



Appeal Decision

Site visit made on 31 May 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2023

Appeal Ref: APP/N1730/W/22/3313426

Lees Croft, Lees Hill, South Warnborough, Hook, Hampshire, RG29 1RG

- 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 M Blake/Shorewood Homes Ltd against the decision of Hart District Council.
 - The application Ref. 22/01956/FUL, dated the 19 August 2022, was refused by notice dated the 26 October 2022.
 - The development proposed is demolition of existing bungalow and erection of 4 detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: (a) the character and appearance of the area with particular regard to the setting of the designated conservation area; (b) the living conditions of future occupiers; and (c) whether the proposed housing mix is appropriate for this location.

Reasons

Character and appearance

3. The appeal site is located on the northern side of Lees Hill and comprises a large detached bungalow within a well landscaped and substantial plot. The surrounding area comprises a mixture of largely two storey detached properties, which vary in terms of their layout, design, scale and age. A number of these properties sit within similar substantial plots and are also well screened by mature hedging and trees, albeit some have more open frontages to the road.
4. Policy NBE9 of the Hart Local Plan (Strategy & Sites) 2032 (April 2020) (Local Plan) and saved policy GEN1 of the Hart District Council Plan 1996-2006 (December 2002) (District Plan) seek, amongst other requirements, to ensure that new development: is of a high quality; positively contributes to the appearance of the area; is in keeping with local character in terms of its scale, design, massing, materials and layout; that the layout incorporates the locally distinctive qualities of its surroundings and reinforces street patterns; and that it incorporates the architectural qualities and landscaping features of the site and its surroundings.

5. These policies are consistent with the approach set out in the National Planning Policy Framework (July 2021) (Framework) and specifically paragraph 130 which whilst recognising that being sympathetic to local character should not prevent or discourage appropriate innovation or change, also emphasises that new development should function well, be visually attractive, add to the overall quality of the area and establish or maintain a strong sense of place, as well as optimising the potential of a site to accommodate and sustain an appropriate amount and mix of development.
6. Within the above context, the appeal proposal would involve the demolition of the existing bungalow and its replacement by four detached two storey properties. The two plots at the rear (Plots 03 & 04) would be served off the exiting access and a new access would be created within the existing front boundary hedging/grass verge to access the two remaining plots (Plots 01 & 02). Compared to the existing low profile bungalow and the substantial areas of well landscaped gardens to the host property, the proposal would introduce a significant mass of new building spread across the whole of the site, including large single storey garages, three of which would be detached together with additional large areas of hardstanding for access, car parking, manoeuvring and turning. The amount of new development proposed is, in my view, excessive for the plot and this location, and results in a development that would be out of keeping and does not sit comfortably on the appeal site.
7. Whilst I accept that there are examples of sites nearby that have been more intensively developed, there also remain a number of larger properties within substantial plots that are an important part of the character and appearance of this edge of village location. The latter include the appeal site. Although the host property is of no architectural merit or value, its low profile and screening, by mature hedging and trees, from both its neighbours and the road, retains a sense of openness and spaciousness that contributes positively to the streetscene. This would be replaced by an extensive development of four large two storey properties which would be highly prominent and visible from public vantage points and surrounding properties, and out of character with the built rhythm and predominant pattern of development on this part of Leith Hill.
8. The harm that results is accentuated by the proposed layout, which I agree with the Council is far too rigid and cramped, and fails to have regard to or incorporate the distinctive qualities, layout and spaciousness of the properties that are found to the west and south west of the appeal site. As I indicated earlier, there are sites that are more intensively developed, including Lees Hill House and Cavok to the east of the appeal site. The Appellants Statement indicates that these properties date from the 1980's (albeit other references suggest the 1990's) but in either case their approval predates the Local Plan and the Framework, as well the National Design Guide (NDG) (January 2021). Moreover, I have not been provided with any planning background to this development or to any other examples and it is not possible for me therefore to assess whether the circumstances that led to their approval are comparable to those that arise with the appeal proposal.
9. Even so, neither the existence of these examples nor the policies of optimising the use of land, provide, in my view, justification for the scale and extent of development proposed. Neither do they negate the need for new development to promote and incorporate, for example, the distinctive local qualities of the

