



Appeal Decisions

Site visit made on 6 January 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2023

Appeal A Ref: APP/H1705/W/22/3302126

Faerie Meadows, 14 Hackwood Lane, Cliddesden RG25 2NH

- 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 Y Prabdhial against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/01321/RET, dated 14 April 2021, was refused by notice dated 8 April 2022.
 - The development proposed is described as 'change of use to residential garden land as an extension to the garden associated with no.14 Hackwood Lane, Cliddesden'.
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Appeal B Ref: APP/H1705/W/22/3302127

Faerie Meadows, 14 Hackwood Lane, Cliddesden RG25 2NH

- 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 Y Prabdhial against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/03638/RET, dated 1 December 2021, was refused by notice dated 8 April 2022.
 - The development proposed is described as 'retention of domestic outbuilding (retrospective)'.
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Decisions

1. Appeal A is dismissed and Appeal B is dismissed.

Preliminary Matters

2. The development in both appeals has taken place, though a handrail does not enclose the entire perimeter of the outbuilding flat roof. For ease of reference, 'the site' means the land in the red line in Appeal A, which includes that part of the land in the red line in Appeal B upon which the outbuilding is situated. I have considered each proposal on its individual planning merits. However, to avoid duplication I have dealt with each development together, except where otherwise indicated.

Main Issues

3. The main issues are:
 - in Appeal A and Appeal B, the effect of the development on the character and appearance of the area; and
 - in Appeal B, the effect of the development on the living conditions of the existing occupiers of Nos.13 and 14B Hackwood Lane, having regard to natural light, outlook and privacy.

Reasons

Character and appearance

4. As it is today, No.14 and other dwellings near it are part of a ribbon of mostly detached houses and bungalows along only the south side of Hackwood Lane, in the open countryside.
5. Some of these residential plots are wider than others, such as at No.14 before the development in Appeal A occurred. Most notably two houses at one end, closest to the A339 road, have appreciably more spacious plots but these are the exception. Nearly all of the plots are relatively narrow and/or dwellings are close to boundaries with very limited or no side gardens, as was previously the case at No.14. The site is on one side of No.14 and was a grass field used as a horse paddock, similar to one next to it. Together they formed an undeveloped gap and setting between some of these residential properties, emphasising the rural nature of this lane and this location.
6. This layout of dwellings, gardens and fields (including as was the field at the site) is locally distinctive. The site is now part of the garden of No.14 and the outbuilding is used for storage and play.

Appeal A

7. The site is the same depth from the lane to the end of the rear garden directly behind the house and many other rear gardens nearby are much longer. The Council has set out some guidance for amenity space in new development¹. However, the site nearly doubles the width of the original plot at No.14 on one side. As such, it is fundamentally at odds with the prevailing pattern and sequence of dwellings and gardens in this ribbon of houses.
8. The mown lawn, some neatly trimmed evergreen hedgerows and regimented evergreen tree planting give a managed, domestic impression to the site. There is also a greater sense of enclosure and disconnection from the surrounding countryside, including due to some tall close boarded boundary fencing and some tall post and rail fencing along the lane. Albeit temporary, the artificial ivy or vine 'netting' is crude and contrived. The site is, therefore out of keeping with the appearance of a grazed grass paddock, such as the one next to it, and distinctly different to natural, native species field boundary hedgerows and trees or usually lower level 'rural' fencing.
9. The site is substantial in area and largely flows seamlessly from the pre-existing garden of No.14. It significantly extends and facilitates the opportunity for increased domestic use and activity on this side of the house; such as for play, relaxation or entertaining with associated domestic paraphernalia.

Appeal B

10. Indeed, although timber clad and relatively modest in dimensions, the outbuilding is nonetheless overtly domestic in size, design and use, including in conjunction with a taller frame next to and above it supporting zip-wire play equipment. Though the outbuilding is in one corner of the site, set back from the lane, it is in an isolated position farthest from the house and off-set to one side. This has influenced how the appellant has used the pre-existing rear

¹ Design and Sustainability Supplementary Planning Document July 2018.

garden and encouraged the spread of domestic use and activity into the intervening land on the site, such as a trampoline and set of swings and a similar frame at the other end of the zip-wire near the lane.

