



Appeal Decision

Site visit made on 11 February 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2025

Appeal Ref: APP/L1765/W/24/3351829

Broad View Cottage, Kidmore Lane, Denmead, Hampshire PO7 6JU

- 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 and Mrs Philip Harrison against the decision of Winchester City Council.
 - The application Ref is 23/02685/FUL.
 - The development proposed is the use the converted garage as a fully independent dwelling house including creation of separate curtilage, enlargement of patio doors, change garage door to feature window, extend roof canopy front and rear, change roof lights in front elevation to dormers and add porch.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has recently submitted the Winchester District Local Plan 2020-2040 (the Emerging Local Plan) for examination. However, as no hearings have been undertaken, no interim findings have been made by the examining Inspector. Although no significant changes to the determinative policies in this case are proposed, there remains a high degree of uncertainty that the policies within the Emerging Local Plan will be adopted in the same form. Therefore, it attracts minor weight within my determination of this appeal.
3. Similarly, Denmead Parish Council has commenced a review of the Denmead Neighbourhood Plan (DNP), in line with the emerging Local Plan process. Whilst this review may lead to a revision to the settlement boundary, the new DNP has not reached the stage where its effect, if any, on the appeal site is certain. As a result, I attribute no weight to the new DNP in my decision.

Main Issues

4. The main issues are:
 - whether the location of the appeal site is suitable for the proposed development, having regard to the local development strategy; and
 - the effect of the proposed development on the character and appearance of the area, with particular regard to the existing protected tree on the site.

Reasons

Location

5. Since the appeal site is located outside the defined settlement boundary of Denmead, in accordance with Policy DS1 of the LLP1¹, for the purposes of the Local Plan it is located within the countryside. Despite the reference to very small communities which are no more than a collection of houses or isolated dwellings within the supporting text to Policy MTRA4 of the LLP1, the policy text clearly precludes development outside defined settlement boundaries, except in specific circumstances. None of these apply to the appeal scheme. Therefore, irrespective of the site's location just beyond the settlement boundary and within walking distance of a range of services and facilities within Denmead, it comprises development which is not supported by Policy MTRA4.
6. Whilst the existing garage structure is currently in ancillary residential use to Broad View Cottage, its conversion would, nonetheless, result in the creation of a new dwelling within the area the Local Plan defines as countryside. Whether the existing barn is an accepted part of the landscape or if the appeal site should be described as being located within the open countryside do not form part of an assessment against Policy MTRA4.
7. I conclude that the appeal site is not suitable for the proposed development, having regard to the local development strategy and conflicts with policies DS1 and MTRA4 of the LPP1 in this respect.

Character and appearance

8. The character of the area immediately surrounding the appeal site is strongly influenced by the arrangement of predominately detached dwellings set back from the Kidmore Lane which provide an openness to the highway despite its narrowness. Existing landscape features line the lane, softening and in some cases such as alongside the recently constructed Charles Church development, screening the built form from view. Whilst the presence of manicured hedging is more prevalent alongside Kidmore Lane closest to the main road through Denmead, further along the lane, substantial trees within unmanicured hedging dominate the street scene. Where an offset crossroads between Kidmore Lane, Cemetery Lane and Tanners Lane is located, immediately adjacent to the appeal site, a sense of transition is experienced as the built form gradually diminishes and the presence of agricultural fields becomes more apparent.
9. The angled siting of Broad View Cottage (the host property) on the appeal site contributes to the spacious character of the area. Together with its architectural features and the materials used in its construction, the scale of the host property, displays a character and appearance similar to a traditional thatched cottage commonly found in the countryside, despite its age. The existing garage structure, with its simple form, scale, colour and use of materials has an appearance akin to a wooden agricultural barn, thereby complementing the host property.
10. The various proposed alterations to the existing garage structure would, in combination, increase the bulk of the building, through the introduction of dormer windows, extended roof canopies and a porch structure. This would result in a

¹ Winchester District Local Plan Part 1 – Joint Core Strategy (LLP1)

dilution of its simple character, irrespective of the lack of additional internal floorspace, and alter its current subservient relationship to the host property. Fencing introduced to sub-divide the driveway and enlarged parking areas to the front of both properties, would create a plot for the new dwelling of an incongruous size to others nearby. The removal of a section of hedgerow alongside Cemetery Lane, albeit small in length, would reduce the softening effect of landscaping features in the foreground of the built form. As the garage is located at the end of a vista along Kidmore Lane and sited close to the lane, these changes would be detrimental to the transitional character of the area.

11. A substantial, mature oak tree is located close to the boundary of the site with Kidmore Lane, immediately adjacent to the existing access and driveway for the host property. Its size and prominent location by the offset crossroads, it makes a significant and positive contribution to the character and appearance of the area, as recognised by its protection via a Tree Preservation Order² (TPO). In addition to this protection, the tree is also described as a veteran tree by the Council which the National Planning Policy Framework (the Framework) defines as an irreplaceable habitat. No dispute to this description has been advanced by the appellant, although the tree is not referred to as such within the Arboricultural Method Statement³ (AMS) submitted with the planning application.
12. Standing advice from Natural England recommends the use of a buffer zone to protect an individual veteran tree whilst also providing valuable habitat for wildlife. Although the recommended buffer zone to the protected tree is shown on the Tree Protection Plan⁴, this is labelled as a root protection zone (RPZ). Notwithstanding the protection measures to the RPZ proposed within the AMS, Natural England's advice stipulates that development proposals, including gardens, should not be approved within a buffer zone to a veteran tree. As the proposed development would result in an expansion to the existing driveway, additional wooden fencing and replacement gate posts within the buffer zone, it directly conflicts with these recommendations. Furthermore, little space remains to provide ecological enhancements to the buffer zone.
13. Therefore, the appeal scheme would increase the risk of harm to the protected tree through soil disturbance and damage to and/or loss of its roots, irrespective of the percentage of the RPZ effected and the general resilience of oak trees. Such harm would be likely to result in the deterioration of the health of the tree which would be detrimental to the character and appearance of the area.
14. My attention has been drawn to recent resurfacing works carried out to Kidmore Lane and Cemetery Lane immediately adjacent to the protected tree and partially within its buffer zone. Notwithstanding these works, I have no substantive evidence before me detailing the precautions or mitigation measures undertaken as part of these works. In any event, these works related to existing lanes within the buffer zone, rather than an increase in the area affected by compaction from vehicles moving or parking above the roots of the protected tree, as is the case in the appeal scheme. Therefore, even if the digging of trenches for these works did not reveal any tree roots, this is not an indication of the location or depth of the roots of the protected tree within the appeal site.

² TPO No: 1491, dated 14 April 1994

³ Ref 1339.bjh.Jan 24, prepared by Bernie Harverson Arboricultural Consultant and dated January 2024

⁴ Ref BJH 03/04, prepared by Bernie Harverson Arboricultural Consultant and dated January 2024

15. I conclude that the proposed development would harm the character and appearance of the area, with particular regard to the existing protected tree located on the site. It conflicts with policies DM16, DM23 and DM24 of the LLP2⁵, which collectively support development that responds positively to the character and appearance of an area and does not result in the loss or deterioration of special trees, amongst other provisions. This is amplified within the High Quality Places Supplementary Planning Document.

Other Matters

16. Social and economic benefits would be derived from the conversion and occupation of the existing garage structure as a separate dwelling. This supports the Framework's objective of significantly boosting the supply of housing. Environmental benefits would arise from the intensified use of an existing building located within walking distance of a range of services and facilities. Although the proposed development prioritises the use of off-site construction methods and solar panels and air source heat pumps are referenced in the application documents, these are considerations, rather than definite proposals. Given the scale of the proposed development, any social, economic and environmental benefits would therefore be small.
17. The Council is not bound by the advice of a particular planning officer or the positive response during a pre-application submission. The limited number of objectors to the appeal scheme and the supporting comments from others living in the area do not justify the approval of an otherwise harmful development.
18. Based on the Council's latest Annual Monitoring Report⁶ (AMR), the Council are able to demonstrate well in excess of a five-year supply of deliverable housing sites for the five-year periods to both 2029 and 2030⁷. Whilst the AMR does not incorporate changes arising from the revised Framework and its larger quantum of housing delivery, no alternative figure has been provided. Additionally, the Planning Practice Guidance (PPG) states that, for decision-taking purposes, Councils can use the latest available evidence, such as an AMR, to demonstrate its housing land supply. Consequently, the presumption in favour of sustainable development does not apply in this case and paragraph 11dii of the Framework is not engaged.
19. Although PPG states that a local planning authority may depart from development plan policy, this is where material considerations indicate that the plan should not be followed⁸. A sequential approach to the location of development underpins the spatial strategy relevant to this case, as set out within policies DS1 and MTRA4 of LPP1. This is broadly consistent with the Framework's support of the efficient use of land in accessible locations. Whereas the use of previously developed land for housing is not a specific exception within Policy MTRA4, this does not make this policy inconsistent with the Framework's support in this respect. Notwithstanding this, Policy MTRA4 does support the redevelopment of existing buildings for established businesses or to meet an operational need.
20. The importance of small sites, as well as sites that are physically well-related to existing settlements, is also promoted by the Framework. However, this is in the

⁵ Winchester District Local Plan Part 2 – Development Management and Site Allocations (LLP2)

⁶ Published December 2024

⁷ 8.7 years and 9.3 years respectively

⁸ Paragraph: 013 Reference ID: 21b-013-20150327

context of supporting sites for community-led housing and self-build or custom-build housing and provided they comply with local design policies and standards. None of these circumstances apply to the appeal scheme.

21. Reference is made by the appellant to Policy MTRA3 of the LPP1 which supports infill development on sites within specific settlements, with and without clearly defined settlement boundaries. As Denmead is not included in this list, this policy is not determinative in this case. It is not, therefore, necessary for me to undertake an assessment as to whether the appeal scheme comprises infilling of a small site within a continuously developed road frontage.
22. The appeal site is located within the catchment of the Solent region, comprising European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). If the circumstances leading to the grant of planning permission had been present, it would have been my duty, as the competent authority, to consider the impact of the proposed development on the Designated Sites, in accordance with the Habitat Regulations. However, as I am dismissing the appeal on the main issues above, I have not found it necessary to consider such matters any further.

Conclusion

23. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, either individually or in combination, which indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR