



Appeal Decision

Site visit made on 8 August 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/M1710/W/22/3309662

Russell House, Village Street, Bentworth, Alton GU34 5RB

- 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 Dr & Mrs R Fawcett against the decision of East Hampshire District Council.
 - The application Ref 24622/023, dated 13 December 2021, was refused by notice dated 22 July 2022.
 - The development proposed is the demolition of existing dwelling, garage and storage building, erection of replacement dwelling, with associated alterations to access, erection of garage with parking and turning space, and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling, garage and storage buildings, erection of replacement dwelling, with associated alterations to access, erection of garage with parking and turning space, and landscaping at Russell House, Village Street, Bentworth, Alton GU34 5RB in accordance with the terms of the application Ref 24622/023, dated 13 December 2021, and the plans submitted with it, subject to the conditions appended to this decision.

Application for costs

2. An application for costs was made by Dr and Mrs R Fawcett against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The proposed development relates to the setting of listed buildings and a conservation area. Accordingly, I have had special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest which they may possess, as required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area under Section 72(1) of the Act.
4. I am aware of the planning history of the site, including reference 24622/021, and have had regard to this in making my decision.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property; and

- whether the proposed development would preserve the setting of the Grade II listed buildings, Ivall's Farm and Hooker's Place, and the extent to which the works would preserve or enhance the setting of the Bentworth Conservation Area.

Reasons

Character and appearance

6. The appeal site comprises a large garden plot which fronts Village Street. At the time of my site visit, the former dwelling had been demolished. Part of the site lies within Bentworth Conservation Area.
7. There is no dispute between the Council and appellant in respect of the principle of development, which has been granted previously, or the overall design of the replacement dwelling. I have no reason to disagree with those findings. The main point of contention is the design of the single-storey element. This was previously granted with a flat roof and glass lantern over. It is now proposed to remove the lantern and construct a flat roof only. In addition, the Council objects to the extent of glazing to the rear of this element of the property.
8. The proposed single-storey element would be visible from the public realm along Village Street, where viewed through gaps in mature landscaping, and glimpsed from nearby rights of way to the side and rear of the site. It would also be visible from some nearby private vantage points. However, the single-storey element forms only a small part of the main house and would appear subservient to it, appearing as a later extension. The flat roof, where limited views of it could be obtained, would not appear out of keeping with the host building or wider area, in which some examples of established parapet walls and flat roofs exist.
9. The proposed glazing to the rear elevation of the single-storey addition would be larger than that of the main house and would feature less detail, such as window bars, when compared with the previously approved scheme. Nevertheless, it would be positioned to the rear of the property, would not be readily visible from public vantage points and would not appear unusual in its setting. Ultimately, the scale and design of the property, in particular the single-storey element, would have an acceptable effect on the character and appearance of the host property and the surrounding area.
10. For the above reasons, I conclude that the proposed development would accord with the relevant provisions of Policies CP29 and CP30 of the East Hampshire District Local Plan: Joint Core Strategy (CS, 2014) and Policy HE8 of the East Hampshire District Local Plan (LP, 2006). These policies, in summary, seek to achieve high quality design in development which respects its context, including the historic environment.

Heritage assets - special interest and significance

Listed buildings

11. Ivall's Farm lies to the west of the appeal site. It is a Grade II listed building¹, set within a large plot. It has 16th, 18th and 20th Century features and is a

¹ List Entry Number: 1338952

timber framed building with painted walls and a tiled roof. The special interest and significance of the listed building is largely derived from its surviving 16th Century architecture.

12. Hooker's Place lies to the north of the appeal site. It is a Grade II listed building², with late 17th and early 19th Century elements, together with 20th Century additions. It is finished in brick with a tiled roof over. Its special interest and significance is largely derived from its surviving 17th Century domestic architecture.
13. Pertinent to the appeal, in relation to the settings of the listed buildings and the contribution they make to the special interest and significance of assets, I have had regard to the definition of 'setting' within the National Planning Policy Framework (the Framework).
14. The enclosed and landscaped grounds of both buildings have an historic, visual and functional connection with the heritage assets. These grounds are clearly defined by boundary treatments including timber fences and landscaping. These grounds form the immediate setting of both listed buildings, and it is from there that the assets are best appreciated. This immediate setting contributes considerably to the asset's special interest and significance. Beyond this, the surrounding area is made up of open countryside and sporadic development, including the appeal site, along Village Street. Some views of the assets are possible from within this wider setting. However, the appeal site makes only a limited contribution to the special interest and significance of the assets.

Conservation Area

15. The special interest and significance of Bentworth Conservation Area (CA) is largely derived from the preservation of its picturesque and rural character, with Village Street in particular lined by mature landscaping, giving it an open and verdant appearance. The appeal site, individually, makes a neutral contribution to the character and appearance of the CA and its setting.

Heritage assets - appeal proposal and effects

16. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.

Listed Buildings

17. The physically and functionally separate relationship between the appeal site and listed buildings would be maintained and the historic and architectural interest of the assets would remain largely unaffected by the proposed development. The limited scale of the single-storey addition, the retention of a considerable separation distance between properties, intervening landscaping features and Village Street itself would all reinforce this. Furthermore, the

² List Entry Number: 1178802

immediate setting and most of the wider setting would remain undisturbed by the proposed scheme.

18. Taking these factors into account, the proposed development would not compromise the settings of the listed buildings, rather it would have a neutral effect that would not detrimentally alter how the assets would be experienced and would not adversely affect the ability to appreciate their significance. Consequently, the settings of the listed buildings and the contribution that they make to the significance of the assets would be preserved.
19. Overall, I conclude that the proposed development would preserve the settings of the nearby Grade II listed buildings, Ivall's Farm and Hooker's Place, and cause no harm to the significance of these heritage assets. Consequently, the proposed development would accord with the requirements of Section 66(1) of the Act and the relevant provisions of CS Policies CP29 and CP30 and LP Policy HE8. These policies, in summary, seek to achieve high quality design in development which respects the historic environment. In a similar vein, the proposed development would comply with the provisions of the Framework insofar as they seek to sustain and enhance the significance of heritage assets.
20. Since there would be no harm to these heritage assets, there is no need to balance the public benefits of the scheme.

Conservation Area

21. I acknowledge that the property, with its single-storey flat roofed element, would be visible from within the CA. However, bearing in mind the position, nature and extent of the proposal overall, I consider that it would have a neutral effect on, and would therefore preserve, the character and appearance of the CA as a whole, and its setting. As such, the proposal would not harm the significance of this designated heritage asset, which would be preserved.
22. Overall, I conclude that the proposed development would preserve the character and appearance of the CA and its setting, in accordance with the requirements of Section 72(1) of the Act and the relevant provisions of CS Policies CP29 and CP30 and LP Policy HE8, and the associated policies of the Framework which, together, seek to achieve high quality design and to conserve heritage assets in a manner appropriate to their significance.
23. Since there would be no harm to this heritage asset, there is no need to balance the public benefits of the scheme.

Other Matters

24. I acknowledge the comments received from neighbours and others, including in respect of design, light pollution, flooding, that the site lies outside the settlement boundary and privacy. Matters relating to heritage and design are dealt with above. There is no dispute between the Council and appellant in respect of light pollution, flooding or the location of the property within the village and I have no reason to disagree with those findings. A condition is put forward by the Council in respect of obscured glazing, as illustrated on the submitted drawings, that would satisfactorily mitigate any issues of overlooking. This is addressed below.
25. Ultimately, these comments have not led me to an alternative conclusion on the main issues.

Conditions

26. In addition to the standard time limit condition, a condition is required in respect of approved drawings. This is required for certainty.
27. Further conditions are imposed requesting details of landscaping and materials in the interests of the character and appearance of the area. Conditions are imposed in the interests of sustainability and the provisions of Policy CP24, biodiversity and the protection of trees. A condition is imposed requiring details of obscured glazing within windows in the interests of the living conditions of the occupiers of neighbouring properties.
28. I have not imposed a suggested condition in relation to the demolition of the existing (or former) dwelling as this has already been removed from the site.
29. I have not imposed a suggested condition removing permitted development rights as there is no substantive evidence before me to indicate the harm that exercising permitted development rights would result in.
30. In imposing conditions, I have had regard to the tests within the Framework, the Planning Practice Guidance, and relevant statute, and have accordingly amended the wording of certain conditions proposed by the Council without altering their aim.

Conclusion

31. For the reasons given above, having had regard to all other relevant material considerations, I conclude that the appeal should be allowed.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 201045-01, 201045-14 Rev A, 201045-16, 201045-17, 201045-18.
- 3) No development above slab level shall commence until details of all external facing materials to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development above slab level shall commence until a scheme has been submitted to and agreed in writing by the local planning authority to demonstrate that the built development hereby permitted incorporates measures that provide at least 10% of energy demand from decentralised and renewable or low carbon energy sources. Before any part of the development is first occupied, a verification report and completion certificate shall be submitted in writing to the local planning authority confirming that the built development hereby permitted has been constructed in accordance with the approved details. The developer shall nominate a competent person for the purpose of assessing and providing the above required report and certificate to confirm that the completed works incorporate such measures as to provide these requirements. The measures shall thereafter be retained and maintained to the agreed specification for the lifetime of the development.
- 5) Prior to the occupation of the development hereby permitted, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - i) boundary treatments;
 - ii) vehicle parking layouts;
 - iii) hard surfacing materials;
 - iv) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details in the first planting season after practical completion or first occupation of the development, whichever is earlier. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.
- 6) No residential use hereby permitted shall take place until details and samples of the obscure glazed windows to be installed have been submitted to and approved in writing by the local planning authority, and that screening has been implemented. Once implemented in accordance with the approved details and samples, the obscure glazed screening shall thereafter be maintained as such.
- 7) The development hereby permitted shall be carried out in strict accordance with the ecological mitigation and compensation measures detailed within the Extended Phase 1 Ecological Assessment (Phillips

Ecology, June 2021). All mitigation and compensation features shall be retained in perpetuity.

- 8) The development hereby permitted shall be carried out in strict accordance with the approved Arboricultural Method Statement and Tree Protection Plan prepared by SJ Stephens Associates.