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## Appeal Decision

Site visit made on 28 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 11 February 2026

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**Appeal Ref: APP/M1710/W/25/3367627**

**Avalon House, Winchester Road, Four Marks, Alton, Hampshire GU34 5JB**

- 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 Graham Franklin against the decision of East Hampshire District Council.
  - The application Ref is 56315/005.
  - The development proposed is the demolition of an existing dwelling to be replaced by a new dwelling.
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### Decision

1. The appeal is allowed, and planning permission is granted for the demolition of an existing dwelling to be replaced by a new dwelling at Avalon House, Winchester Road, Four Marks, Alton, Hampshire GU34 5JB in accordance with the terms of the application, Ref 56315/005, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The appeal site sits outside the settlement policy boundaries defined in the Ropley Neighbourhood Plan (2019) (the NP), but within the overall NP boundary. The site also sits outside the settlement boundary of Four Marks. It is, therefore, in open countryside. However, the site is currently residential, and the proposal is for a replacement dwelling within the existing residential curtilage. Accordingly, the principle of the proposal is supported by Policy CP19 of the East Hampshire District Local Plan: Joint Core Strategy (2014) (the Local Plan).

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

### Reasons

4. The appeal site consists of a large, L-shaped plot of around 0.3 hectares in area. The site currently houses a single storey dwelling which consists of rendered and painted walls under a shallow pitched and felted roof. The dwelling is located at the north-western corner of the plot, in an elevated position fronting the A31 Winchester Road, on a section known as Soke Hill. Whilst the existing property is set back from the highway by around 10m, behind a mature tree and hedge belt, there are views, through gaps in the vegetation and its driveway from passing vehicles, of the existing property which are made more prominent by its light-coloured walls.

5. Within the immediate vicinity of the site are a small number of other residential dwellings. These vary widely in their design, scale, height and materials, but the overall extent of development is of very low density, with significant separation distances between dwellings. Properties are also set well back from the highway, with significant mature, dense mixed evergreen and deciduous hedge and tree belts, screening much of the development, with isolated, fleeting glances of parts of dwellings being common. This screening is further enhanced by the relative levels of the properties, which sit at a much higher level than the highway.
6. The proposal would demolish the existing dwelling and replace it with a larger two-storey dwelling set much further back into the site in the other, wider arm of the L-shape. Owing to the separation distance and the extent of screening vegetation, this would render the proposal barely visible from the public realm. This re-positioning on the site, would result in the proposed dwelling being closer to adjacent properties. However, these would still be between 80m and 100m away, with mature hedges and trees to their separating boundaries.
7. The proposal would be of a much more modern design than surrounding properties, with irregular angles of the walls and a flat roof. It would employ more contemporary materials, such as the wall panel cladding, than either the existing property, or that of the surrounding properties. However, the LPA have noted in the delegated report that the fact that the site is somewhat remote from other dwellings, means that there would be scope for a more contemporary or innovative design.
8. The scale of the proposal, at two-storeys, would not be out of keeping with surrounding development, nor would its footprint be overly large, particularly given the size of the plot. The proposal would be highly modelled in its elevational shape, which, together with the tower feature, would create visual interest and shading. The pattern of windows would be more contemporary, of a type, scale and distribution which is determined by the provision of light to and maximising of views to surrounding countryside from the internal layout of the dwelling. The walls would use a high-pressure laminate rain screen panelling, which is noted on the drawings as being in a green colour. As a result, subject to the finalisation of the actual panel colour, the proposal would recede within the landscape, reducing the potential for visual impact on the character and appearance of the area.
9. The Council consider the contemporary design to be uncharacteristic of the surrounding pattern of development. However, they also acknowledge that owing to the separation distances from surrounding dwellings, that scope exists for a more contemporary or innovative design, which I find the proposal to be. They note the flat roof and sharp lines of the walls below having a bland appearance. However, the flat roof is proposed to be utilised for the siting of solar panels. It would, therefore, allow these panels to be obscured from general view, minimising their visual impact in any distant views, whilst providing the benefit of sustainable energy production. I find the flat roof would also reduce the overall mass of the proposal within the landscape.
10. The appellant has submitted key views of the appeal site from the surrounding area, which I viewed at my visit. It is apparent from these, that the restricted mass, and the receding colour of the wall panel treatment, would allow the proposal to sit comfortably within the landscape, particularly as it would be read against the backdrop of a mature woodland setting.

11. I note that the occupants to the closest property to the proposal, which would share the largest common boundary with the proposal, have written in support of the proposal and its contemporary design. I also note that Ropley Parish Council have raised no objection to the proposal. Hampshire County Council, acting as Landscape advisor to the Council for the purposes of planning, recommended a holding objection, pending submission of details for boundary, hard and soft landscaping. However, as this is something that could be dealt with by appropriately worded conditions, being mindful of the recommendations of paragraph 56 of the National Planning Policy Framework (the Framework), this would not be a reason for refusal.
12. For the above reasons, I find the proposal would not cause harm to the character and appearance of the surrounding area. Therefore, I conclude the proposal would not conflict with Policy CP29 of the East Hampshire District Local Plan: Joint Core Strategy (2014), or with Policies RNP11, RNP12 and RNP13 of the Ropley Neighbourhood Plan (2019), which require, among other things, that development seeks exemplary standards of design and is sympathetic to its setting in terms of scale, height massing and density.

