



Appeal Decision

Site visit made on 31 March 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/M1710/W/25/3359177

Land adjacent to 25 Cowdray Park, Alton, Hampshire, GU34 2TT

- 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 TH Properties Development Ltd against the decision of East Hampshire District Council.
 - The application Ref is 59966/002.
 - The development proposed is Detached dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It was evident at my site visit that a substantial portion of the appeal site has been enclosed by a 2m high timber boundary fence. Evidence before me identifies that a Certificate of Lawfulness for Proposed Development was issued by the LPA in July 2024 for this enclosure.
3. The application drawings contain several site and location plans, defining the site location, the land ownership and the extent of the application boundary. The information contained on these plans is highly contradictory. I have determined this appeal based on drawing numbers 23050-P301 and 23050-P302 as these site plan drawings accord with each other, are closely related in date and are identified with a 'planning' status. Other drawings are either unreferenced/untitled or are identified with a 'pre-planning' status and have therefore been given less weight.
4. Reason 2 of the refusal notice identifies the proposals to be contrary to paragraph 130 of the National Planning Policy Framework (the Framework). As the Framework was updated in December 2024, this reference would now relate to paragraph 135 of the Framework, which I have used in the determination of this appeal.
5. There is a difference between the description of the development on the application form and the decision notice. For the purposes of this appeal, I have followed the description of development on the decision notice.

Main Issues

6. The main issues are the effect of the proposals on i) the character and appearance of the area, and ii) the living conditions for future occupiers of the proposed dwelling with regards to space and privacy, and iii) parking provision.

Reasons

Character and Appearance

7. The appeal site, part of a residential estate constructed in the late 1980's, is situated on the southern edge of Alton, a market town classified as a Level 1 Settlement in Policy CP2 of the East Hampshire District Council Local Plan: Joint Core Strategy (2014) (the JCS), which defines the spatial strategy for development in the area. As a result, Policy CP1 of the JCS applies to development within the Settlement Policy Boundary (SPB) and has a presumption in favour of sustainable development. The appeal site is situated inside the defined SPB of Alton.
8. The site, which was formerly an open area of grassed land at the southern extremity of the housing estate, adjoining open farmland to the south and 'Windmill Hill' to the east, is regarded by ATC as public amenity space, who sought to have it registered as an ACV. However, following a formal application process it has been confirmed by EHDC as not being an ACV and has been entered into the register of unsuccessful sites. It has subsequently been enclosed by a 2m high timber fence, which following application and consideration, has received a Certificate of Lawfulness from EHDC, having regard to its land use designation. The site is therefore not amenity land, is within the SPB and the principle of development is therefore supported, subject to meeting the Policies of the JCS and the Alton Neighbourhood Plan (2021) (the ANP).
9. The appeal proposal would follow the building line, scale and pattern of development of the adjacent terrace of dwellings at numbers 21, 23 and 25 Cowdray Park, though it would be detached, and would be constructed from materials and to details which would be consistent with those dwellings. The ground floor level of the proposal would be consistent with that of the adjacent No.25, resulting in its' ridge line being level with that of No.23 and No.25.
10. The topography of the site rises from its north-western corner to its south-eastern corner by approximately 1.2m. The setting of the ground floor level of the proposal at the same level of that of No.25 would result in significant excavation to the site to achieve this floor level. A retaining wall would be present to the southern and eastern boundaries to resolve these level differences, which would have a 1.8m high fence on top, and a hedge planted to its southern side. The residential curtilage at its western extent would be consistent with that of No.25.
11. As a result of the above, I consider the proposal would be read, along with the existing dwellings at No.21, No.23 and No.25, as a line of dwellings of consistent scale and detail at the southern boundary of the estate adjacent to the open fields beyond, and not as new development in isolation. The extent of residential curtilage would be consistent with adjacent dwellings. The parking provision would sit outside the residential curtilage and would be consistent with the parking for the adjacent dwellings.
12. Accordingly, I consider the proposal would not harm the character and appearance of the area and would therefore comply with Policy CP29 of the JCS, which requires, among other things, that development seek exemplary standards of design that respect the area's particular characteristics, to ensure that development contributes to local distinctiveness and sense of place and is appropriate and sympathetic to its setting in terms of its scale, height, massing, spaces around buildings and landscape features.

Living Conditions

13. The appeal proposals are identified as having a gross internal floor area of 72 square metres. The planning officer in their officer's report have identified this to be insufficient to comply with the 79 square metres plus 2 square metres for storage required for a two-bedroom/four-person dwelling identified in the Nationally Described Minimum Space Standards (NDMSS). However, the officer goes on to note that these standards are not formally adopted for use by the LPA. Having reviewed the application form I do not see anywhere that the proposal is defined as anything other than two-bedroom. By reference to the NDMSS, 70 square metres, plus 2 square metres for storage, is the required minimum for a two-bedroom/three-person dwelling. Accordingly, I find that the proposal would not be a cramped form of accommodation as it would accord with this definition within the NDMSS.
14. The front elevation of the proposal is in line with the front building line of the adjacent No.25 Cowdray Park. The form of development follows that of No.25, except for an area of single storey development to the full width of the rear elevation. However, drawing number 23050 – PP303 identifies that this element sits outside of the 45-degree angle of influence from windows to habitable rooms in the adjacent property. As the ground floor level of the proposal is set at the same level as that of No.25, and this rear area of development is single storey, I consider the proposal would have little effect on the living conditions of existing and future occupiers of No.25.
15. The planning officer in their report has assessed the potential impact of the proposal on existing and future occupiers of numbers 10, 11, 15 and 17 Cowdray Park, and found the appeal proposals would not be unduly harmful to these neighbouring properties. I concur with those findings.
16. The planning officer has assessed that the amenity area of the appeal proposal, because of being set down within the site would be significantly overlooked by members of the public using the permissive footpath along the southern boundary of the site, and that the rear windows of the proposal would also be overlooked by users of the footpath. However, the proposal includes a 1.8m high timber fence on top of the retaining structure, set level with the adjacent footpath, which would prevent users of the footpath from overlooking both into the external amenity space and to upper floor windows in the rear elevation. Accordingly, I find the proposal would maintain the privacy of future occupiers and would therefore accord with Policy CP27 of the JCS.
17. The rear garden of the proposal, whilst being comparatively small, would be commensurate with the size of the dwelling. The officer has identified that the LPA has no defined space standards for external amenity space. As a result, it cannot be judged against any required minima.
18. However, as the amenity space is set down in level in the site, a retaining structure is required and with a 1.8m high fence on top, the effective height of the southern boundary treatment would be approximately 3m high. Accordingly, because of the restricted size of the garden, the effect, both in terms of physical over-shadowing and the potential oppressive nature would result in unacceptable living conditions for future occupiers of the proposed dwelling. The proposal would therefore be contrary to Policy CP29 of the JCS and paragraph 135 of the Framework, which

require, amongst other things, development to create places where people want to live and provide a high standard of amenity for existing and future users.

Parking Provision

19. Drawing number's 23050-P301 – Site Location Plan and 23050-P302 – Proposed Site Block Plan both identify a blue line boundary for the land in the applicant's ownership, and a red line boundary for the application boundary.
20. The vehicular access arrangement from the existing turning head and the two proposed parking spaces both lie within the blue line ownership boundary, but outside of the red line application boundary identified on the above drawings. As a result, there is no provision for parking within the scope of the application defined by the red line boundary. Accordingly, the proposal is contrary to Policy TR5 of the ANP and Policy CP31 of the JCS.

Planning Balance and Conclusion

21. The council confirmed their current 5 Year Housing Land Supply (5YHLS) figure as 4.74 years in October 2023. A subsequent appeal has identified the actual position to be closer to 3.59 years. However, recent changes to the mandatory housing supply number for the Council has significantly increased the target, meaning that the 5YHLS is now below the 3.59 years. Accordingly, paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged for decision making purposes.
22. There are no protected areas or assets as referenced in paragraph 11(d) (i) and footnote 7 of the Framework present. Therefore, the test set out in paragraph 11(d)(ii) applies, which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, including the key policies cited.
23. The development would provide unsatisfactory living conditions for future occupiers with regards to external amenity space and lack of parking provision. I have found they would conflict with the JCS and ANP policies in these regards.
24. The appellant refers to the Local Plan providing support for the development as it is within the Alton Settlement Boundary, is in a sustainable location and would provide an additional housing unit. Based on the evidence, these matters attract limited weight in favour of the development. The new dwelling would contribute to the supply of housing, but given the modest scale of development, this would provide limited weight in favour of the appeal scheme.
25. The Local Plan is more than five years old, whilst the Neighbourhood Plan is still current. However, the policies within the Local Plan with which the development conflicts accord with those of the Framework. Therefore, the conflicts I have found attract full weight in this case.
26. Consequently, I consider that the adverse impacts of approval of the development as a result of its effect on the living conditions and its lack of parking provision for future occupiers, would significantly and demonstrably outweigh the benefits of doing so. As a result, the presumption in favour of sustainable development does not apply.

27. For the reasons set out above, I conclude that the appeal proposals would be contrary to the development plan as a whole and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be dismissed

D R Kay

INSPECTOR