11. The development in both appeals therefore represents an undesirable encroachment of residential use and activity further into the countryside. It significantly erodes the full extent of the original field gap between houses in this part of the lane and unduly consolidates this ribbon of residential development. Boundary hedgerow, fences or a wall screen a large part of the site and the development in both appeals so there are limited or glimpsed views from the lane. However, a lack of greater public visibility does not mean the absence of intrinsic adverse impact to the overriding rural context of this particular part of the countryside.
12. I find that the development in Appeal A and in Appeal B cause significant harm to the character and appearance of the area. Consequently, it conflicts with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan May 2016 (LP). These policies include that development should not be detrimental to the character of the area or its landscape and contribute positively to local distinctiveness having regard to buildings, layout, landscape features and important open areas.
13. Albeit not last used as an arable field, the development in both appeals would also undermine the spirit of the Council's objectives to conserve a rural patchwork of fields and limit inappropriate urbanisation in the Tunworth and Upton Grey Down Landscape Character Area.
14. Despite what the appellant suggests, there is no evidence that the site was a 'private open space' in the meaning as appears intended in the extracts from LP Policy EM5 before me.

Living conditions

Appeal B

15. The outbuilding is roughly equidistant from the nearest neighbouring residential properties at Nos.13 and 14B Hackwood Lane and a significant distance from both dwellings and gardens. There are intervening fences, hedgerows or trees. It is slightly taller than adjacent boundary fences or some hedgerow but with a flat roof it is not excessive in height and the handrail is short and low. The outbuilding does not therefore restrict natural light into the windows or gardens of either dwelling nor could it overwhelm any view from these properties.
16. A small section of the flat roof is a landing or take-off platform at one end of the zip-wire, connected to the ground by a ramp. As I saw, there are extensive views from these vantage points, including towards Nos.13 and 14B. Occupiers of these dwellings may observe and hear people using the roof or ramp and perceive this to result in overlooking or disturbance. However, the windows or gardens of both dwellings are too distant for there to be any actual adverse overlooking or undue noise disturbance. This activity is anyway likely to be transient in nature and limited in duration.
17. I find that the development in Appeal B does not cause harm to the living conditions of the existing occupiers of Nos.13 and 14B Hackwood Lane, having regard to natural light, outlook or privacy. Consequently it complies with LP

Policy EM10 which includes that development should provide a high quality of amenity for occupants of neighbouring properties.

Other Matters

18. I appreciate that officers recommended planning permission should be granted for the development in both appeals. Nonetheless, members were entitled to make the decisions to refuse planning permission for the reasons that they did.
19. I have been referred to a number of decisions for new dwellings or similar development as in these current appeals on sites nearby and elsewhere in the Borough. However, there is no evidence that the specific circumstances of any of those cases were directly comparable to the current appeals.
20. Part 1 permitted development rights (PDR)², including for buildings, apply to development within the curtilage of a dwellinghouse. There is no evidence that the site has planning permission or lawful use as part of the curtilage of No.14 so these PDR do not provide a realistic fallback in Appeal B. Since I intend to dismiss Appeal A for the reasons explained earlier above, there is no need for me to consider a planning condition to remove Part 1 PDR on the site to restrict further such development.

Planning Balance

21. The development in both appeals has no doubt provided a valued enhancement to occupation of No.14 by the appellant and his family, but these are private benefits. As such, I give little weight to these considerations in support of both appeals. There is conflict with the Council's development plan because in both appeals there is significant harm to the character and appearance of the area. This is an important factor against each development and accordingly I give considerable weight to it in both appeals. The benefits do not, therefore, outweigh the harm in each case.

Conclusion

22. The development in Appeal A and in Appeal B does not accord with the development plan taken as a whole. There are no other material considerations to indicate that the decision should not be made otherwise than in accordance with the development plan. Consequently, for the reasons given above Appeal A and Appeal B do not succeed.

Robin Buchanan

INSPECTOR

² Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)