- area and to properly integrate with the predominant pattern of development. Consequently, none of these examples affect my findings on this issue.
10. For the above reasons, I find that the appeal proposal would cause harm to the character and appearance of the area contrary to saved policy GEN1 of the District Plan, policy NBE9 of the Local Plan and the corresponding policies of the Framework.
 11. The Council also allege that the appeal proposal would result in harm to the setting of the South Warnborough Conservation Area (SWCA), the closest boundary of which extends along the western side of Lees Hill House. As such, policy NBE8 of the Local Plan and paragraph 195 of the Framework require consideration to be given to the impact of the development on the setting of this heritage asset. Whilst, in this respect, I note that the Appellant raised concerns over the absence of a written consultation response from the Council's Conservation Officer, the latter was included with the Council's Appeal Statement and I understand that the Officers verbal comments formed the basis of the heritage assessment provided within the Delegated Report.
 12. Whilst there is a strip of land (which provides gated access to a field at the rear) separating the appeal site from the westernmost boundary of the SWCA, the gap in question is very narrow and does not provide any meaningful physical or distinct barrier between the two. As such, in visual and functional terms, the appeal site forms, in my view, an important part of the setting to the SWCA.
 13. The South Warnborough Conservation Area Proposal Statement (December 1999) (Proposal Statement) states that the 'character' of the area includes the close knit development of the village core which becomes looser towards the extremities of the village. The latter includes individual properties and groups of informally arranged properties on Leith Hill that alternate with large expanses of countryside on the southern side of the road. Leith Hill is also described as a narrow winding road that is rural in character with high banks and hedges. The Proposal Statement continues by stating that new housing and infill development has not always related well to the traditional form, scale and character of the designated area and that such examples should not be taken as representing the true character and special qualities of the area. In relation to its setting, it emphasises the need for the scale of new development to reflect that of the older properties in the conservation area, with space between and in and around new development, and to avoid garages being too prominent.
 14. As I indicated earlier the host property is of no architectural or historic value. Even so, the openness, spaciousness and mature screening to the appeal site makes a positive and important contribution to the character and appearance of the area and to the wider streetscene. As such and for the reasons outlined earlier, the appeal site forms an important part of the setting to the SWCA which, in my judgement, would be harmed by the appeal proposal.
 15. In reaching that finding, I have had regard to the modern developments nearby and the reference to those to the east in paragraphs 8.1 and 8.2 of the Proposal Statement. As I confirmed earlier, their existence does not provide a justification for allowing similar forms of developments that would further erode the character and special interest of the area. Also, for not ensuring that future proposals are more sympathetic, secure a high quality of design and

reflect local distinctiveness and the rural character of this part of the Hill. Furthermore, these examples do not negate the need to assess schemes on their individual merits having regard to the circumstance of the case and to reject those schemes that would result in further harm to the areas character and appearance. In this respect, it appears that the Council included the properties to the east within the SWCA so as ensure that future changes were sympathetic to and did not result in further harm to the special interest of the area. Although, at the time, the Council decided not to include land further west within the SWCA they did recognise that it formed part of its setting and as I have found above the appeal site makes an important contribution to that setting.

16. The Appellant disagrees with the Council's reference to the proposal having a more suburban appearance, but in view of the extent of new development proposed, as well as the rigidity and almost standard form of the layout, I fully understand the Council's concerns and agree that the proposal would have a harmful urbanising effect on this part of the Lees Hill. The Appellant also disagrees with the use of the reference to transitioning. Again, I understand the Council's point, which reflects my observations on site, where I noted that the compact core of the village, with properties sitting close to or on the road, gives way to a marked change as you approach its outskirts, specifically on Leith Hill. The latter, particularly its western section, predominantly comprises substantial plots interspersed with open land and mature landscaping, with open fields or woodland to the rear. The overall character is more rural and as such it provides an appropriate transition to the open countryside beyond. It is not uncommon to find a more dispersed and looser collection of properties on the edge of villages, where they secure a softer rather than harder built edge. In this respect I note that the appeal site forms the westernmost extent of the defined settlement boundary for the village.
17. For all the above reasons, I find that the appeal proposal would result in harm to the setting of the SWCA. The proposal would result in less than substantial harm to the significance of the heritage asset and as is required by paragraph 202 of the Framework that harm should be weighed against the public benefits of the proposal. The Appellant contends that these public benefits are secured through the provision of three new houses and the economic benefits to the rural economy.
18. I accept that the appeal proposal would make a contribution to meeting future housing provision and generate short term employment during construction, benefits that are supported by other policies in the development plan and Framework, in particular paragraph 60 of the latter and the objective of significantly boosting the supply of homes. However, the economic and housing benefits would be small, the proposal is for market housing and would thus not address any local affordable need and the Council indicate that they are able to demonstrate a 5-year supply of housing land. Whilst the Appellant has referred to the need to bring forward 'windfall' sites, such as this, there is no substantial evidence before me to support that statement or to suggest that the appeal proposal is needed to achieve those 'windfall' requirements. I also attach significant weight to the fact that the Council's supply extends to some 10.9 years, a figure that has not been challenged.
19. In view of the above, I have attached only limited weight to these benefits and they are not sufficient either individually or cumulatively to outweigh the harm

I have identified to the heritage asset. Accordingly, I find that the proposal would harm the setting of the SWCA contrary to policy NBE8 of the Local Plan and paragraphs 189, 195, 199, 200 and 202 of the Framework.

