in any case, a domestic outbuilding associated with the appeal site. Linking the proposed side extension to what would, essentially, be a replacement for the current garage and store would contribute to an overall large depth but not one which I find would warrant refusal as a result of character, or scale and massing in relation to the host dwelling.
7. As part of my site visit, I parked on the opposite side of the road to the front elevation of the appeal site and walked along Lucas Close to the view the appeal site from the side. I did not find the garden area, or existing garage building, to be particularly visible in general views within the street scene as a result of a notable brick wall boundary to the appeal site as well as well as vegetation on the boundary to the far end by no. 15. Standing looking towards the appeal site, looking at what could be seen over the wall, I could just make out the top of the brick work to the top of the patio door windows on the rear elevation.
8. The plans show that the proposal would be slightly higher than this but would be flat roofed and at the further side away from the street scene on the other boundary which would reduce visibility. Whilst the very top of the proposed roof may be visible to a limited extent, I do not find that the proposal would be a strong visual feature for general users within the street scene which would impact upon the appearance of the street or surrounding area to an extent which would warrant refusal as a result of uncomfortable visual relationship. I

find the proposal would not be dissimilar to the current situation even with the change from a mono pitch to a flat roof.

9. The proposal would be consistent with Hart District Local Plan (Replacement) 1996 – 2006 saved policy GEN1 which requires proposals to be in keeping with local character and Hart Local Plan (Strategy and Sites) 2020 Policy NBE9 which seeks to achieve a high design quality and positively contribute to the overall appearance of an area.
10. The proposal would also be consistent with Yateley, Darby Green and Frogmore Neighbourhood Plan 2022 Policy YDFNP4 which seeks to ensure proposals respect surrounding buildings in terms of height, scale, form and massing and adopt contextually appropriate materials and details and the overarching objectives of the National Planning Policy Framework 2021.

### **Other Matters**

11. It is noted that there are objections to the proposal. In their report the Council have considered residential amenity with regard to no. 13, more specifically that the proposal would be closer to no. 13 than the existing dwelling but that similar proposals could be constructed under permitted development which would have similar implications. Based upon my site visit, the presence of the existing garage, and the evidence before me, I have no reason to conclude differently with regard to neighbouring residential amenity. With regard to light, I do not find that the single storey nature of the proposal would result in unacceptable loss of light to no. 13 due to overall limited, flat roof, height.
12. I note comments regarding replacement of asbestos are, however, this is not a material planning consideration as it is managed by Environmental Health legislation. The site is within Flood Zone 1, with low probability of flooding. The issues relating to the sewer which are raised, as well as additional drainage and guttering, and mechanical ventilation, would be construction matters which fall within the legislation of Building Regulations. Private ownership, and maintenance or access to such a system is a private matter. I have no evidence before me to support a refusal based upon parking due to the fact there is sufficient space within the appeal site to reconfigure parking arrangements sufficiently. The materials for the proposal are outlined within the application form and are acceptable.
13. I would consider it normal for most urban properties to only have access through the host dwelling to the rear of the property/garden area as result of construction up to boundaries. This is not a material consideration for an application of this nature. I note that the Council have raised that Certificate B should have been signed and notice served upon no. 13 as a result of the interconnected garage. Despite this I do not find that works would necessarily encroach until the area that the garage of no. 13 is stood in and that the proposal should be able to be undertaken without crossing the site/boundary ownership line. On-going maintenance of proposals is a private matter.

### **Conditions**

14. The Council have suggested three standard conditions in their questionnaire which I have applied. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control

and define the development which is granted consent. A materials condition is required to ensure the proposal matches the host dwelling and that any deviations in materials from existing are approved by the Council to ensure an appropriate finish.

**Conclusion**

15. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

*Eleni Randle*

INSPECTOR