



Appeal Decision

Site visit made on 4 April 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2023

Appeal Ref: APP/H1705/W/22/3311213

Tennis Courts, Laverstoke Lane, Laverstoke, Near Basingstoke, Hampshire RG28 7NY

- 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 Whitchurch Tennis Club (Mr Howard Bradley) against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/02621/RET, dated 28 October 2021, was refused by notice dated 11 August 2022.
 - The development proposed is described as 'the installation of 10 no. low level telescopic flood lights of a maximum height of 4.6m within the perimeter fencing of two existing tennis courts. To replace the former floodlighting mast'.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of 10 no. low level telescopic flood lights of a maximum height of 4.6m within the perimeter fence of two existing tennis courts, at Tennis Courts, Laverstoke Lane, Laverstoke, Near Basingstoke, Hampshire RG28 7NY in accordance with the terms of the application, Ref 21/02621/RET, dated 28 October 2021, subject to the following conditions:
 - 1) The floodlights hereby consented may only be illuminated between the hours of 4pm and 10pm.
 - 2) The lumen levels of each of the floodlights hereby consented shall not exceed 14822 lumens.
 - 3) The cowls on the floodlights hereby approved shall be retained and maintained angled downwards.

Preliminary Matters

2. The development is noted as being complete on the application form and the Council assessed the proposal on that basis. I have therefore taken the same approach.
3. I undertook my site visit after sunset and was able to observe the floodlights while they were turned on and in their fully extended positions.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of the houses on Laverstoke Lane, with particular regard to the brightness of the floodlights and any associated glare.

Reasons

5. The two tennis courts are set back from Laverstoke Lane, with an area of open space and a community building known as the 'Men's Shed' in between. There are a number of houses situated on the opposite side of the road which are also set back.
6. Ten floodlights have been erected around the two tennis courts. The lamps on the floodlights point downwards towards the two tennis courts and have cowls fitted above. On my site visit, I observed that the lights only lit up a very small area around the courts and that there was very little reflection from nearby trees or pavements. Therefore, even if it is the case that these specific lights have not been approved for use by the Lawn Tennis Association, the light spillage is minimal and stops well short of Laverstoke Lane and the houses that are located on the opposite side of it.
7. The lights can clearly be seen from Laverstoke Lane, given that they are higher than the roof of the Men's Shed. There are mature trees nearby which may provide some screening in the summer months. Nevertheless, it is clear to me that the lights would be easily visible to the occupiers of the houses nearby, particularly as those homes are set slightly above street level. However, given how far the tennis courts are set back from the road, the lights do not appear as being particularly bright from this location, and there is therefore no issue of glare, even when viewing them from different angles or distances.
8. When seen from the front windows of the houses, the floodlights would introduce additional light into the area. However, this would be viewed within the context of the wider street scene where there are already a number of existing streetlights situated on the pavement. The limited additional light emanating from the floodlights would therefore not greatly alter the existing vista from those properties. In addition, the floodlights would only be required in the evenings, and likely not at all in the height of the summer months. The time by which the lights must no longer be illuminated can be controlled via a suitably worded condition to ensure that they do not become a nuisance late at night.
9. I am therefore satisfied that the floodlights do not harm the living conditions of the occupiers of houses on Laverstoke Lane, in respect of brightness or glare. As a result, I conclude that the development is in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan (2011-2029), adopted May 2016. Taken together, the relevant clauses of these policies seek to ensure that new development does not harm the living conditions of nearby residents, including through unacceptable levels of light pollution.

Other Matters

10. The appeal site is located within the Laverstoke and Freefolk Conservation Area and is also within the setting of various Grade II listed buildings, including 6-7 and 10-12 Laverstoke Lane, as well as The Rectory and Batts Cottage in Freefolk. In addition, the Council's officer report indicates that No's. 24, 25, 29 and 30 Laverstoke Lane are to be regarded as non-designated heritage assets. The Conservation Area is predominantly characterised by red brick terraced or semi-detached workers cottages that are associated with the old mill building. They typically have tiled gable roofs, substantial red brick chimneys and in a number of cases have flint detailing. The Rectory and Batts Cottage are larger

dwelling but have many similar features to the workers cottages. The area is very low density with plenty of greenery. The typical character and appearance of the cottages, including those identified as listed buildings and non-designated heritage assets, contributes towards the significance of Laverstoke as a traditional rural village.

11. The site is also located within Laverstoke Park, a Grade II listed historic park and garden. The park is associated with Laverstoke House, a large mansion set within sprawling gardens. While the park contains a variety of features, it is largely characterised by open landscapes and an abundance of mature trees of different species which provide its significance as a historic park and garden.
12. The built form of the floodlights is very limited, even when in an extended position. The light they emit is not substantial, doesn't result in glare, and is focused on the tennis courts themselves. I am satisfied that the floodlights do not harm the significance of any of the designated or non-designated heritage assets that have been identified.
13. Based on the evidence before me, I am satisfied that the brightness of the floodlights does not have a negative impact on any protected species including bats. A condition to limit the use of the lights to certain times of day would further reduce any risk in this regard.
14. The Council's statement appears to suggest that the development would harm the character and appearance of the area, although this hasn't been given as a reason for refusal. Nevertheless, I am satisfied that the limited built form of the lights, and their modest brightness, does not cause harm and that their appearance is not out of character with that of a rural village.
15. The use of the floodlights may increase the use of the tennis courts at certain times of year. However, there are benefits associated with this, and any negatives impacts such as additional noise would be very limited.
16. A number of other issues were raised by third parties, including the lack of need for the lights, inaccuracies in the planning application material, lack of engagement by the tennis club with local residents and the presence of alternative tennis facilities nearby. While I have had regard to all of these matters, I do not consider that any of the points raised, either in isolation or combination, lead me to make a different decision.

Conditions

17. Given that the development has already been completed, a condition to identify the relevant plans is not required. In order to ensure that the living conditions of nearby residents are not harmed, I have imposed conditions to identify the times when the floodlights can be used, their maximum lumen levels, and to require that the cowls must be maintained in their current positions. Given that I have concluded that the floodlights do not cause harm, a condition to require their removal when no longer required is not necessary or reasonable.

Conclusion

18. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR