



Appeal Decision

Site visit made on 10 January 2023

by Jo Dowling BA(Hons) MPHIL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2023.

Appeal Ref: APP/N1730/D/22/3306107

Brookmead, Warbrook Lane, Eversley, HOOK, RG27 0QL

- 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 Andrew Carr against the decision of Hart District Council.
 - The application Ref 20/02645/FUL, dated 28 October 2020, was refused by notice dated 30 June 2022.
 - The development proposed is retention of new boundary fences.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. The reason for refusal refers to the effect of the proposal on Eversley Conservation Area. However, the Conservation Area Proposal Statement submitted by the Council indicates that Eversley has a number of separate conservation areas. The conservation area that the Council consider would be affected is Eversley Street Conservation Area. For precision and accuracy I have referred to it as such.
3. The description of development and decision notice refer to the retention of new boundary fences. However, I note from the information submitted with the appeal that in erecting the new boundary fence the rear garden area appears to have been extended and this change of use of land forms one of the Councils reasons for refusal. I have therefore considered the appeal on this basis.
4. The reason for refusal refers to loss of agricultural land. However, the Council does not refer to loss of agricultural land in its report and the policies referred to in the decision notice deal with development in the countryside not loss of agricultural land. I have therefore adjusted the main issues to reflect this and considered the appeal on this basis.

Main Issues

5. The main issues are:
 - whether the proposal would result in the loss of countryside and would adversely affect the open and rural setting and historic character of this section of countryside;
 - whether the proposal would preserve the setting of a Grade I listed building and Grade II* registered park/ garden, the Westbrook House and Estate, and any features of architectural or historic interest that they possess; and

- whether the proposal would preserve the character and appearance of the Eversley Street Conservation Area.

Reasons

6. Warbrook Lane is located on the outskirts of Eversley. I observed on my site visit that the lane has a pleasant rural aspect, development is intermittent with pockets of housing mainly focused on the northern side of the lane. While red brick and design features such as tile hanging and half timbering predominate the properties are of an individual design and a variety of ages. These features contribute positively to the Eversley Street Conservation Area, the boundary of which runs along the northern side of Warbrook Lane.
7. Brookmead and the adjacent Hollybrook Cottage are a pair of 1960's semi-detached bungalows located on the southern side of the lane. I observed at my site visit that Brookmead has been extended and appears to have been recently renovated.
8. To the rear, the appeal property backs onto the grounds of Warbrook House an early 18th Century Grade I listed building. The formal pleasure grounds which were laid out at the same time as the house and feature a geometric designed landscape with long axial vistas and a significant water feature are registered Grade II*. The boundary for the registered garden appears to be formed by the access road to the Grange a modern annex to Warbrook House Hotel.

Loss of countryside and the effect on the character of the countryside

9. The Hart Local Plan (Strategy and Sites) 2032 (the Local Plan) defines countryside as the area lying outside of the settlement boundaries. Policy SS1 states that development will be focused within defined settlements. Brookmead and the area of rear garden immediately adjacent to the house fall within the settlement boundary for Eversley Street and Lower Common however the remainder of the site falls outside of the settlement boundary. Policy NBE1 advises that development proposals within the countryside will only be supported where they meet any one of the 14 criteria listed. The extension of a domestic garden into open countryside is not one of the criteria listed. As a result the proposal would result in the loss of countryside.
10. I observed on my site visit that a low level panel fence has been erected along most of the boundary between the two properties, with the final part and the rear boundary being enclosed by a wooden post and rail fence. Whilst the post and rail fence has a rural appearance and maintains an openness, the low panel fence appears as a suburban feature out of character in this rural setting.
11. The extended garden is currently laid to grass and has an open aspect and thus appears little different to the adjacent paddocks. However, by incorporating it into the curtilage of Brookmead the possibility of this area being domesticised and thus becoming more suburban in appearance is possible. Whilst this could be limited by the use of a condition restricting permitted development rights, this would not prevent the formal landscaping of the garden through the introduction of planting, pathways, seating areas or the instillation of domestic paraphernalia such as washing lines, children's play equipment etc.
12. As a result I consider that the expansion of the garden and the instillation of low level panel fencing adversely effects the character and appearance of this part of the countryside contrary to policies NBE2 and NBE9 of the Local Plan

which advocate that development proposals must respect and wherever possible enhance the value and visual amenity of the District's landscapes and positively contribute to the overall appearance of the local area.

Effect on the setting of a listed building and registered garden

13. Warbrook House is located some distance from the appeal property. Furthermore, a belt of mature trees and landscaping screens views between the two buildings. As a result, I do not consider the proposal would adversely affect the setting of Warbrook House.
14. The grounds of Warbrook House consist of formal pleasure grounds set within a wider parkland setting which links Warbrook out into the landscape and countryside beyond the estate and the modern ownership boundaries. As a result whilst the appeal site is separated from the boundary of the registered garden by an access road and area of mature trees, I observed on site that it is visible from a number of vantage points within the grounds. I consider that the introduction of a domestic garden and its associated paraphernalia into this landscape would erode the historic rural setting of the registered garden and as such would be contrary to Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, the advice contained within Chapter 16 of the National Planning Policy Framework and policy NBE8 of the Local Plan all of which seek to protect the setting of designated heritage assets.

Effect on the character and appearance of the Eversley Street Conservation Area

15. The boundary for Eversley Street Conservation Area is located on the opposite side of the road to Brookmead. As a result views of the rear garden area and fencing from the Conservation Area are blocked by the house. On my site visit I noted that there were some glimpsed views from Warbrook Lane when travelling in a westerly direction, however these were very limited and were of Hollybrook Cottage's garden and the boundary fence. Furthermore, for the majority of the year these would be screened by the mature hedgerow that runs along the lane. As a result I do not consider that the proposal would adversely affect the character and appearance of the Eversley Street Conservation Area.

Other Matters

16. The Appellant provided a variety of photographs showing examples of different types of fencing found on the Warbrook House estate citing these as setting a precedent for the proposal. Having viewed these sites I consider that they are perceived in a different visual context to the appeal site and for the reasons outlined above it does not lead me to a different view in this case.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jo Dowling

INSPECTOR