



Appeal Decision

Site visit made on 17 September 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2024

Appeal Ref: APP/M1710/W/24/3344717

19-20 Beech Hanger Road, Grayshott GU26 6LS

- 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 Grayshott and District Housing Association against the decision of East Hampshire District Council.
 - The application Ref is 54978/001.
 - The development proposed is demolition of existing building and erection of 3No. affordable terraced dwellings with associated vehicular parking, landscaping, cycle and refuse storage.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building and erection of 3No. affordable terraced dwellings with associated vehicular parking, landscaping, cycle and refuse storage at 19-20 Beech Hanger Road, Grayshott, GU26 6LS in accordance with the terms of the application, Ref 54978/001, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal submission includes amended plans which moves one of the proposed dwelling's elevations further away from the site boundary, along with a height reduction to the easternmost gable, and garden layout amendments in respect of footpaths, fencing, hedging, air source heat pumps, and bin and cycle stores. The amendments slightly reduce the scale of the proposal and precise garden area layouts can often be controlled by means of planning condition. As such, I do not regard these amendments as involving a substantial difference or a fundamental change to the application. Nor do I consider that accepting these amendments would lead to procedural unfairness to interested parties. I have therefore determined the appeal on the basis of these amendments.
3. A Unilateral Undertaking (UU) is provided with the appeal, to secure the proposed dwellings as Affordable Housing (AH). The UU satisfies the tests within Regulation 122 of the Community Infrastructure Regulations 2010, insofar as it would secure the AH in perpetuity.
4. The revised National Planning Policy Framework (the Framework) was published in December 2024. The Government also published the 2023 Housing Delivery Test (HDT) results and for East Hampshire District, the HDT measurement has changed from 112% down to 88%. As set out in paragraph

79 of the Framework, the District should now prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years. In the specific circumstances of this appeal, there is no need to invite further comments on the Framework and HDT revisions from the main parties.

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the surrounding area;
- whether acceptable living conditions would be provided for future occupiers of the proposed dwellings with regard to private garden space provision, light and outlook; and,
- the effect of the proposed development on the living conditions of the occupiers of No 20a Beech Hanger Road, with particular regard to privacy.

Reasons

Character and appearance

6. The appeal site comprises a detached building ("the appeal building") containing two dwellings, including accommodation in its first floor roof space, within the Settlement Policy Boundary (SPB) of Grayshott village. The site forms an "L" shaped layout adjacent a sharp bend of Beech Hanger Road and its junction with Beech Lane, with the two storey detached dwelling of No 20a Beech Hanger Road alongside it nearer the junction. The appeal building's rear gardens face Grayshott Recreation Ground, which I understand is outside of the SPD. The appeal building was vacant at the time of my site visit.
7. Surrounding dwellings along Beech Hanger Road are mainly two storey and semi-detached. There is some variance to the building lines facing this road, although the dwellings nearer the appeal site are of closer proximity. The appeal building is of lower single storey eaves level and its ridge height is also lower than No 20a and surrounding dwellings. Its existing canopy and part of its first floor roof form are sited in front of No 20a, closer to the road. The elongated form of this building is visible from this frontage and from Beech Lane and Grayshott Recreation Ground.
8. The proposed two storey terrace would have a greater eaves and ridge height than the appeal building and No 20a Beech Hanger Road alongside it. The terrace's first floor would be bulkier, including the provision of larger gables. The existing separation distances between the buildings would however be largely retained. The additional roof height and bulk compared to No 20a would not be significant and the terrace would be slightly set in from the existing Beech Hanger Road frontage.
9. Although the greater height and bulk is more pronounced when compared to the appeal building, there are many nearby examples of two storey dwellings with barn-hip and full gable ends. In this context, the proposed scale would not be unduly dominant, and the combination of full gables and the side barn-hip would not appear awkward. The terrace would also remain at significant distance away from Beech Lane.

10. Grayshott Recreation Ground is open and spacious, but views are possible towards the appeal building and taller dwellings along Beech Lane. The proposed terrace would be higher and bulkier than the appeal building's dormer roof forms, but would not be significantly taller than the adjacent Beech Lane dwellings. Additionally, the terrace would only marginally project beyond the appeal building elevation facing the recreation ground, and would not have a significantly greater building width. The provision of gable ends for each dwelling would provide a domestic scale that breaks up the length and bulk of the terrace. Appropriate external materials could be secured by means of planning condition. The terrace would therefore not appear as a dominant feature when viewed from this public open space.
11. A net increase of one dwelling as proposed would increase the existing density of the appeal site. The largest proposed garden area of No 20b is similar to that of the adjacent dwelling No 20a. The smaller proposed garden areas would be less visible from surrounding vantage points due to surrounding built form and mature shrubbery.
12. My attention has been drawn to various examples of dwellings encompassing a wider locality north of Headley Road and west of School Road towards the appeal site, which contains a variety of dwelling types and sizes, including their plot layouts. Given the nature of the proposal, I see no reason why this wider area should not be drawn upon as a comparison. Although intervisibility between the appeal site and surrounding dwellings is limited to a more immediate vicinity, the dwellings in the wider locality are well connected to each other by the local road and footpath network.
13. Within this wider locality, there are examples of dwellings that are of comparable density and plot ratio to the appeal proposal. Many of these dwellings also have similar private garden areas to the current proposed scheme. Given both the immediate and wider contexts as set out above, the proposal would not appear cramped, confined or out of keeping with the development patterns in the surrounding area.
14. The proposed dwellings would therefore comply with Policies CP20 and CP29 of the JCS. These policies require, amongst other things, development to protect and enhance settlements in the wider landscape, respect the character, identity and context of the district's villages and to be appropriate and sympathetic to its setting in terms of scale, height, massing, density and relationship to adjoining buildings and their spaces.
15. The first reason for refusal in the decision notice cites conflict with Policy CP1 of the JCS. However, this policy refers to the presumption in favour of sustainable development as set out in the Framework. As I have found no harm to the character and appearance of the surrounding area, there would be no conflict with this policy in this respect.

Living conditions of future occupiers

16. Policy CP27 prohibits development that would result in pollution which prejudices the health and safety of communities (which would include occupants of new developments), including from privacy and overshadowing, amongst other things. Paragraph 135 f) of the Framework seeks a high standard of amenity for future users.

17. The existing property of No 19 has a similar sized rear garden to the proposed end-terrace dwelling of No 19b. No 19 also has a larger front garden facing Beech Lane, but the low picket fencing along the highway frontage limits the privacy afforded to this space. The existing property of No 20 has well-enclosed garden areas to its front, side and rear.
18. The proposed rear garden area for the mid-terraced No 19a would not be significantly smaller than the existing rear garden of No 19, and the proposed area was in receipt of sufficient sunlight at the time of my visit. The side and rear garden area of the other proposed end-terrace of No 20b would be wider than the other terraced gardens and would only be partially shaded by mature trees. Additional front garden space is provided for No 20b, as well as for No 19b, and these front areas would be sufficiently located and enclosed to provide a reasonable degree of privacy. Whilst my site visit was only a snapshot in time, I am satisfied that all proposed garden areas would receive sufficient amounts of daylight and sunlight throughout the day.
19. The proposed dwellings would each contain three bedrooms and their internal layouts would comply with the Nationally Described Space Standards. They would therefore be suitable for family occupation. Even when accounting for this, the proposed garden spaces for each dwelling would provide acceptable living conditions for future occupiers in terms of size, layout and sunlight provision. The proposed dwellings would also each be afforded with sufficient light and outlook, including the kitchen window of No 19a which would now have an unobstructed view of its front garden area.
20. The appeal scheme therefore provides acceptable living conditions for future occupiers in terms of private garden space provision, light and outlook. In this regard, the proposal complies with Policy CP27 of the JCS and Paragraph 135 f) of the Framework.
21. The second reason for refusal also cites harm to Policy CP29 of the JCS. Whilst this policy refers to a wide range of design requirements, it does not explicitly refer to living conditions of future occupiers. In this respect, I have therefore found no harm to Policy CP29.

Living conditions of No 20a Beech Hanger Road

22. The front elevations of the proposed dwellings would all face No 20a Beech Hanger Road, and include four first floor windows serving three bedrooms and a bathroom. The appeal site properties also face this neighbour at similar proximity and contain two upper floor windows. Whilst both these windows serve stairways and one is fully obscure glazed, they are openable at average head height and are also of sufficient size to give a perceived impression of overlooking upon No 20a.
23. The proposed first floor windows would be sited at greater height, but individually they are of smaller size. The mid-terrace dwelling window (No 19a) would directly face No 20a's rear garden, and views of No 20's rear elevation would also be possible at an angle. Views from the other windows of the end-terrace dwellings would be at oblique angles.
24. The appellant has suggested a planning condition requiring two thirds of the window surfaces to be obscure-glazed nearest the floor level, and to retain

the ability to open them at average head height, as indicated on the proposed elevations. When these windows are open, more frequent views from the bedroom windows across to No 20a would still be possible when compared to the existing stairway windows.

25. However, the perceived and actual impact upon No 20a would not be significantly greater than the existing appeal building layout. The proposed window designs and obscure-glazing would provide an appropriate balance between acceptable living conditions for all future occupiers, whilst avoiding unacceptable loss of privacy to occupiers of No 20a.
26. Subject to a suitably worded planning condition, the proposed development would therefore comply with Policy CP27 of the JCS which requires, amongst other things, development to avoid an unacceptable effect on the amenity of neighbouring occupiers through loss of privacy.
27. The third reason for refusal also cites harm to JCS Policy CP29. Whilst this policy refers to a wide range of design requirements, including the relationship of development to surrounding buildings, it does not explicitly refer to living conditions of neighbours. I have therefore found no conflict with this policy.

Other Matter

28. Although not cited in the reasons for refusal, the officer report raises concern regarding increased noise impacts upon No 20a Beech Hanger Road from the proposed Beech Lane access to serve two dwellings and four parking spaces. It appears that there was previously a vehicular access in this location serving No 19. Given this, along with the residential location near existing roads and the modest level of additional use proposed, the additional impact upon No 20a would not be adverse to justify refusing planning permission.

Conditions

29. I have considered the Council's suggested conditions against the tests in the Framework and Planning Practice Guidance (PPG), and have amended their wording, where necessary. Condition 1 is necessary in the interests of planning certainty. Condition 2 is necessary to mitigate climate change and I have amended its wording to refer to the Sustainable Design Statement already submitted, and the development hereby approved.
30. Given the proximity of the proposed dwellings to their site boundaries, and having regard to the PPG, it is necessary and reasonable to remove permitted development rights (condition 3) for further extensions, outbuildings and external alterations to the dwelling, in the interests of living conditions and the character and appearance of the area. In line with the PPG, I have reworded this condition to make precise reference to the Town and Country Planning (General Permitted Development) (England) Order 2015.
31. Condition 4 is necessary in the interests of character and appearance. Condition 5 is necessary in the interests of living conditions of surrounding and future occupiers. I have amended its wording in a similar manner to condition 3 as set out above. Condition 6 is necessary in the interests of character and appearance. I have deleted its reference to "or other recognised codes of good practice", in the interests of precision.

32. Condition 7 is necessary to ensure surrounding trees are adequately protected. For precision, I have amended its wording to explicitly refer to the submitted Arboricultural Method Statement, Impact Assessment and Tree Protection Plan. Condition 8 is necessary in the interests of parking provision and highway safety. I have deleted its reference to "garages and those areas marked out on the plan as being unallocated", as the proposal does not include garages and none of the parking spaces are marked as allocated on the submitted plans. Conditions 9 and 10 are necessary to ensure adequate provision of drainage. I have deleted the note to condition 9 as it does not form the operative part of the condition.
33. Conditions 11 and 12 are necessary in the interests of protected species and biodiversity. I have amended the condition 11 wording to refer to the development hereby approved. Condition 13 is necessary in the interests of clarity, as it specifies the approved plans and details. I have deleted the references to: Application form; CIL form 1; Design & access statement; HRA screening assessment; Need for social housing in Grayshott; Planning statement; Location plan; Comparison diagrams and all existing plans; and, proposed 3D sketch views, as these items do not precisely form part of the approved scheme details. I have also deleted references to: Arboricultural method statement & impact assessment; Bat survey report; and, the Sustainability report, as they are governed by conditions 2, 7 and 11.

