



Appeal Decision

Site visit made on 3 April 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 APRIL 2024

Appeal Ref: APP/H1705/D/23/3331777

Ebenezer Chapel, White Hart Lane, Charter Alley RG26 5QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr James Brook against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 23/00093/HSE.
 - The development proposed is the demolition of existing two storey rear extension and erection of new two storey rear and side extension, to two storey detached private single family dwelling, to provide additional living accommodation and garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In December 2023 the Government published a revised National Planning Policy Framework (the Framework). Although some paragraph numbers have changed, the revisions do not relate to anything that is fundamental to the main issues in this appeal. Consequently, the main parties would not be prejudiced by reference to the revised Framework.

Main Issues

3. The main issues of this appeal are the effect of the proposed development upon i) the character and appearance of the area including the impact upon the Non-Designated Heritage Asset (NDHA) of Ebenezer Chapel and ii) protected species, with particular regard to bats.

Reasons

Character and Appearance

4. The appeal site lies within the rural village of Charter Alley which has evolved organically over time. Characterised by dwellings of various ages and architectural styles, in semi-detached or detached forms set back from the road behind small forecourts or gardens often demarcated by hedgerows, it has a pleasant, spacious character. The appeal property is one such detached building set back from the junction of Old Chapel Road, White Hart Lane and Deans Lane, within a good-sized plot.
5. The Council identify the appeal property as a NDHA. There is no statutory listing process for NDHA's, nor any formal definition of them in the Framework. The Planning Practice Guidance (PPG) indicates that NDHA's are buildings, monuments, sites, places or areas identified by plan making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. Whilst I am

unaware as to whether the Council has followed the advice in the PPG in identifying the building as such, the guidance is clear that in some cases, local planning authorities may also identify NDHA's as part of the decision-making process on planning applications.

6. Based on the evidence before me, and my own observations on site, I consider that the appeal building merits consideration as an NDHA. Its significance is derived from its historical and aesthetic value as a simple rectangular form with gable-end frontage, balanced and modest proportions and decorative architectural detailing. Despite the conversion to a dwelling and a previous rear extension, the appeal property retains much of its traditional character and form, illustrative of 19th century Nonconformist architecture.
7. Occupying a prominent corner position at the northern edge of the village, the former Chapel is visible from Old Chapel Lane and Deans Lane for some distance, particularly when the trees are not in leaf, as was the case at the time of my visit. Given its prominent location and architectural quality, it contributes positively to the character and appearance of the area.
8. Policy EM11 of the Basingstoke and Deane Local Plan 2016 (LP) requires all development to conserve or enhance the quality of the borough's heritage assets in a manner appropriate to their significance. This includes proposals relating to NDHA's. Paragraph 209 of the Framework advises that in weighing applications that directly or indirectly affect NDHA's, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset, echoing the balancing exercise set out in Policy EM11. In addition, a key theme of the Council's Design and Sustainability Supplementary Planning Document 2018 (SPD) is the need for new development to respond positively to the existing context. This includes an evaluation of the significance of an NDHA as set out within the Heritage SPD (2019).
9. Policy SS6(d) of the LP states that extensions to dwellings should be appropriate to the plot, whilst Policy WSL6 of the Wootton St Lawrence Parish Neighbourhood Plan 2019 (NP) seeks to ensure that proposals do not result in disproportionate increases in size over the existing dwelling, and are sympathetic to the appearance and character of the dwelling and surrounding area.
10. The apex of the rear extension would extend higher than the existing roof and although set back from the front elevation, the proposed extension would be significantly wider than the host building. Despite an 'L' shaped configuration, the Council calculates the increase in floor area arising from the proposed extension to be approximately 88%. This is undisputed by the appellant. An enlargement of this size would clearly be disproportionate to the host building. The overall scale, mass and bulk of the dwelling would increase significantly in relation to the proposed floor area, such that the proposed extension would erode the sense of spaciousness that contributes positively to the setting of the host building.
11. Complicated in its proposed appearance including asymmetrical, flat, half-hipped and canopy roofs, a half dormer window and full width bi-fold doors, the proposed extension whilst readily identifiable as a new addition, would bear no resemblance or architectural relationship to the simplicity and balanced proportions of the host building. The poorly articulated and largely blank proposed side and rear elevations would result in no overall harmony or cohesive design composition to the proposed development. Furthermore, the

significant mass and bulk of the proposed extension would serve to obscure the host building from views eastward along White Hart Lane.

