



Appeal Decision

Site visit made on 20 February 2024

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2024

Appeal Ref: APP/N1730/W/23/3323771

Land at Hook House Hotel, London Road, Hook, Hampshire RG27 9EQ

- 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 Willowcrest Homes MLP against the decision of Hart District Council.
 - The application Ref 22/02585/FUL, dated 23 December 2022, was refused by notice dated 27 April 2023.
 - The development proposed is erection of 4no. dwellings and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Unilateral Undertaking has been submitted which includes mechanisms which seek to mitigate the impact on the Thames Basin Heaths Special Protection Area (TBHSPA). I will return to these matters later in this decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area and on the setting of the Grade II listed Hook House.
 - The quality of living conditions for future users with particular regard to noise and refuse.
 - The effect on biodiversity

Reasons

Character and appearance

4. The significance of the Grade II listed Hook House derives from its age and historic appearance. It was a large country house set in landscaped grounds and wider rural surroundings. Therefore, the surrounding open land makes an important positive contribution to the significance of the listed building.
5. There has been development in the surrounding area including housing development and a Sainsburys. The appeal scheme is therefore notably different to the 2018 appeal¹. A building that was originally associated with Hook House, known as the Coach House is also occupied as a separate dwelling

¹ APP/N1730/W/17/3167100

along with the development of 4 houses nearby. Together these have notably eroded the rural setting and reduced the size of the garden land. Nevertheless, green undeveloped space around the house remains and this continues to make an important contribution to the significant features of the heritage asset identified above.

6. The appeal site is open land to the western side of Hook House. It is separated from the existing curtilage to Hook House by planting and fencing, although in some places there is clear intervisibility between these two sites. Although this land may not have been part of the original extent of Hook House's gardens more recently it has been part of the grounds and I understand that it was the site of a swimming pool. Notwithstanding the changes to the size of the garden area, the appeal site remains part of the open mainly grassed area surrounding Hook House. As such it forms an important visual and historic part of its setting.
7. Therefore, even though their extent has been reduced, the open green characteristics of the land surrounding Hook House including the appeal site make an important positive contribution to the setting of this heritage asset.
8. The proposed development is for four houses to the northern part of the site, as well as an access road connecting to London Road. The introduction of four dwellings, formal gardens and associated parking, access, paraphernalia and activity would result in a developed urban appearance to this part of the site.
9. The location of the proposed dwellings would be to the north, away from the foreground of the main views of the listed building from London Road. This would reduce their prominence in these public views. Nevertheless, they would form part of the backdrop and would bring development in closer proximity than other dwellings on this side of Hook House. The hardstanding and activity along the access road would be an additional developed feature in the front of these public views.
10. Consequently the proposed development would harmfully erode the open green character of the appeal site. This harm would be clearly perceived in public views, as well as views from the surrounding development and the listed building itself. This would unacceptably undermine these positive characteristics of the setting of the Listed Building.
11. Therefore, the proposed development would have a harmful effect on the setting of the Grade II listed Hook House. As such, in this regard, the proposed development would be contrary to Policy NBE8 of the Hart Local Plan (Strategy and Sites) 2032 (2020) (LPSS) which, in part, requires that development should not lead to harm to the significance of the setting of a heritage asset. Paragraph 208 of the National Planning Policy Framework (the Framework) requires that I weigh this harm against the public benefits of the scheme. I will return to this matter later in this decision.

Living Conditions

Noise

12. The proposed development would be adjacent to a recent Sainsburys development and the main concerns relate to noise from servicing, delivery and plant from this superstore. At the time of my site visit the store had opened, this is a different circumstance to the 2018 appeal. The servicing bays for the

store are close to the western boundary of the appeal site. The vehicle bays are orientated away from the proposed dwellings and would be separated from the Sainsburys building by a tall fence.

13. A noise report from 2017 has been provided regarding the predicted noise from deliveries on 8 dwellings proposed at that time, sited in different locations to the appeal scheme. The conclusion of that report was that acceptable living conditions could be achieved. However, that was based on a different layout with dwellings further from the site boundary. As such, its conclusions are based on notably different circumstances to the scheme before me now. The proposed dwellings are also closer than those that were considered when the application for Sainsburys was determined, and the four dwellings south east of Hook House which were permitted in 2015.
14. As such, considering the proximity of the houses and their gardens to this loading bay, I am not provided with substantive evidence that demonstrates that future occupiers would achieve acceptable noise levels.

Refuse

15. The proposed development would require occupiers to wheel bins around 60m on collection day. This would be along a relatively flat hardsurfaced route. Nevertheless, as no turning area for refuse vehicles is proposed, the distance required to move the bins is well above the recommended 25m. As such, in the circumstances of this case, this would not result in a high standard of amenity for future occupiers.

Summary

16. Consequently, the proposed development would not result in a high standard of living conditions for future users. As such, in this regard, it would be contrary to Policy NBE11 of the LPSS which, in part, requires that adverse noise impacts on the proposed development would be mitigated or minimised to an acceptable level. As well as policies NBE9 of the LPSS, Saved Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policies (2009) (LP) and Policy HK12 of the Hook Neighbourhood Plan 2018-2032 (2020) (NP). Together these require high quality design which considers the storage and collection of refuse, siting of bin stores and with adequate arrangements on site for servicing.
17. Policy HK8 of the NP mainly relates to noise arising from new development and its impact on existing and adjoining residential uses. As such, the policies set out above are more relevant to this main issue.

Biodiversity

18. The Updated Preliminary Ecological Assessment (October 2022) provides a recent assessment of the site. Amongst other things, it identifies that grass snakes were recorded on the neighbouring site in 2013 and that the appeal site has habitat suitable for reptiles. In the event that reptiles are shown to be present, there is a risk that they could be harmed by the proposed development works. Also, one of the trees which is proposed to be removed has the potential for supporting roosting bats. The assessment recommends further bat and reptile surveys.

19. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
20. Consequently, there is a reasonable likelihood that reptiles and bats are present at the site. As such it is not possible to be certain that protected species would not be harmed by the proposed development or the extent of any such harm.
21. Therefore the proposed development would have a harmful effect on biodiversity. As such it would be contrary to Policies NBE4 of the LPSS and HK4 of the NP which, together, require development to avoid negative impacts on existing biodiversity and protect and enhance the biodiversity of Hook.

Heritage Balance

22. The Framework advises that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification. In terms of the Framework the harm to the listed building would be less than substantial. Nevertheless, this is a matter of considerable weight and importance.
23. The proposed development would provide four new dwellings in an accessible location and the social and economic benefits associated with this. Taking into account the scale of the development, the benefits in this regard are modest. On the other hand, having regard to my statutory duty I am required to have special regard to the desirability of preserving the setting of the Listed Building and I attribute considerable importance and weight to the harm identified in this regard. As such, the modest public benefits would not outweigh the unacceptable harm I have found to the setting of the listed building. Nor the multiple important harms identified in terms of living conditions and biodiversity.

Other Matters

24. The TBHSPA is a habitats site that has a high level of protection. It is designated due to its habitat for internationally important bird species. The Council has determined that, due to the proximity of the proposed development, either alone or in combination with other plans and projects there would be a significant effect on the interest features of the site from the proposed residential development. Notwithstanding this, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Conclusion

25. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR