



Appeal Decisions

Site visit made on 21 October 2025

by **H Smith BSc (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal A Ref: APP/H1705/W/25/3367794

The Olive House, 21 Church Street, Basingstoke, Hampshire RG21 7QQ

- 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 & Mrs Ahmet Topcu against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 24/00548/RET.
 - The development is described as:
 - "A. Installation of kitchen extractor flue on rear elevation.
 - B. Installation of fire escape staircase to rear elevation, in place of 2No approved staircases.
 - C. Construction of gable-ended crown roof in place of the approved hipped roof to rear first floor extension.
 - D. Installation of 7No replacement double-glazed timber windows.
 - E. Erection of link extension in rear courtyard.
 - M. Installation of 2 No. timber-clad steel posts in rear part of restaurant."
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Appeal B Ref: APP/H1705/Y/25/3367782

The Olive House, 21 Church Street, Basingstoke, Hampshire RG21 7QQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Ahmet Topcu against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 24/00549/LBC.
 - The works are described as:
 - "A. Installation of kitchen extractor flue on rear elevation.
 - B. Installation of fire escape staircase to rear elevation, in place of 2No approved staircases.
 - C. Construction of gable-ended crown roof in place of the approved hipped roof to rear first floor extension.
 - D. Installation of 7No replacement double-glazed timber windows.
 - E. Erection of link extension in rear courtyard.
 - M. Installation of 2 No. timber-clad steel posts in rear part of restaurant."
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Decisions

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

Preliminary Matters

3. As the proposal relates to a listed building which is within a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.

5. The planning application form states that the development and works were completed in November 2018, prior to the submission of the applications. At the time of my site visit it was apparent that the proposed development and works had been carried out on site. However, as I cannot be certain that what has been built is fully in accordance with the plans before me, I have assessed the development and works as shown on the submitted plans.
6. A previous scheme was approved in 2016 (Refs: 16/01585/FUL and 16/01586/LBC). However, the main parties agree that what has been built on site has not been built in accordance with the approved plans. Based on the evidence before me, I have no reason to disagree.
7. There are a number of discrepancies and ambiguities between the submitted plans and the building as viewed on site. Moreover, there is a notable deficiency of detail regarding elements of the proposed scheme, such as fenestration and the timber-clad steel posts. To avoid doubt about what is proposed and to enable a meaningful assessment, it is imperative that drawings are accurate and unambiguous, and that sufficient detail is provided.
8. These deficiencies are highly undesirable in general terms, but even more so given the building's Grade II listed status and its location within a conservation area. Nonetheless, I have assessed the main aspects of the proposal and their effects as well as I can, based on the plans and information before me.
9. The appellants have asked me to consider an amended drawing, an extract of which is provided in the appellant's statement of case. The 'Procedural Guide: Planning Appeals – England' advises that if an appeal is made, the appeal process should not be used to evolve a scheme. It is therefore for me to decide whether to accept the amended drawing, based on two tests – substantive and procedural – that came out of the case *Holborn Studios*¹ that refined the previous *Wheatcroft*² principles.
10. The substantive test is whether the proposed amendment involved a 'substantial difference' or a 'fundamental change' to the application that would ultimately result in a 'different application'. A 'substantial difference' or a 'fundamental change' could also be as a result of a series of small, incremental changes to a scheme. If it is concluded that the amendment would result in a 'different application', then it is unlikely that it could be considered as part of the appeal. The procedural test is whether, if accepted, the proposed amendment would cause unlawful procedural unfairness to anyone involved in the appeal and, if so, whether such fairness could be cured, for example by re-consultation.
11. In my judgement, the amended drawing showing an alternative design would ultimately result in a 'different application'. As such, the suggested amendment does not pass the substantive test, and I do not accept it. It is also important that what I consider is essentially what was considered by the local planning authority and on what interested parties' views were sought. I am not persuaded that all those who should have been consulted on the amended drawing have been given the opportunity to review and respond to these changes adequately. If I were to determine the appeal based on the amended drawing, it is possible that the interests of parties who might wish to comment would be prejudiced. As such, the

¹ *Holborn Studios Ltd v The Council of London Borough of Hackney* (2017)

² *Bernard Wheatcroft Ltd v Secretary of State for the Environment* (1982)

suggested amendment does not pass the procedural test. Consequently, for the avoidance of doubt, I have determined the appeals on the basis of the plans which were before the Council when it made its decisions.

Main Issues

12. A main issue in Appeal A and the main issue in Appeal B is:

- whether the proposal would i) preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses; and ii) preserve or enhance the character or appearance of the Basingstoke Town Conservation Area.

13. Additional main issues in Appeal A are the effect of the proposal on:

- the character and appearance of the area;
- the living conditions of neighbouring occupiers, with respect to noise and odours.

Reasons

Special interest and significance

14. The appeal site comprises a Grade II listed³ building located on Church Street in Basingstoke town centre. The building is currently being used as a restaurant with staff and living accommodation above. The neighbouring shop unit at 23 Church Street, forms part of the listed building. The evidence suggests that the building was used as a public house at some point in its history.
15. The listed building is of two-storey with a vernacular character that dates from the 17th century, and late 18th and early 19th centuries. The front elevation is mainly constructed from painted brickwork with plain sash windows in reveals at first-floor level and large windows with glazing bars at ground-floor level. The main doorway to the restaurant is positioned off-centre, and there is an arched opening to a through passageway leading to the rear.
16. The building's rear elevation faces onto Joices Yard. The building's rear range is of modest proportions and mainly constructed from brick with tiled roof structure. A former brewhouse is located in the rear yard, which has significant historical value.
17. Internally, the appeal building retains its four-cell plan form at first-floor level, and there is some evidence of timber-framing, including remnants evident in the rear projecting wing.
18. Given the above, I find that the special interest and significance of this listed building is largely derived from its historic and architectural interests. Pertinent to the appeals, these are drawn from its modest form and design to its rear elevation, constructed in the local vernacular tradition, and its brickwork design and fenestration details to its front elevation. It is also from its illustration of a pair of historic units, as well as the historic fabric and features that survive from the physical origins and phased development of the historic building.

³ List Entry Number: 1339702

19. The appeal site is also located within the Basingstoke Town Conservation Area (CA). The CA encompasses the buildings and spaces between Church Street and Joices Yard, which includes the appeal property. The special interest and significance of the CA mainly stem from the variety and architectural richness of the buildings that denote its evolution and the distinct form and layout of the town. Although extensions have been added to the building's rear elevation, the listed building largely retains its external historic character and form from the front elevation, and the former brewhouse structure is evident in the rear yard, with a narrow passage connecting this to Church Street. Therefore, the listed building makes a positive contribution to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

Proposal and effects

20. The appeals seek retrospective planning permission and listed building consent for a number of changes to the building. I will address each of these in turn.

Installation of kitchen extractor flue on rear elevation

21. The extractor flue is a large, visually intrusive addition to the rear of the listed building, being attached to the rear wall of the former brewhouse. While the lower portion of the flue is concealed from public view, the upper section projects above the rear boundary wall and remains clearly visible from Joices Yard. Its box-like form, considerable bulk, and utilitarian design starkly contrast with the former brewhouse building's modest form and simple brickwork, disrupting the integrity of the rear elevation.
22. Despite being finished in matt black, the flue's scale, siting and incongruous appearance render it an unsympathetic and dominant feature. It appears as a cumbersome structure that detracts from the architectural character of the listed building. Furthermore, the extractor flue's fixings have penetrated the historic fabric of the building. This physical intervention is likely to have resulted in the loss of or damage to the listed building's historic fabric.
23. Although its location near the restaurant's kitchen may offer functional convenience, this does not justify the visual harm it causes. The flue's prominence and industrial aesthetic undermine the historic value of the building and diminish the visual harmony of the surrounding conservation area. The rear elevations of buildings within this area, though not their principal facades, still contribute meaningfully to the character of the conservation area, particularly when viewed from public vantage points.
24. While other extractor flues may exist elsewhere along Joices Yard, none are immediately adjacent to the listed building. Moreover, other buildings where flues are present may not share the same statutory protection as the appeal listed building.
25. I acknowledge that extractor flues need to comply with other relevant legislation, and I note the appellants concerns regarding a concealment option. However, while regular cleaning of the flue is important, it does not preclude a more sensitive design solution. Dismissing concealment entirely overlooks the potential for creative, heritage-sensitive alternatives that would better preserve the character of the listed building and the conservation area.

26. Consequently, the flue's size, projection, and unsympathetic design result in a visually jarring addition that does not sit comfortably on the rear elevation. As such, it does not preserve the listed building or the character and appearance of the CA as a whole.

Installation of fire escape staircase to rear elevation

27. The fire escape staircase installed to the rear of the listed building presents an overly complex and visually intrusive structure. Its stepped configuration across two disjointed levels, combined with a substantial walkway at first-floor, results in a disorganised and cluttered appearance that detracts from the architectural coherence of the building.
28. The prominence of the metal railings, particularly when viewed from Joices Yard to the rear of the site, further exacerbates its visual impact. The bulky industrial design combined with its stark coloured materials, appear incongruous with the historic and architectural fabric and features of the listed building.
29. This conspicuously modern intervention undermines the building's historic character and interrupts the visual harmony of the CA. It fails to respect the sensitive context in which it is situated, resulting in harm to both the designated heritage asset and its wider historic setting. Consequently, it does not preserve the listed building, or the character and appearance of the CA as a whole.
30. I acknowledge that there are existing staircase structures present in Joices Yard. However, the presence of these other structures does not justify unacceptable development and works to a listed building.
31. While the appellants refer to a previously approved staircase (refs 16/01585/FUL and 16/01586/LBC), the structure that has been constructed on site differs significantly in both scale and design. The approved scheme featured a single-profile staircase with a more compact and straightforward form, presenting a less intrusive visual impact when viewed from the public realm. In contrast, the staircase now installed introduces a convoluted and cumbersome arrangement. This results in a far more prominent and industrial feature, which is visually discordant with the listed building.
32. The appellants indicate that the reconfigured fire-escape arrangements was due to the need to create a chef's rest room. However, the Council has confirmed that this use has not been granted planning permission or listed building consent.

Gable-ended crown roof to rear first floor extension

33. The appeal development includes an extension to the rear range of the listed building at first-floor level. Its width and height, combined with its gable-ended crown roof form, make it a dominant feature that appears top heavy and out of proportion with the modestly sized brewhouse building. Its flat top roof form is visually jarring, clashing with the building's historic roofline and failing to integrate with the pitched roof forms of the existing rear extensions to the building. Consequently, it appears as an awkward and incongruous addition to the listed building.
34. Furthermore, the replacement of a small arch-headed opening with a full sash window, undermine the architectural integrity of the listed building and its historic

value. While other arched window heads may not be present on the building, in this location it would have been a unique feature overlooking Joices Yard.

35. Additionally, the form and appearance of the roof does not harmonise with the character of the CA, resulting in a development that is visually intrusive and unsympathetic. Rather than enhancing the area, the extension detracts from its historic and architectural value and does not preserve the listed building, or the character and appearance of the CA as a whole.
36. The appellants contend that there are other buildings of modern design which exhibit many non-traditional shapes. However, the presence of these other structures is not a justification for permitting the development and works before me, which I have determined on its own merit.

Installation of 7 No replacement double-glazed timber windows

37. The appellant's application form refers to the 'installation of 7 replacement double-glazed timber windows'. However, from the plans submitted it is not clear which windows will be replaced. During my site visit, I noticed several inaccuracies and/or inconsistencies between the plans and the appeal building on site. These included differences in relation to the number of windows that had been replaced, and the style of windows that have been installed. Moreover, the plans do not illustrate exactly how each of the windows would appear in-situ. These discrepancies raise doubts about the accuracy of the submitted plans.
38. Furthermore, the illustrative material that has been submitted only applies to 2 of the 7 windows; these 2 windows relate to a new window in flat 2 (drawing no: 9399-27), and a restaurant window at ground floor (drawing no: 9399-25). Although photographs of some windows have been submitted, it has not been made entirely clear as to which windows these photographs relate to. As such, a meaningful assessment of the effects of these works on the special interest of the listed building is not possible.
39. I note that the appellant's appeal final comments, dated August 2025, indicates that only 3 of the 7 windows are replacements, but it does not explain which ones. I therefore find that it has not been made clear, window-by-window, what exactly is being proposed.
40. It is imperative that plans are accurate and unambiguous to avoid doubt about what is proposed, and to allow a robust assessment of any consequent effects.
41. Taking the above into account, I am unable to properly assess whether the windows would preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses, or whether it would preserve or enhance the character or appearance of the CA. Therefore, based on the evidence before me, I find that the proposal does not preserve the listed building, or the character and appearance of the CA as a whole.

Link extension in the rear courtyard

42. The Council has raised concern with the link extension that has been constructed in the rear courtyard area. The roof form of the link structure comprises a part-pitched and part flat roof, which disrupts the building's simple roof profile and partially blocks views of the building's rear elevation.

43. Although the pilastered doorway remains on Church Street, the link structure obstructs the historic passageway from Church Street to the rear of the building. This reduces the ability to appreciate the plan form of the building and the legibility of the passageway, which contributes to the building's significance. It undermines the authenticity and integrity of the heritage asset and confuses the onlooker as to the building's narrative. I therefore find that the installation of the link structure has an adverse impact on the significance of the listed building and the CA. Consequently, it does not preserve the listed building, or the character and appearance of the CA as a whole.
44. It is claimed that this link structure would enable customers and staff to pass from the main restaurant area to the overspill/private area, without having to go outside. However, the Council state that the overspill/private dining area was not part of the approved scheme for applications 16/01585/FUL and 16/01586/LBC, and instead this area was approved for a self-contained flat.

Timber-clad steel posts

45. The appellants state that the steel posts were installed for structural reasons, mainly to support the first-floor structure above and the roof of the rear extension, and has submitted evidence to substantiate this claim, to which I agree. I observed that the steel posts have been finished with timber cladding, which softens its appearance and is reasonably sympathetic to the historic timbers which are adjacent to them. In my judgement, they would preserve the listed building and the character and appearance of the CA as a whole. However, the steel posts have not been shown clearly on the submitted plans, including a lack of detail on their precise locations. This creates doubt and uncertainty as to what exactly is being proposed.
46. Drawing all the above together, I conclude that the proposal would not i) preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the Basingstoke Town Conservation Area. In doing so, it would harm the significance of these designated heritage assets.

Public benefits and balance

47. With reference to paragraphs 214 and 215 of the National Planning Policy Framework (Framework), in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and fairly localised nature of the proposal, I find that the harm to the significance of the designated heritage assets assessed above would be 'less than substantial' but nevertheless of considerable importance and weight. To my mind, this is towards the middle of the range of the less than substantial harm. Paragraph 215 of the Framework requires this harm to be weighed against the public benefits of the proposal, including where appropriate, securing the asset's optimum viable use.
48. I have considered the various benefits put forward by the appellants that the development and works would bring, including the benefits associated with the restaurant business and the associated employment opportunities, local expenditure, and the benefit of the long-term use and restoration of the property in a town centre location. There would also be social benefits including the use of the restaurant by the local community and the use of the residential units. It would also

provide some thermal efficiency benefits to the building. These public benefits are in line with the objectives of the Framework and carry moderate weight in favour of the appeals.

49. However, I am not persuaded that the only way of securing such benefits would be via the particular development and works proposed. Nor that the development and works are required to secure the optimum viable use of the building. Due to the harm identified above, the development and works would compromise the building's conservation to an unacceptable degree and would not conserve it in a manner appropriate to its significance.
50. On balance, the moderate weight that I ascribe to the public benefits which would accrue from the development and works is not sufficient to outweigh the considerable importance and weight that I attach to the harm to the significance of these designated heritage assets.
51. Consequently, I conclude that the proposal would not i) preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character and appearance of the Basingstoke Town Conservation Area. It would therefore fail to satisfy the requirements of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. It would also conflict with Policy EM11 of the Basingstoke and Deane Local Plan (2011 to 2029) (adopted 2016) (Local Plan). This policy, amongst other things, seeks to ensure developments conserve or enhance the quality of the borough's heritage assets in a manner appropriate to their significance.

Character and appearance

52. The extraction duct, fire escape staircases and the gable-ended crown roof are positioned to the rear of the appeal property. Views of the rear elevation of the building can be seen in the context of the other neighbouring properties along Joices Yard and from the public car park. Due to the scale, design and height of these features, the development results in a discordant feature.
53. The proposal's effect on the character and appearance of the host building and the surrounding area has considerable overlap with the first main issue and the statutory duties. It therefore follows that the identified negative effects to the listed building would also harm the positive qualities of the character and appearance of the area.
54. Consequently, the proposal would be harmful to the character and appearance of the area. As such, it would fail to accord with Policy EM10 of the Local Plan. This policy, amongst other things, seeks to ensure developments are of high quality design, which positively contribute to local distinctiveness, the sense of place and the existing street scene.

Living conditions of neighbouring occupiers

55. The development is situated in a town centre location and near to existing residential units. The appellants have not submitted a Noise Impact Assessment or an Odour Impact Assessment, nor any technical information about the extractor duct. Due to the location of the duct, in close proximity to existing residential units,

I find that this information would be required to assess the impact of the duct on the living conditions of residential occupiers.

56. The appellants state that full details and specifications of the extractor ducting were submitted to the Council in August 2018 for previous applications, which were subsequently refused by the Council. Nevertheless, those details and specifications are not before me.
57. I acknowledge that there has been no objection from the Council's Environmental Health Officer, but this does not alter my concerns. Given the proximity of residential units and the insufficient information before me, I must take a precautionary approach.
58. Consequently, I find that there is insufficient information before me to demonstrate that the development would not result in harm to the living conditions of the occupiers of the nearby residential units in relation to noise and odour. As such, the proposal would fail to accord with Policies EM10 and EM12 of the Local Plan. Collectively, these policies, amongst other things, seek to ensure developments provide a high quality of amenity for occupants of the development and neighbouring properties, and does not result in pollution which is detrimental to quality of life, or poses unacceptable risks to health.

Other Matters

59. The appellants suggested the use of a split decision. However, due to the discrepancies and ambiguities in the submitted plans, I do not consider a split decision to be appropriate in this instance.
60. The appellants state that they were not aware that fresh applications would be necessary for planning permission and listed building consent. I also note that several changes to the property were made due to fire safety concerns. However, this does not alter my conclusions on the main issues.

Conclusions

61. **Appeal A:** The development would conflict with the development plan when taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
62. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.

H Smith

INSPECTOR