



Appeal Decision

Site visit made on 9 October 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2023

Appeal Ref: APP/C1760/D/23/3322816

Essenes Cottage, Doctors Hill, Sherfield English, Hampshire, SO51 6JX

- 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 Ian Campbell against the decision of Test Valley Borough Council.
 - The application Ref. 22/03303/FULLS, dated 20 December 2022, was refused by notice dated 2 March 2023.
 - The development proposed is construction of an additional storey, installation of balconies, alterations to windows and doors.
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Decision

1. The appeal is allowed and planning permission is granted for construction of an additional storey, installation of balconies, alterations to windows and doors at Essenes Cottage, Doctors Hill, Sherfield English, Hampshire, SO51 6JX in accordance with the terms of the application Ref. 22/03303/FULLS dated 20 December 2022, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with those shown on the approved plans and in the Application Form.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No's. P-101; P-102; P-103; P-104; P-201; P-202; P-203; P-204; P-301; P-302; P-303; MS-000 Rev.A; P-100 Rev.A.
 - 4) The development hereby permitted shall be carried out in full accordance with the mitigation requirements and enhancement measures set out in the ESL Ltd Bat Emergence Survey Report dated June 2023. Thereafter, the mitigation requirements and enhancement measures recommended within the ESL Ltd Bat Emergence Survey Report dated June 2023 shall be permanently maintained and retained in conjunction with the permitted development.

Application For Costs

2. An application for costs was made by the appellant against Test Valley Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development on the Application Form is slightly different to that on the decision and I have adopted the latter as this is more precise.
4. The first reason for refusal refers to the National Planning Policy Framework (Framework) but since the refusal was issued the Framework has been revised, in September 2023. Whilst the Council's reason for refusal does not refer to any specific part of the Framework, the Council's Delegated Report (CDR) and its letter to the Planning Inspectorate of 8 August 2023 do refer to paragraphs 126, 130 and 134. These paragraphs remain unchanged in the September 2023 version of the Framework.
5. The second reason for refusal contends that inadequate survey information had been submitted to assess what impact, if any, the proposed development would have on protected species and whether any mitigation was required. Following the lodging of the appeal, the appellant submitted a Bat Emergence Survey Report prepared by ESL Ltd dated June 2023. This concluded that there was no evidence of bats being present within the host property and recommended various mitigation measures to be implemented in conjunction with the proposed development. The Council's letter of 8 August 2023 accepted that the Survey had shown that bats were not roosting within the host property. Whilst the letter did not go on to confirm that this addressed the concerns set out in its second reasons for refusal, I have taken their letter as confirmation that this is the case. I have proceeded to determine the appeal on that basis.

Main issue

6. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding rural area.

Reasons

7. The appeal site is located on the western side of Doctors Hill and comprises a large detached property set within a spacious plot. The host property is marginally set back from the road and on this elevation is largely single storey. As the land within the appeal site falls away to the south and west, the host property extends to two storeys. However, as the rear elevation faces onto the substantial garden of the host and the woodland beyond that there are no public views of the rear of the host property.
8. Doctors Hill rises gradually from its junction with Newtown Road, to the south of the appeal site. Dispersed along its length are large detached properties set within similar spacious plots and mature landscaping. Some of these properties are sited close to the road from where they are highly visible and others are set back behind mature screens of trees and landscaping. Most of the properties are two storeys with pitched roofs and some include large outbuildings, a good example of which is the recently built garage to Rosebank, immediately north of the appeal site, with its high gable end fronting onto the road.
9. Another key feature of the properties on Doctors Hill is that they comprise a mixture of old and new, ranging from thatched cottages to new build mansions and other modern infill. There is no uniform design or character to these properties which vary in terms of their scale, form, layout, siting, roof forms

and pallet of materials. As I confirmed above, some of these properties are sited close to the road and thus the fact that the host property occupies a similar position is not unique. Even so, views from the road of the host are predominantly of its single storey element, with its ground floor partly sunk into the land behind the road level.

10. The appeal proposal involves the construction of an additional storey, installation of new balconies and alterations to windows and doors. The footprint of the host property would remain unchanged as would its existing site access, off street parking areas, associated outbuildings and garden.
11. The Council's objection refers to policies COM11 and E1 of the Test Valley Borough Revised Local Plan DPD 2011 – 2029 (January 2016) (TVLP). Combined, these policies seek, amongst other requirements, to support development where: it is of a high quality design and local distinctiveness; it integrates, respects and complements the character of the area in terms of layout, appearance, scale, materials and building style; it makes efficient use of land whilst respecting character; the size of any new extension is not visually intrusive in the landscape; and the design of any extension is in keeping with the existing dwelling.
12. A broadly similar approach is set out in paragraph 130 of the Framework, but the latter also states that being sympathetic to local character should not prevent or discourage appropriate innovation or change. Similarly, paragraph 134 b) of the Framework states that significant weight should be given to innovative designs that help raise the standard of design more generally in an area provided the proposal fits in with the overall form and layout of their surroundings. The latter is reinforced in the National Design Guide (NDG) (January 2021), for example, at paragraph 44 where it emphasises that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today.
13. Whilst not mentioned in the reason for refusal, the CDR also refers to the Sherfield English Village Design Statement Supplementary Planning Document (April 2015) (VDS). The Council's letter of 8 August 2023 states that the reference in paragraph 8.8 of the CDR to Guidance Note 12 of the VDS should have read as reference to Guidance Note 11. The latter is found in section 6 of the VDS, 'Architectural compatibility', with the supporting text acknowledging that Sherfield English village, which includes Doctors Hill and the appeal site, has the space for "*modern, even innovative, architecture, but it should reflect its context.*" It continues by emphasising that any design, even if of high quality or eco-friendly or where it includes local cues, should pass the test of being complementary to its surroundings of fields and woodland.
14. Guidance Note 11 (GN11) itself states that where there are no other dwellings "*within the same sweep of view*" the only architectural design constraint will be compatibility with its rural surroundings. It continues by stating, in situations where the proposal is visible outside of its curtilage, that provided the bulk of the proposed new dwelling or extension is not excessive then even the most innovative designs should be able to harmonise with their rural surroundings through a sympathetic choice of external materials.
15. GN11 must be read in conjunction with section 7 of the VDS, 'Compatibility with neighbouring buildings' and Guidance Note 12 (GN12). These again

emphasise the importance of securing compatibility with neighbours where there is a uniform or traditional design. However, it continues by stating that more radical designs might be welcome among highly individual dwellings where they stand well apart from neighbours on large plots, for example, on parts of Doctors Hill. GN12 itself states that for a new or developed dwelling the *“objective is compatibility, not uniformity, and the degree should be proportional to the closeness of the neighbouring dwelling, with a relaxation starting once there is a gap significantly wider than either dwelling.”*

16. The existing gaps between the host property and its neighbour to the north, Rosebank and neighbour to the south, Hillside, exceed those set out in GN12. As I observed on site, the host property comprises a highly individual dwelling in that it is sited well apart from its neighbours and does not read as part of the same view. As such, the host property falls, in my view, into that category where, in principle, there is no need or requirement for any new or developed dwelling to be consistent with the local *“architectural ethos”* and where a more radical (innovative) design approach would be acceptable.
17. The proposed additional storey would form part of the complete remodelling of the host property. Whilst the bulk of the original host property would increase this would not, on the frontage to Doctors Hill, be harmful to the streetscene or to the character of the area in that: the existing footprint would be retained to ensure that the remodelled property continues to sit comfortably on the large plot; the proposed two storey element facing the road would be in keeping with the two storey scale of its immediate neighbours and most of the properties on Doctors Hill; the ground floor front elevation would remain partly sunk into the land behind road level; the proposed ridge heights would decrease from north to south following the natural downward slope of the road; the two distinct flat roofed elements would reduce the mass of the proposal when viewed from the road and contrast well with the proposed zinc pitched roof; the use of white painted render would match that used on other properties and combined with the use of vertical timber and metal cladding the proposed pallet of materials would assist in breaking up the front elevation and giving it a contemporary feel; and, the black framed aluminium windows and doors would add further design quality through contrasting with the proposed white render and timber cladding.
18. All the above factors combine to secure a high quality contemporary design. I accept that there would be a material change to the scale and design of the host property when viewed from Doctors Hill, but, even so, all the proposed changes would refresh and modernise the appearance of the whole property, including its rear elevation even though this is hidden from public viewpoints. The result would be a significant improvement on the existing host property, whose design is not of any merit or quality. Also, a proposal that would sit comfortably on the appeal site and be compatible with its rural surroundings.
19. For the above reasons, I disagree with the Council and consider that the new additional storey would not be visually intrusive or harmful to the character and appearance of the area. On the contrary, the additional storey combined with the complete remodelling of the host property would represent an innovative and high quality design that would accord with the guidance within the VDS. It would also comply with the aims and objectives of policies COM11 and E1 of the TVLP in that it would secure a high quality design, it would be compatible with its surroundings, it would make efficient use of land whilst respecting local

character and it would not be visually intrusive within the landscape. The proposed addition would also be proportional and the resulting two storey elevation to the road would be in keeping with the character and scale of its neighbours and most of the other properties on Doctors Hill. In relation to being subservient, I am not convinced that such a consideration is relevant or overriding in the context of a proposal to add an additional storey, where the existing property is being completely remodelled and where the VDS supports innovative designs provided the bulk of the proposal is not excessive and an appropriate pallet of materials is chosen.

20. Accordingly, I find that the appeal proposal would be compliant with policies COM11 and E1 of the TVLP, Guidance Notes 11 and 12 of the VDS and the corresponding policies of the Framework and NDG.

Other Matters

21. Concerns have been raised by interested parties in relation to the impact of the proposal on living conditions, preserved trees, the lack of new landscaping and disruption during construction. However, there is no substantive evidence before me to support any of these concerns or any evidence that would lead me to conclude that these issues would result in any harm or conflict with the policies of the development plan. I also note that they are not matters that were raised by the Council in its objections to the appeal proposal and that these issues were also addressed within the CDR with Officers concluding that none of the issues would give rise to any material harm or conflict with the development plan. Based, therefore, on the evidence before me and my observations on site I see no reason to disagree with the Council's findings in this respect.

Conditions

22. The Council has suggested conditions which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions requiring the external materials to be used on the permitted development to be as shown on the approved plans or as stated in the Application Form and for compliance with the submitted plans, are necessary and reasonable to secure a high-quality development and to reflect the details included within the application. I have, however, added a list of approved plans for clarity.
23. I also consider that a condition that requires the permitted development to be carried out in full accordance with the mitigation and enhancement measures set out in the ESL Ltd Bat Emergence Survey Report (dated June 2023) is also necessary and reasonable in the interests of local biodiversity. I have slightly reworded the suggested condition so that it is more precise.

Conclusion

24. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR