



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: 18 April 2024

Appeal Ref: APP/H1705/W/23/3332592

Goodacres Bramley Road, Little London, Hampshire RG26 5EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Ray Jones against the decision of Basingstoke and Deane Borough Council.
- The application Ref is 23/00664/ROC.
- The application sought planning permission for the erection of detached four bed dwelling with detached building forming garage/store with first floor gym/office without complying with conditions attached to planning permission Ref 20/03581/FUL, dated 11 June 2021.
- The conditions in dispute are No's 1, 16, 17 and 18 which state[s] that:
 - No.1 - The development hereby permitted shall be carried out in accordance with the following approved plans; Location Plan, Site Plan and Street Scene Plan - Drawing No. AB_01 Revision B, Proposed Floor and Roof Plans - Drawing No. AB_03 Rev B, Proposed garage building - Drawing No. AB_04 Rev B.
 - No.16 - Development shall be undertaken in line with recommendations and procedures contained within Chapter 4 Impact Appraisal and Chapter 5 Ecological Enhancements of the Ecological Appraisal by the Ecology Co-op dated 27/4/2021.
 - No.17 - Prior to development commencing, a Biodiversity Management Plan (BMP) shall be submitted to and approved in writing by the Local Planning Authority. The BMP should provide the following; Details of the habitats/conservation features to be retained/created/enhanced; The methodology to be used to create the habitat/features; Details of the long-term management proposed for the establishment and maintenance of the habitat/nature conservation feature; Future Ecological Monitoring of the Habitat. The BMP should be derived from the provided biodiversity metric and be representative of those depicted on the provided plan depicting the measures described in the biodiversity metric.
 - No.18 - Protective measures, including fencing, ground protection, supervision, working procedures and special engineering solutions shall be carried out in accordance with the Arboricultural Impact Assessment, Protection Plan and Method Statement written by Harrison Arboriculture, Report Ref: 86-1526-3/19/2021 dated 28 April 2021. The tree protection measures shall be retained for the duration of the construction works.
- The reasons given for the conditions are:
 - No.2 - For the avoidance of doubt and in the interests of proper planning.
 - No.16 - In order to mitigate impacts on key species such as dormice, bats and nesting birds in line with Policy EM4 of the Basingstoke and Deane Local Plan 2011- 2029 and wildlife legislation under The Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2019 (Amended).
 - No.17 - The site proposal shows a positive measurable net gain of some 14.08% habitat units and 130.43% additional hedgerow units when relating the habitats retained, enhanced and created post development to that of the present site. In order to evidence that these habitats can be delivered in perpetuity in line with National Planning Policy Framework (2019), Policy EM4 of the Basingstoke and Deane Local Plan 2011-

2029 and Principle B7 of the Basingstoke and Deane Landscape, Biodiversity and Trees SPD. A Biodiversity Management Plan will need to be produced and supplied to the Local Planning Authority prior to development that shows how these habitats will be delivered and retained in perpetuity. This management plan should also bare reference to the requirements for conditioned protected species enhancements and how they will be delivered as part of the overall biodiversity enhancements.

No.18 - To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and the enhancement of the development itself, in accordance with the National Planning Policy Framework (February 2019) and Policy EM1 of the Basingstoke and Deane Local Plan 2011- 2029.

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was originally granted for the erection of a detached four bed dwelling with detached building forming garage/store with first floor gym/office¹. The proposal seeks to vary the approved plans condition (1) of this permission to enable an alternative design for the previously approved dwelling and garage. This in turn affects other conditions including condition 16 (ecological enhancements), 17 (biodiversity management plan) and 18 (tree protection).
3. The Council has not raised any objections in respect of the proposed ecological enhancements, biodiversity management plan or tree protection. Nor has it raised concerns with regard to the amended design for the proposed garage. Based on all that I have seen and read, I see no reason to disagree with this point of view. In light of this, the main issue is the effect that varying the disputed conditions and substituting the drawings to amend the design of the proposed dwelling would have on the character and appearance of the area.

Reasons

4. The appeal site comprises a parcel of agricultural land forming a gap amongst an existing ribbon development of dwellings fronting Bramley Road. Undeveloped agricultural fields interspersed by occasional woodland planting predominate views, such that the area has a verdant, rural identity.
5. The Council's evidence regarding the character of the area is somewhat confused, with the simultaneous suggestion that there is no particular character to note and that there are various dwellings nearby with a traditional character. Whilst differing in individual appearance, the nearby dwellings have an overall consistency of character, typical of the rural locality in which they are located. This arises from a general uniformity of materials including brick and plain tiles and harmonious roof forms including side facing gables or hipped roofs and smaller projecting gable features or dormer windows to front elevations, along with the provision of chimneys. This is amply demonstrated in the photo sheet contained at appendix 1 of the appellant's appeal statement.
6. The reduced height of the proposed dwelling would create a visual transition between the 2-storey dwelling of Goodacres and the Greenacres bungalow. However, the proposed dwelling would largely occupy a similar footprint to that

¹ Planning application reference 20/03581/FUL.

previously approved such that it would remain a substantial dwelling of considerable scale and mass. Designed as a Huf House, the combination of a front facing jerkinhead roof, very large overhanging eaves, the absence of a chimney, as well as significant expanses of glazing to the upper section would result in an inharmonious form of development that would stand out incongruously, contrary to the prevalent orientation and forms of roof, and generally consistent character of existing dwellings as identified above.

7. Whilst a jerkinhead roof is utilised at the adjacent property of Goodacres, it is featured on a lower scale outbuilding, rather than the front elevation of the dwelling itself. Likewise, whilst render is found locally, this material choice is not present on neighbouring dwellings. The revised design would not therefore positively or sensitively contribute to the rural character and appearance of the street scene.
8. Views of the appeal site are localised. However, the height and form of the proposal, particularly that of the alien roof form, would nonetheless be publicly visible from Bramley Road, even with a set back position. This would particularly be the case when the trees and hedgerows are not in leaf, as was the case at the time of my visit, and in views across the front garden and low form of Greenacres when approaching from a westerly direction.
9. Even if augmented, new landscaping would take some years to establish to have any significant screening benefit. However, new development should not rely on the provision of new landscaping for screening purposes, to avoid it appearing discordant amongst existing built form.
10. The appellant suggests that the reference to innovation in criterion 2a of Policy EM10 of the Basingstoke and Deane Local Plan 2016 (LP), means it is not necessary to slavishly reproduce an area's existing house designs in every case. I agree. However, the policy is clear that proposals must positively contribute to local distinctiveness, the sense of place and the existing street scene, including having regard to the density, scale, layout, appearance, architectural detailing and materials of the surrounding area. Policy EM10 therefore advocates a context-led approach to design. This objective is echoed in paragraph 135 of the Framework and the National Design Guide 2021 (NDG), which advises that well-designed new development should respond positively not only to the features of the site itself but also the surrounding context beyond the site boundary².
11. The appeal site is not subject to any statutory heritage, landscape or ecological designations. As heritage assets are specifically mentioned in Policy EM10 in addition to 'the history of the surrounding area,' it seems to me that this latter reference relates to the historical surroundings of a site and how buildings and spaces have developed over time. In any case, it does not indicate that development in normal countryside locations should be expected to accept a lower quality of development than those the subject of a statutory designation.
12. I do not doubt that the fabric first approach of the Huf house design would have inherently high sustainability credentials, but being energy efficient does not automatically equate to good design. Moreover, there is no evidence before me to suggest that the proposal is particularly outstanding or innovative, taken in the ordinary meaning of featuring new and original methods of design or

² Paragraph 41 of the NDG.

construction. It is likely that there are other ways to achieve a modular construction or an energy efficient dwelling than that before me. Even if the proposal could be considered to be well-designed, it is the failure to respect and respond positively to its surroundings that is the crux of the issue here.

13. I find that the proposed design of the amended scheme would be significantly harmful to the character and appearance of the area. The disputed conditions therefore remain reasonable and necessary. The proposal would conflict with Policies EM10 and EM1 of the LP which amongst other things, require new development to respect and contribute positively to the character and visual amenity of its surroundings, an objective shared with the Design and Sustainability Supplementary Planning Document (2018). Additionally, it would conflict with paragraph 135 of the Framework and paragraph 41 of the NDG as set out above.

Other Matters

14. Paragraph 226 of the Framework sets out that for decision making, local planning authorities which have an emerging local plan at Regulation 18 or 19 stage including both a policies map and proposed allocations towards meeting housing needs, will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 4 years' worth of housing, (with a buffer if applicable) against the housing requirements set out in adopted strategic policies or against local housing need, where the strategic policies are more than 5 years old. This requirement to demonstrate a minimum of 5 years' worth of housing supply is therefore replaced.
15. The Council has confirmed that the emerging plan is at Regulation 18 stage and that it has more than a 4 years' supply of housing³. This has not been disputed by the appellant who had the opportunity to respond to this issue at the final comments stage of the appeal. Therefore, in relation to paragraph 11d of the Framework, the Council's housing land supply (HLS) position would no longer trigger the presumption in favour of sustainable development. The policies of the development plan would not be deemed to be out of date. In any event, even if that were not the case, the proposal would not result in an increase to HLS, as this scheme seeks to amend the design of a dwelling that has already been permitted. Moreover, it would not justify permitting a dwelling that does not meet the objectives of the Framework with regard to good design.
16. The appellant advises that they intend to make a material commencement of development before the expiration of the extant permission in June 2024⁴. There is therefore, a greater than theoretical possibility that the approved dwelling would be constructed, and I attach substantial weight to this fallback scenario.
17. The approved scheme would provide a 2-storey dwelling of a relatively traditional double fronted form, with balanced proportions of solid wall to window within the public facing front elevation. In addition, the main roof would be hipped to the side and gable features would present to the front and rear. Whilst the overall volume of the original dwelling would be marginally more than the proposal, it would nonetheless reflect and visually relate to that of Goodacres on the adjoining plot, as well as other dwellings within the street

³ As set out in the Council's statement of case.

⁴ Paragraph 2.2. of the appellant's appeal statement in reference to planning approval 20/03581/FUL.

scene. Consequently, it is my view that the amended proposal would be more harmful to the character and appearance of the area than the extant approval. The harm would be significant and would endure for the lifetime of the development.

18. Contemporary dwellings have been permitted elsewhere within the borough⁵. Whilst consistency is important, each case must be considered in light of the specific circumstances and context of each case. As the designs of the permitted dwellings across the borough differ from the proposal before me and no evidence has been presented as to the established context of these approvals, I am unable to find them comparable.
19. The provision of an energy efficient dwelling that would exceed current Building Regulation standards would weigh positively in the proposals favour. However, this is moderated by the lack of harmony the resultant design would have in relation to its surroundings, such that it would attract only moderate weight.
20. The lack of local or statutory objections to the proposal is neutral in the planning balance weighing neither for, nor against, the proposal.

Planning Balance and Conclusion

21. The moderate benefits arising from an energy efficient and modular dwelling would not outweigh the significant harm identified to the character and appearance of the area. The development with the conditions varied as proposed would conflict with the development plan as a whole. There are no material considerations, either individually or in combination, that suggest a decision should be made other than in accordance with the development plan. The appeal is dismissed.

M Clowes

INSPECTOR

⁵ As shown at appendix 2 of the appellant's appeal statement.