12. I therefore find that the proposed development has not been sympathetically designed to minimise the visual impact, or to maintain the substantive character of the former chapel building. Instead, as a result of its scale and design, the proposed extension would visually compete and overwhelm the modest scale and appearance of the host building dominating the plot. An incongruous and deleterious form of development that would be highly visible in localised views of the appeal site would therefore result. This differs from the impact of the existing extension which due to its reduced height and scale, clearly reads as a smaller, submissive addition to the host building.
13. There is no evidence before me that the use of perimeter blocks and courtyards to form a building that turns the corner, is an appropriate design solution to the context of a historic former Nonconformist Chapel in a rural location. Even if it were, the specific form and design would not respect or harmonise with the character and appearance of the NDHA.
14. The proposal would have an adverse effect on the significance of the NDHA and the character and appearance of the wider area. It would conflict with Policies EM10, EM11 and SS6(d) of the LP and Policy WSL6 of the NP which seek amongst other things, to deliver high quality development that positively contributes to local distinctiveness, having due regard to scale, appearance, architectural detailing and the relationship to heritage assets, objectives shared with the Design and Heritage SPD's. Conflict would also occur with paragraph 196 of the Framework which seeks the desirability of sustaining and enhancing the significance of heritage assets.

Protected Species

15. Bats are protected by law¹ and their presence is a material consideration when a development proposal is being considered, that would be likely to result in harm to the species or its habitat. There is a statutory duty on me to have regard to the conservation of biodiversity.²
16. ODPM Circular 06/2005 states that 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.
17. The proposal would result in the removal of an existing structure and the lifting of existing tiles to extend the existing roof. I acknowledge the appellant's suggestion that there is no space for bats as the internal rooms extend into the ceiling void. However, different bat species have distinctive roost needs and the construction composition of the host building would not necessarily preclude the presence of crevice-dwelling bats, that roost under ridge tiles or are concealed in gaps within the eaves.
18. Given the proximity to trees and farmland, there is a reasonable likelihood that bats may be present on or utilise the appeal site. Without an ecological survey, I cannot be certain of the extent to which bats may be present and if so, what mitigation, if appropriate, may be required. Paragraph 186 of the Framework is clear that if significant harm to biodiversity resulting from development cannot

¹ Conservation of Habitats and Species Regulations (2017) & Wildlife and Countryside Act (1981).

² Section 40 of the Natural Environment and Rural Communities Act 2000, as amended.

be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

19. Due to the lack of information presented, I cannot conclude that the proposal would not adversely affect a protected species, specifically bats. The proposal would therefore conflict with Policy EM4 of the LP which requires clear demonstration that there will be no adverse impact on the conservation status of key species. It would also be contrary to paragraph 186 of the Framework, as set out above.

Other Matters

20. Suggestion is made that a fallback position exists from permitted development (PD) allowances that would result in harm to the NDHA. No specific reference is made to which part of the PD regime the appellant is referring to³. The Council has clarified that a 2-storey side extension would not be permissible under PD rights given the adjacency to the highway. The appellant has not disputed this. PD under Class E would result in a separate building for purposes incidental to the enjoyment of the dwelling, restricted to single storey height. If any such PD rights do exist at the appeal site, the fallback position would be considerably different and the degree of harm significantly less, than the proposal before me.
21. The former presence of a building adjacent to the Chapel which has since been removed⁴, does not justify permitting new development that fails to respect the quality and distinctiveness of the NDHA or the character of the wider area. Even if it did, the previous building was of a submissive single storey scale and plain appearance, such that it is not comparable to the proposal presented.
22. The Council considers the White Hart Pub adjacent the appeal site to be an NDHA. As indicated above, there are a number of ways in which NDHA's may be identified, but the PPG is clear that decisions to identify NDHA's are based on sound evidence⁵. Although it is suggested that the pub is of Georgian origin and has a semi-rural setting, its significance as an NDHA is unclear, particularly given the level of alteration and extension I observed during my visit. Given the deficiencies in the evidence presented and that the Council's position appears to contradict previous assessments and grants of permissions⁶, I am unable to reach a clear conclusion on whether the pub should be considered as an NDHA. In any event, given my findings in respect of the main issues, this matter is not determinative to the appeal, such that I am not required to consider it further.

Conclusion

23. For the above reasons, having considered the development plan as a whole and all other considerations, the appeal is dismissed.

M Clowes

INSPECTOR

³ As set out in the Town and Country (General Permitted Development) (England) (Order) 2015.

⁴ As shown in the photograph contained at page 3 of the appellant's statement of case.

⁵ Paragraph: 040 Reference ID: 18a-040-20190723.

⁶ Planning application reference 22/02188/PIP, 'permission in principle for 1 dwelling' and application reference 22/02891/TDC for 'conversion of existing building into a single dwelling pursuant to 22/02188/PIP.'