



Appeal Decision

Site visit made on 22 July 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Appeal Ref: APP/H1705/W/25/3361122

The Old House At Home, Station Road, Overton, Hampshire RG25 3DU

- 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 Red Oak Taverns Acquisitions Limited against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 23/01785/FUL.
 - The development proposed is erection of 1no. four-bedroom dwelling utilising existing vehicular access, associated parking, landscaping and pedestrian accesses, and creation of a replacement beer garden to the rear of the public house.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 1no. four-bedroom dwelling utilising existing vehicular access, associated parking, landscaping and pedestrian accesses, and creation of a replacement beer garden to the rear of the public house at The Old House At Home, Overton, Hampshire RG25 3DU in accordance with the terms of the application, Ref 23/01785/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal originally sought the erection of two dwellings, but was amended during the Council's consideration of the application to propose one dwelling and the creation of a replacement beer garden to the rear of The Old House At Home. I have therefore taken the description of development above from the Council's Decision Notice, which reflects this change. I am satisfied that no party would be prejudiced as a result.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of dwellings opposite the site, on Station Road, with regard to outlook.

Reasons

4. The site consists of an existing beer garden serving a public house. On the opposite side of Station Road are two-storey houses, in a broadly linear row, at a somewhat lower ground level compared to the existing beer garden. The houses have unobscured windows that face onto the road and the appeal site. As such, occupiers of these properties currently have an outlook onto the grass bank, hedging, low fencing and open space formed by the beer garden.
5. The proposal seeks to erect a two-storey dwelling within the current beer garden, with the surrounding area being for its domestic use. The Council's Design and

Sustainability Supplementary Planning Document (SPD), adopted 2018, requires residents to be able to enjoy an outlook from habitable rooms of good quality, without adjacent buildings being overbearing. Given its location, the height and mass of the proposed dwelling would inevitably have an impact on the outlook of occupiers of the dwellings opposite. That said, the Council does not dispute that the proposal would accord with 'rules of thumb' applied by the SPD in respect of this issue, in particular the 25-degree rule.

6. The proposed dwelling would be set well back from the edge of the road, behind a front garden and hedging. It would have a building line broadly aligned with the frontage of the public house itself. Its position would be further back and its width much reduced compared to an earlier two-dwelling scheme, which was the subject of a dismissed appeal¹, including in respect of this issue.
7. It is not uncommon for rows of two-storey dwellings to face each other across a road. The proposal would result in new built form being visible within occupiers' existing views, and creating a sense of enclosure. However, given the separation distances provided by the road, the pavements either side and the setback position of the proposed dwelling, the available outlook to occupiers of the properties on the opposite side of the road would in my view be acceptable.
8. For the reasons given above, the proposal would not have a harmful effect on the living conditions of the occupiers of dwellings opposite the site with regard to outlook. Accordingly, it would comply with policy EM10 of the Basingstoke and Deane Local Plan, adopted May 2016, which requires a high quality of amenity for neighbouring occupiers. Policy LBE1 of the Overton Neighbourhood Plan, made July 2016, is also referred to in the Decision Notice. However, this relates to landscape and local distinctiveness rather than living conditions. I therefore find no conflict with this policy.

Other Considerations

Habitat Regulations

9. The proposal lies within an area where it could affect designated sites in the Solent, in particular the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Ramsar Site, the Solent Maritime Special Area of Conservation (SAC), the Solent and Dorset Coast SPA and the Solent and Isle of Wight Lagoons SPA. These are protected pursuant to the Conservation of Habitats Regulations 2017 as amended (the Habitats Regulations).
10. The qualifying features of the SPAs, SAC and Ramsar site include significant populations of breeding gulls and terns, and overwintering waterfowl like black-tailed godwit, dark-bellied brent goose, ringed plover, teal and stonewort. The conservation objectives of the SPAs, SAC and Ramsar site include maintaining or restoring the extent, distribution, structure, population and function of the qualifying species and their habitats.
11. Any additional wastewater generated within the River Test catchment is likely to cause a significant effect in combination with other developments, as a result of the cumulative increase in nutrient deposition leading to eutrophication and a deterioration in water quality, thereby affecting the conservation interests. The

¹ PINS reference APP/H1705/W/23/3322481

proposal would introduce new population and therefore wastewater to the site. As a result, alone and in combination with other development, a likely significant effect on the SAC, SPAs and Ramsar Site cannot be ruled out. As such, in accordance with the Habitats Regulations and as the competent authority for this appeal, I must undertake an Appropriate Assessment (AA).

12. Mitigation has been developed in the form of nitrate credits in other areas, which are available for purchase. An Expression of Interest Form was submitted to Eastleigh Borough Council to purchase credits to address the amount of nitrates agreed to be generated by the proposal. Eastleigh Borough Council has confirmed that sufficient credits remain available, with final purchase subject to the grant of planning permission.
13. The Council and Natural England have confirmed that the mitigation and contribution through credits would be sufficient, and that this can be secured by a planning condition. In undertaking the AA, the information before me indicates that the mitigation would reduce the impact of the proposal on the integrity of the SPAs, SAC and Ramsar site to a de minimis level. It would therefore accord with the Habitats Regulations. Accordingly, this matter is neutral in the planning balance.

Other Matters

14. Given the available distances, the proposal would not result in undue loss of light or privacy to the existing dwellings. Noise during construction can be controlled by a condition, and I have no reason to believe that occupiers of the proposal would generate noise greater than normal residential use. The two-dwelling scheme was dismissed because of concerns regarding the living conditions for future occupiers of the development itself. Nevertheless, as a single dwelling, the proposal would now have adequate garden space. The design of the dwelling is acceptable and would have space either side to not appear cramped or out of place. As a result, it would not harm the character or appearance of the area.
15. The existing beer garden is said to be well-used, accessible to those of limited mobility, and ensures that the public house is a family establishment. However, an alternative beer garden is proposed. Though this would have stepped access, it would be closer than the current garden, and another accessible terraced area would remain available. I therefore have little substantive evidence to suggest that the proposal would threaten the long-term future of the public house itself.
16. The proposal would provide sufficient parking spaces for the dwelling, to comply with the Council's standard. The number of traffic movements generated from it would be relatively small and there is little to suggest that the emergency services or construction vehicles would have difficulty accessing the site when necessary. The Highway Authority did not object to the proposal. As such, it would not adversely affect highway safety or the convenience of existing or future residents.
17. The site is within an area at risk of surface water flooding, and reference has been made to the emergence of natural springs. The Flood Risk Assessment identifies measures and mitigation to ensure that flood risk is not increased as a result of the proposal. These measures include water butts connected to rainwater pipes, and provision of permeable pavements. I have little reason to doubt that sewerage capacity is available for new dwellings in the area.

18. Wider infrastructure matters, such as the additional pressure on health and education services are dealt with by Community Infrastructure Levy contributions. No substantive evidence is before me to suggest that subsidence, or the movement of structures, would be caused by the proposal. The Council's Biodiversity Team were satisfied including with ecological benefits such as bird boxes.

Conditions

19. The Council has provided a list of conditions, which I have assessed and where necessary amended, having regard to the advice in the Planning Practice Guidance. A condition requiring adherence to the approved plans is necessary for certainty.
20. Details of the existing and proposed site levels are necessary to protect the privacy of the occupiers of adjacent properties. For the reasons already given, a condition requiring the purchasing of nitrate credits is necessary, to ensure no harm to biodiversity. A Construction Method Statement is necessary in the interests of the living conditions of nearby properties, as are details of surface water drainage. Tree protection is necessary in the interests of the character and appearance of the area. These conditions must make requirements at pre-commencement stage, because they will affect how works take place at an early stage of construction.
21. A condition restricting the hours of construction work is required in the interests of nearby occupiers' living conditions. In the interests of the character and appearance of the area, details and samples of external materials are necessary. For the same reason, details of hard surfacing, landscaping, and the replacement of trees and shrubs is also needed.
22. To ensure that occupiers have reasonable living conditions, given that the proposal would concentrate beer garden use to the rear of the pub, controls on lighting and structures within the beer garden are necessary, as are limits on amplified music. Erection of the acoustic fence is similarly required but, given this, I see no reason to prohibit such music entirely as suggested by the Council.
23. To ensure highway safety, vehicular parking facilities shall be provided, as shall adequate visibility splays. The provision of refuse and recycling storage is necessary in the interests of the living conditions of occupiers and neighbours. Provision of the cycle storage is required to promote sustainable transport, as is electric vehicle charging. To encourage sustainable water use, provision of measures to meet the water efficiency standard must be required by condition.
24. Extensions to the dwelling or outbuildings within its garden could have effects on flooding. As such, a condition is necessary to remove permitted development rights for these structures. The insertion of new windows or rooflights to the dwelling could affect the privacy of nearby properties and so should also require planning permission. For the same reason it is necessary to ensure obscure glazed bathroom/WC windows, their fixing shut other than top lights, and that no other windows could be installed. However, I see no reason why other alterations to the dwelling should be controlled, as has been suggested by the Council.
25. A condition requiring the ecological enhancements is necessary in the interests of biodiversity. The Council also seeks to prevent the creation of a direct access from

the public house to the beer garden at the rear. However, such an access is shown on the submitted plans, and I see no reason why it would result in harm to the living conditions of adjoining residents.

Conclusion

26. For the reasons given above, I conclude that the appeal should be allowed.

O Marigold

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100 Rev P23, 101 Rev P9, 102 Rev P9, 103 Rev P9, 104 Rev P6, 105 Rev P9, 106 Rev P6, 107 Rev P7, 108 Rev P3, 109 Rev P4.
- 3) No development shall take place until a measured survey of the site has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground levels and finished floor levels in relation to a nearby datum point (outside of the application site) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and thereafter retained as such.
- 4) No development shall take place until confirmation has been submitted to and approved in writing by the Local Planning Authority which demonstrates that a mitigation package (credits) has been secured which addresses all of the additional nutrient inputs arising from the development, and ensures that the additional nutrient loading will not have an adverse effect on the integrity of internationally protected Habitat Sites, having regard to the conservation objectives for those sites.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the waste removal and construction period. It shall provide for parking, the loading and unloading of plant and materials, construction storage, recycling and disposing of waste resulting from construction works, warning signs, dust suppression, chemical and/or fuel run-off, and noise, visual and vibrational impacts.
- 6) No development shall commence until details of the works for the disposal of surface water have been submitted to and approved, in writing, by the Local Planning Authority in accordance with the submitted Flood Risk Assessment and Drainage Strategy. They shall demonstrate that the surface water will not be discharged from the site at greater rate than currently occurs, and compliance with the approved levels details. The dwelling shall not be occupied until the approved surface water drainage details have been fully implemented in accordance with the approved plans, and shall be maintained thereafter as such.
- 7) Tree protection measures, including fencing, ground protection, supervision, working procedures and special engineering solutions shall be carried out in accordance with the arboricultural implications assessment and method statement produced by EcoUrban, ref: 191180 - AIA, 26/07/19, including that the protective barriers shall be erected before any materials or machinery are brought onto the site, and before any clearance or construction activities occur.
- 8) No work relating to the construction of the development hereby approved, including demolition or preparation prior to operations, or internal painting or

fitting out, or deliveries of construction materials or plant and machinery, or the removal of any spoil from the site, shall take place other than between 0730 and 1800 Mondays to Fridays, 0800 to 1300 on Saturdays and at no time on Sundays or bank or public holidays.

- 9) No development above damp-proof course of the dwelling hereby approved shall commence until details of external materials, together with samples, 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 details so approved.
- 10) No development beyond damp-proof course of the dwelling hereby approved shall take place until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The submission shall demonstrate how the materials are compatible with the approved site drainage. The approved surfacing shall be carried out before the dwelling is first occupied. It shall thereafter be maintained as such, and no replacement surfaces shall be installed without the prior written consent of the Local Planning Authority.
- 11) No development beyond damp-proof course of the dwelling hereby approved shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. It shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate), details of the materials for the boundary treatments shown on the approved plans, demonstrating the acoustic abilities of the rear boundary fence for the replacement beer garden, detail of the LPG tank fencing, and maintenance programme.

The soft landscaping works approved shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling hereby approved. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The LPG fencing shall be installed before the dwelling hereby approved is occupied.

- 12) Illumination of the replacement beer garden and external areas shall only take place between the hours of 16:00 and 23:00 on any day. No development beyond damp proof course shall take place until details of the proposed lighting of the replacement beer garden and external areas has been submitted to and approved in writing by the Local Planning Authority. Once approved, any lighting shall be implemented and maintained in full accordance with the approved details. Details shall include external lighting, access, siting, height, design and position, and controls. No other form of lighting shall be implemented with the replacement beer garden.
- 13) No raised surfaces or platforms, gazebos, marquees or covered areas shall be erected or placed within the replacement beer garden. No amplified sound or music shall be played in the area of the replacement beer garden between the hours of 21:00 and 08:00 on any day.
- 14) The dwelling hereby approved shall not be occupied until the acoustic fence as approved has been installed at the site and the replacement beer garden is complete and available for use. The acoustic fence shall be maintained

- and replaced when necessary to maintain its acoustic qualities. No replacement acoustic fence to the rear of the replacement beer garden shall be installed without the prior written approval of the Local Planning Authority.
- 15) The development hereby permitted shall not be occupied until the vehicle parking spaces have been constructed, surfaced and marked out in accordance with the approved details. The spaces shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.
 - 16) Notwithstanding the detail on the approved plans, prior to the first occupation of the dwelling hereby approved, a visibility splay of 2.4m x 43m shall be provided to the north from the access. Nothing within the affected area shall be placed, planted or constructed or allowed to grow above the level of 1m above the adjacent carriageway level and any vegetation shall be cleared and ground reduced to a maximum of 0.5m above the adjacent carriageway level. This area shall be maintained as such for the lifetime of the development.
 - 17) No development above damp-proof course level of the dwelling hereby approved shall take place until details of the storage (prior to disposal) of refuse and recycling containers and details of commercial collection of waste have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the first occupation of the dwelling and shall be maintained and retained solely for that use for the lifetime of the development.
 - 18) The dwelling hereby approved shall not be occupied until the cycle storage shown on the approved plans has been installed.
 - 19) Prior to occupation of the dwelling hereby approved, details of electric vehicle charging provision (whether passive or otherwise) shall be 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.
 - 20) The development hereby permitted shall not be occupied until a Construction Statement detailing how each proposed flat shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 21) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or outbuilding permitted by Class A, AA, D and E of Part 1 of Schedule 2 of the Order shall be erected on the application site without the prior written permission of the Local Planning Authority.
 - 22) The dwelling hereby permitted shall not be occupied until the bathroom/WC window have been fitted with obscured glazing, to at least the equivalent of Pilkington level 4 standard, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter. No other windows or rooflights shall be installed in the external elevations of the dwelling hereby approved.

- 23) The dwelling hereby approved shall not be occupied until the ecological enhancements shown on Drawing number 19.3150.100 P23 have been installed. The measures shall be retained and maintained for the lifetime of the development.

End of Conditions