Conclusion

34. The proposal is in accordance with the development plan as a whole and the Framework, and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. The appeal should therefore be allowed.

R Cahalane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Before any part of the development hereby permitted is first occupied, a verification report and completion certificate shall be submitted in writing to the Local Planning Authority confirming that the development hereby approved has been constructed in accordance with the recommendations set out within the Sustainable Design Statement (Ref: 5194 Revision R3 – 06 October 2023).

The developer shall nominate a competent person for the purpose of assessing and providing the above required verification report and completion certificate to confirm that the completed works incorporate such measures as to provide at least 10% of energy demand from decentralised and renewable or low carbon energy sources. The measures shall thereafter be retained and maintained to the agreed specification for the lifetime of the development.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, AA, B, C and E of Part 1, Schedule 2 to the Order shall be undertaken.
- 4) Notwithstanding any indication of materials that may have been given in the application or in the absence of such information, no development above slab level shall take place on site until samples and/or details (including manufacturers details) of all the materials to be used for external facing and roofing for the development hereby approved have been submitted to, and approved in writing by, the Local Planning Authority. The development works shall be carried out in accordance with the approved details.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), prior to the first occupation of the development hereby approved the first floor windows on its east elevation shall be permanently glazed with obscure glass with a glass panel at a ratio of 2:3 which has been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer), as indicated on drawing number A21791(3.0)253.P2.
- 6) The development hereby permitted shall not be first brought into use until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards. These works shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority.

Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless a suitable alternative species are otherwise agreed in writing by the Local Planning Authority.

- 7) The development hereby permitted shall be carried out in strict accordance with the approved Arboricultural Method Statement, Impact Assessment and Tree Protection Plan (SouthOaks Arboricultural Consultancy).
- 8) The development hereby permitted shall not be brought into use until the areas shown on the approved plan for the parking of vehicles shall have been made available, surfaced and marked out. The parking areas shall then be permanently retained and reserved for that purpose at all times.
- 9) No development shall commence on site until details of a scheme for foul and surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. Such details should include provision for all surface water drainage from parking areas and areas of hardstanding to prevent surface water from discharging onto the highway and should be based on site investigation and percolation tests. The development shall be carried out in accordance with the approved details before any part of the development is first occupied and shall be retained thereafter.
- 10) The proposed hard surfaces shall either be made of porous materials or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous surface within the site.
- 11) The development hereby permitted shall be carried out in accordance with Section 7 of the Bat Survey Report (aLyne Ecology Ltd – Version 001 - 11 September 2023), unless otherwise agreed in writing by the Local Planning Authority.
- 12) No development shall take place until details of the habitat enhancement scheme have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.
- 13) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed block plan (Drawing No. A21791(3.0)102 Rev. P3)
 - Proposed site layout plans (Drawing Nos. A21791(3.1)120 Rev. P4; A21791(3.1)121 Rev. P4)
 - Proposed floor plans (Drawing No. A21791(3.1)122 Rev. P4)
 - Proposed ground floor (Drawing No. A21791(3.1)123 Rev. P4)
 - Proposed first floor (Drawing No. A21791(3.1)124 Rev. P4)
 - Proposed roof plan (Drawing No. A21791(3.0)126 Rev. P2)
 - Proposed south elevation (Drawing No. A21791(3.0)251 Rev. P2)
 - Proposed west elevation (Drawing No. A21791(3.0)252 Rev. P2)
 - Proposed east elevation (Drawing No. A21791(3.0)253 Rev. P2)
 - Proposed north elevation (Drawing No. A21791(3.0)254 Rev. P2)
 - Proposed elevation from field (Drawing No. A21791(3.0)255 Rev. P2)