Living conditions – future occupiers

20. During discussions between the parties after the refusal of planning permission I understand that the Council clarified that their concern relates to the alleged overlooking from the upper floor of Plot 01 over the rear garden to Plot 03. I also understand that following the submission of a revised layout plan the Council is satisfied that the proposal would not result in any harm to the living conditions of neighbouring properties. There is no evidence before me that would lead me to reach a different finding in relation to the impact on the living conditions of neighbouring occupiers.
21. Turning to the issue raised, I agree with the Council that the proposed layout would not secure a high standard of amenity for future occupiers due to the relationship between Plots 01 and 03. The submitted plans show two large windows on the proposed first floor to Plot 01 serving bedrooms 1 & 2. Both would have direct and clear views over the majority of the rear garden to Plot 03 including its most private amenity area which is normally sited directly to the rear of the main property. The distances involved and any proposed boundary treatment or landscaping would not, in my view, mitigate for the loss of privacy or the level of harmful overlooking that would result.
22. The poor standard of amenity that arises is a further indication of the cramped nature of the proposed development and provides further support for the finding that the quantum of development proposed is excessive. The Appellant contends that the level of overlooking is small and that if such standards were applied to all new developments, none of these would be permitted. There is no evidence before me to support that statement and it is not a view that I share. As I confirmed above, the problem appears to emanate from the poor quality and rigidity of the proposed layout and the apparent emphasis on optimising the use of the site at the expense of securing, in this respect, a high level of amenity for future occupiers.
23. I therefore find that the proposed layout would result in a poor standard of amenity for future occupiers and would conflict with part (iii) to policy GEN1 of the District Plan and paragraph 130 f) of the Framework. These seek, amongst other requirements, to ensure that new development secures a high standard of amenity for existing and future users. In relation to policy NBE9 of the Local Plan I could not find any specific reference to amenity, but insofar as the policy seeks to ensure that new development is of a high quality, the appeal proposal would be contrary to those broad aims and objectives.

Housing Mix

24. Policy H1 of the Local Plan states that development will be supported where it provides an appropriate mix of dwellings, based on a number of factors. In relation to need, there is very little evidence before me to reach a firm finding on whether the proposed mix of four 4-bed units is appropriate or not. Paragraph 125 of the Local Plan refers to the findings of the 2016 SHMA which indicated that, for market housing, the requirement was for 44% of 3-bed units and 21% of 4-bed units. Turning to the South Warnborough Housing Need Survey (October 2019) its recommendations only relate to the need to support

the provision of affordable housing within the Parish. There are no recommendations for market housing. Whilst respondents to the survey indicated that, for market housing, the requirement was for 3-bed units, the document makes clear that the survey represents only a snapshot of the likely need at that time. There is therefore no up to date evidence of need before me.

25. As well as evidence of need, part a) to policy H1 states that regard will be given to the size, location and characteristics of the site and its surroundings. As I confirmed earlier, this part of the village is largely characterised by large detached properties on substantial plots and within that context the provision of four 4-bed units or indeed larger units would appear, in principle, to be appropriate for this location.
26. In view of the above, I am satisfied, on balance, that the proposed mix of units would be acceptable in this location and that the appeal proposal would, in this respect, comply with the broad aims and objectives of policy H1 of the Local Plan and the corresponding policies of the Framework.

Planning Balance & Conclusions

27. I accept that the appeal proposal would make a contribution to meeting future housing provision and would generate short term employment during construction, benefits that are supported by other policies in the development plan and the Framework. However, the economic and housing benefits would be small and the Council indicate that they are able to demonstrate a 5-year supply of housing land. There is also no evidence before me to indicate that the housing requirements of the area cannot be met through commitments, allocations and other windfall sites, the latter within schemes that are more policy compliant. In view of this, I have attached only limited weight to these benefits and they are not sufficient, either individually or cumulatively, to outweigh the harm that I have identified.
28. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires all proposals for development to be determined in accordance with the development plan unless material considerations indicate otherwise. There are no material considerations of sufficient weight or importance, arising from this appeal, that determine that the decision should be taken other than in accordance with the development plan.
29. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR