



Appeal Decision

Site visit made on 4 January 2024

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2024

Appeal Ref: APP/N1730/W/23/3321996

Oakview House, Station Road, Hook RG27 9TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Terence Lyons of TOR (HOOK) LTD against the decision of Hart District Council.
 - The application Ref 22/02227/OUT, dated 23 September 2022, was refused by notice dated 13 December 2022.
 - The development proposed is demolition of the existing office building and erection of building to provide up to three retail units with associated new access and parking.
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Decision

1. The appeal is allowed, and outline planning permission is granted for demolition of the existing office building and erection of building to provide up to three retail units with associated new access and parking at Oakview House, Station Road, Hook, RG27 9TP in accordance with the terms of the application, Ref 22/02227/OUT, dated 23 September 2022, subject to the conditions set out in the schedule below.

Applications for costs

2. An application for costs was made by Mr Terence Lyons of TOR (HOOK) LTD against Hart District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Outline planning permission is sought with only access and layout to be considered. Other than details relating to these matters, I have regarded all other elements shown on the submitted plans as illustrative.
4. As part of the appellant's appeal submissions, additional information was provided in relation to highway matters and living conditions¹. While not before the Council at the time of their decision, they were provided at the outset of the appeal. As such, the Council and other parties have had opportunity to comment on them and would not be prejudice by my taking them into account in my reasoning.
5. Where comments were received from the main parties on the latest National Planning Policy Framework (Framework), I have taken them into account in my reasoning.

¹ Transport Technical Note prepared by Bellamy Roberts and the Daylight and Sunlight Report (Neighbouring Properties)

Main Issues

6. The main issues are the effect of the proposed development on:

- the character and appearance of the area including the non-designated heritage assets of Kew Villa and The Raven,
- the living conditions of the occupiers of Kew Villa, with particular regard to outlook, daylight and sunlight; and
- highway safety.

Reasons

Character and Appearance

7. Kew Villa and The Raven are identified as Locally Significant Heritage Assets in Policy HK13 of the NP² and considered non-designated heritage assets (NDHAs). The significance of these buildings lies, in part, in their traditional design, proportions and materials. Their setting is currently mixed, with the surrounding area containing a variety of buildings and blocks of built form in terms of scale, materials and position. This includes ones of a comparable footprint, with hardstanding and parking areas to the front, often with limited landscaping to screen them along Station Road.
8. Some of these may be redeveloped in the future, however, they currently form the context in which the appeal scheme and the NDHAs are seen and experienced. The existing spacing of buildings, which again does not have any consistency in size, in their setting does not contribute positively to the significance of the NDHAs or the area in general.
9. The appeal site is in a prominent corner location and the proposed building would have a considerably larger footprint than the existing one, located much closer to the boundary with Kew Villa. However, a building filling much of its plot width would not be untypical of the area, including Kew Villa itself.
10. Furthermore, while some buildings are close to the street along Station Road, there is a lack of consistency in the building line. Near the appeal site it is not uncommon for them to be set back behind frontage hardstanding parking areas. Therefore, the layout and position of the proposal would not be incongruous. Moreover, while larger, the position and layout would be similar to the existing building and its parking area. The vacant part of the site, which is overgrown and unkempt, would become occupied but it does not contribute positively to the streetscene at present.
11. The existing street tree is retained and although not a substantial area, there would be opportunities for landscaping near site boundaries within the appeal site. This would soften the appearance of the parking area, as is the case with some existing frontage parking areas nearby and result in an improvement on the existing primarily hard boundary treatments. The appearance and scale of the building would be considered at the reserved matters stage, along with landscaping, where further enhancements from the existing appearance of the site could be provided.

² Hook Neighbourhood Plan 2018-2032

12. Therefore, the proposed development would not harm the character and appearance of the area or the significance of the non-designated heritage assets. It would accord with Policies NBE2, NBE8 and NBE9 of the HLP2032³, Saved Policy GEN1 of the HLP2006⁴, policies HK2, HK12 and HK13 of the NP. These, amongst other things, seek to ensure developments respect, are in keeping with and make a positive contribution to, the character and appearance of the area as well as conserving or enhancing heritage assets and their settings.
13. It would also accord with the Framework where it seeks to ensure developments are sympathetic to local character and that heritage assets should be conserved in a manner appropriate to their significance.
14. Key elements in the supporting text following Policy HK3 of the NP refer to schemes with retail or other commerce on ground level and residential units above providing private parking at the rear. As no residential units are proposed, this criterion would not be applicable to the appeal scheme. Moreover, as there is no clear evidence before me that the appeal site is within the village square, Policy HK3 would not be applicable.

Living Conditions

15. The proposed building would be located close to the boundary with Kew Villa and extend beyond the depth of the residential property. There are several ground and first floor windows facing the appeal site. While the scale and design of the building is not known at this stage, and further assessment could be made at reserved matters stage, a Daylight and Sunlight Assessment has been provided based on the illustrative/indicative plans. This confirms that the proposal would result in a reduction in daylight and sunlight at several windows at Kew Villa, and to its garden, with the utility room and dining/kitchen windows experiencing the biggest losses.
16. Notwithstanding this, the results show that the reductions and remaining daylight and sunlight for these rooms would be within the BRE standards with the rooms most affected being served by more than one opening. Moreover, the utility room and first floor rooms on this elevation are unlikely to be ones where occupiers would spend significant periods of time. At ground floor level the kitchen was relatively open with a number of other windows from the living area also providing light. The garden area is relatively spacious with areas away from the site boundary. So, subject to appropriate design at reserved matters stage, sufficient daylight and sunlight would still be able to reach these rooms and the garden.
17. The scale of the proposed building is not to be determined at this stage. Nevertheless, given the position of the proposed building, it would likely become a prominent feature in the outlook from the 2 rear most kitchen windows at Kew Villa that face directly towards the appeal site. However, these are relatively small and the outlook from them is already limited, currently being mainly of the boundary fence and vegetation very close to them. Although the proposed building would be seen from these windows, it would not significantly reduce the outlook from them. Furthermore, there is a much

³ Hart Local Plan (Strategy and Sites) 2032

⁴ Hart District Local Plan (Replacement) 1996-2006 And First Alterations to the Hart District Local Plan (Replacement) 1996-2006

larger window in that elevation also serving the kitchen. The proposed building would be set back from this larger window and allow an appropriate outlook from that room.

18. The first-floor windows on this elevation are at least partially fitted with obscure glazing at present. Given the existing outlook from these rooms, the nature of their use and subject to appropriate final design of the building, the outlook from them would not be unacceptably affected. This would also be the case for the utility room door on the ground floor of this elevation which is also obscure glazed.
19. The nearest rear elevation window to the site serves the utility room and therefore it is unlikely occupiers would spend considerable amounts of time in this room and views of the proposal would be angled. There are several other rear elevation windows where the building would be visible at ground and first floor level. These, though, are generally large openings and not orientated directly towards the appeal site. Instead, they face towards the generous rear garden giving an alternative outlook away from the proposed building.
20. As the proposed building would occupy most of the rear part of the appeal site, it would also be seen from the rear garden of Kew Villa. The size and orientation of the garden means there would be alternative outlooks away from the building and it would not extend along the full length of the garden. Again, subject to appropriate appearance, landscaping and scale, to be agreed at reserved matters stage, the scheme would not result in an unacceptable outlook.
21. Consequently, the proposed development would not unacceptably affect the living conditions of nearby occupiers with regard to outlook, daylight and sunlight. The scheme would accord with Policy GEN1 of the HLP2006 where it, in part, require schemes to cause no material loss of amenity to adjoining residential uses. The proposal would also accord with the Framework where it seeks a high standard of amenity for existing users.
22. Policy NBE9 of the HLP2032 does not directly relate to living conditions and is therefore not relevant to this main issue.

Highway Safety

23. Sufficient space would be provided for servicing vehicles to park off the road, in the loading bay which is located off Bell Meadow Road. While only a snapshot in time and may be different at other times of day or week, Bell Meadow Road was quieter than Station Road in terms of traffic movements. With sufficient space being provided vehicles would be able to stop off the carriageway. They would not obstruct the road or the flow of traffic. In addition, a separate footpath would be provided behind the bay. Consequently, the proposal would not result in conflicts with other users.
24. Part of the proposed loading bay is outside the appeal site and said to be within the control of the Highways Authority. Notwithstanding this, they are clearly aware of the scheme having commented on it. There is no clear evidence that the certificate of ownership is incorrect as far as it relates to the land within the appeal site.
25. A condition can be imposed requiring the loading bay to be provided prior to the occupation of the development. There has been no objection to the

proposal from the Highway Authority and therefore there is a prospect of the action in question being performed within the time-limit imposed by the permission. Whether the implementation of this condition would require separate agreements is a matter for the parties involved outside of this planning permission. If not provided the development would not be able to be occupied. Moreover, while partly not in the control of the appellant, I see no reason why, were the Highway Authority agreeable to the loading bay being provided, that it would be removed if this would result in highway safety concerns.

26. There are already a number of accesses off Station Road and Bell Meadow Road, with varying visibility due to boundary treatments and landscaping. This includes at several frontage parking areas. As such, vehicles emerging onto the road would not be unexpected by drivers, pedestrians, or cyclists. While Station Road was busier at the time of my visit, traffic speeds were generally low. Vehicles using the car park would be able to turn within the site so could enter and leave in a forward gear. Sufficient visibility is also provided at the car park access. Consequently, subject to appropriate conditions, the scheme would not result in highway safety concerns.
27. Given the other parking areas nearby and the accessibility from other modes of transport, there is no compelling evidence before me that the level of parking provision is insufficient or would lead to an overspill onto the road. Conversely, while less parking would reduce the size of the hardstanding, I see no reason to reach a different conclusion to the Council in that parking standards are complied with. As a result of the scale of the proposed scheme, and that there is an existing use at the site which would generate its own level of traffic movement, the proposal would not cause any harm with regard to the flow of traffic.
28. As such, the proposed development would not harm highway safety. It would accord with Policy INF3 of the HLP2032 and Policy GEN1 of the HLP2006. These, in part, require proposals to have adequate arrangements on site for access, servicing or the parking of vehicles and provide safe, suitable and convenient access for all potential users and provide accessible collection points for refuse vehicles.
29. It would also comply with the Framework where it states developments should allow for the efficient delivery of goods, and access by service and only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

30. The Emergence Survey Report – Bats did not find bats using the site for roosting or feeding. On this basis no further surveys are required, and a condition is imposed relating to the recommendations of that report and a lighting scheme.
31. The proposal is for retail units. While for the reasons below the use class is not restricted, a hot food takeaway would not fall within Use Class E. Moreover, along with conditions imposed relating to opening times and external lighting, these would prevent unacceptable noise and disturbance at nearby properties.

Parking at the appeal site by people who are not customers, does not affect my findings on the main issues.

32. That pre-application advice has been sought on a different scheme, does not alter whether the appeal proposal is acceptable. There is no clear evidence that the proposal would restrict any re-development at the commercial site adjacent or that there is such a scheme proposed.
33. The site is located within 5km of the Thames Basin Heaths Special Protection Area (SPA). The SPA comprises a network of lowland heath sites. The SPA is home for three important bird species which are its qualifying species features and supports important breeding populations. The heaths, and the birds that nest and breed there, are easily disturbed by people and their pets. The Delivery Framework⁵ sets out that the aim of avoiding the impact of recreation and urbanisation on the SPA habitat and interest features. As the proposed development relates to commercial uses it would not result in an increase in the number of people or pets using the SPA. As such, it would not have a likely significant effect either alone or in combination, on the specific qualifying features of the SPA.

Conditions

34. In addition to the standard time limit conditions, I have imposed one requiring submission of reserved matters as this is an outline permission. A condition requiring that the development is carried out in accordance with the approved plans, so far as they relate to access and layout, is necessary in the interest of highway safety and protecting the character and appearance of the area.
35. Conditions requiring details and provision of the loading/bin collection area, cycle storage facilities and parking and hard surfaced areas are imposed to prevent harm to highways safety and promote non-car modes of transport. The Emergence Survey Report – Bats makes recommendations for the proposed works. However, it is imprecise. A condition is needed requiring final details in order to protect biodiversity.
36. Conditions requiring details of external lighting, and ones limiting opening, construction and delivery times are imposed to protect the living conditions of nearby occupiers. While the proposal would be near residential properties, there are a mix of uses in the area already. As such, based on the evidence before me, earlier start times on weekdays would be appropriate given the area and traffic is likely to be busier. However, a later time on Saturdays are appropriate as general activity in the area and therefore, current and expected levels of noise and disturbance are likely to be lower.
37. There has not been clear justification provided to restrict the use class of the proposed development on the basis of the vitality or viability of the town centre. Similarly, it has not been shown that subdivision into small units would lead to the same concerns or those in relation to parking provision and highway safety. Therefore, they have not been shown to be necessary and I have not imposed these conditions. Given the location of the loading area and existing commercial uses nearby, a condition requiring a noise assessment is also not necessary.

⁵ Thames Basin Heaths Special Protection Area Delivery Framework Thames Basin Heaths Joint Strategic Partnership Board

Conclusion

38. For the reasons given, I conclude that the appeal should succeed.

Stuart Willis

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping and scale hereinafter called "the reserved matters" shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to access and layout: Drawing No 002 Rev PL01 (Proposed Block Plan) and Drawing No 004 Rev PL03 (Proposed Site Plan).
- 5) Development shall not take place until details of the loading/bin collection area and footpaths as shown on Drawing No 004 Rev PL03 (Proposed Site Plan) have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until these areas have been constructed in accordance with the approved details. They shall thereafter be retained as such.
- 6) Development shall not take place until a scheme of ecological protection for the construction period has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as agreed.
- 7) The development hereby approved shall not be occupied until the external hardstanding areas, including the car parking area have been surfaced in accordance with details that have first been submitted to and approved in writing by the local planning authority. They shall be retained as agreed thereafter.
- 8) The development hereby approved shall not be occupied until the vehicular access, car parking facilities and pedestrian pathways within the site have been provided and laid out as shown on Drawing No 004 Rev PL03 (Proposed Site Plan). They shall thereafter be retained for these purposes.
- 9) The development hereby approved shall not be occupied until the cycle parking facilities have been provided in accordance with details that have

first been submitted to and agreed in writing by the local planning authority. They shall thereafter be retained for this purpose.

- 10) Prior to the installation or erection of any external lighting, a lighting scheme shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented as agreed and retained thereafter.
- 11) Demolition or construction works shall take place only between 0730-1800 on weekdays, 0800-1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 12) Deliveries shall only be taken at or dispatched from the site, and the use hereby permitted shall only take place between the following hours: 0700-2000 on Mondays to Fridays, 0800-2000 on Saturdays, and 0900-1600 on Sundays or on Bank or Public Holidays.