### **Other Matters**

13. The appellant submitted an aerial view artists impression of development on the appeal site with their appeal statement. However, this did not appear to be of the same design as the proposal and was not included in the application. I have therefore, given little weight to it in my determination of the appeal.
14. The appeal site is located within 500m of the north-western boundary of the South Downs National Park (NP). Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) amended the duty placed on relevant authorities required by the Countryside and Right of Way Act 2000 (CRoW Act), requiring relevant authorities and decision makers to 'seek to further' the statutory purposes of protected landscapes, of which the South Downs NP is one. It requires, as far as is reasonably practical, relevant authorities to seek to avoid harm and to contribute to the conservation and enhancement of the natural beauty, special qualities and key characteristics of Protected Landscapes.
15. Paragraph 189 of the Framework requires great weight to be given to protecting the scenic beauty of NP's. However, the appeal proposal sits outside the boundary of the NP. It is located within the built-up edge of the village of Four Marks, within a group of other residential dwellings. Due to the topography of the landscape, the separation distance from the NP boundary, and the presence of significant belts of mature hedges, trees and woodland, I find this would screen the appeal proposal from wider landscape views. Therefore, having regard to my duties under the LURA and CRoW Acts, I judge the appeal proposal would not have a detrimental effect on the setting of, or scenic beauty of, the wider South Downs NP.
16. The Council has stated that it cannot demonstrate 5 years Housing Land Supply as required by the Framework. However, as I have found the proposal to accord with the development plan, it is unnecessary to further consider the question of housing supply and presumption in favour of sustainable development contained in national policy, as this would not alter the outcome of my determination of the appeal.
17. The application is for the development of a self-build/custom-build dwelling. Accordingly, it benefits from an exemption to the statutory requirements of the

Environment Act (2021) (the EA), to deliver a mandatory biodiversity net gain of at least 10%. However, it is essential that the self-build/custom-build form of development is secured. The appellant has completed a deed of Unilateral Undertaking under s106 of the Town and Country Planning Act 1990, dated 24 December 2025, which includes an obligation for financial contributions to the Council to reimburse it for its costs in preparing and monitoring the agreement.

18. The appellant's signed and dated deed of unilateral undertaking also defines the development as self-build and legally binds the appellant to construct and occupy the property as a self-build dwelling. I have considered this in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. I am satisfied that the obligation is necessary to make the development acceptable in planning terms. The information before me indicates the parties have agreed to the identified figures. I have little basis to find otherwise. Hence, on that basis this obligation is fairly and reasonably related to the development proposed and passes the statutory tests in this regard.

### **Conditions**

19. I have had regard to the nine conditions suggested by the Council and the comments provided by the appellant. Where necessary I have amended the wording, in the interests of precision and clarity, and in order to comply with the advice in the Planning Practice Guidance and the Framework.
20. With regards to the suggested condition for the removal of Permitted Development Rights, having regard to the tests contained in paragraph 57 of the Framework, I find this would not be necessary for the development to be acceptable in planning terms. I have therefore, not applied this condition.
21. In addition to the standard time limit for implementation, in the interests of certainty, I have attached a condition specifying the approved plans. Conditions are necessary to ensure wildlife enhancement measures are secured, and to control the materials used in the external envelope of the proposal.
22. Conditions are necessary for the use of a minimum of 10% renewable energy to ensure compliance with Local Plan policy on climate change, and for the provision of parking and garaging spaces in the interest of highway safety.
23. Conditions are also necessary to ensure that appropriate boundary treatments, landscape and planting proposals are provided, to ensure the visual amenity of the area and to limit effects on existing trees.

### **Conclusion**

24. For the reasons set out above, I conclude that the appeal proposal would accord with the development plan, read 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 is allowed.

*D R Kay*

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 drawing nos: 24615-P001 – Site Location Plan, 24615-P007 - Proposed Site Block Plan, 24615-P008 - Proposed Site Plan, 24615-P009 – Proposed Ground Floor Plan, 24615-P010 – Proposed First Floor Plan, 24615-P011 – Proposed Roof Plan, 24615-P012 – Proposed Roof Plan, 24615-P013 – Proposed Elevations, 24615-P014 – Proposed Elevations, Reptile Survey Report dated 3 October 2024 by Daniel Ahern Ecology.
- 3 All wildlife enhancement measures shall be undertaken in adherence with the recommendations contained in Section 4.2 of the Reptile Survey Report submitted by Daniel Ahern Ecology dated 3rd Oct 2024. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, the enhancement measures shall be permanently maintained and retained in accordance with the approved details.
- 4 No development above ground level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have 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 samples.
- 5 No development above ground level shall commence on site until a scheme has been submitted to, and agreed in writing by, the Local Planning Authority to demonstrate that the development hereby permitted incorporates measures that provides at least 10% of energy demand from decentralised and renewable or low carbon energy sources. Before any part of the development is first occupied a verification report and completion certificate shall be submitted in writing to the Local Planning Authority confirming that the built development hereby permitted has been constructed in accordance with the approved scheme. The developer shall nominate a competent person for the purpose of assessing and providing the above required report and certificate to confirm that the completed works incorporate such measures as to provide these requirements. The measures shall thereafter be retained and maintained to the agreed specification for the lifetime of the development.
- 6 The development hereby permitted shall not be brought into use until the area(s) shown on the approved plan (24615-P008 - Proposed Site Plan), for the parking of vehicles (including garages and those areas marked out on the plan as being unallocated) shall have been made available, surfaced and marked out. The parking area(s) shall be permanently retained for those purposes, thereafter.
- 7 The development hereby approved shall not be brought into use until a detailed boundary treatment plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the positions, design, materials and species of the boundary treatments to be erected and planted. The approved details shall be fully implemented before the use of the development is commenced and/or any part of the development is occupied and shall be retained thereafter.

- 8 The development hereby approved shall not be 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 or other recognised codes of good practice. 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.

**\*\*\* End of Schedule\*\*\***