The Planning Inspectorate

Appeal Decision

Site visit made on 4 January 2016

by Chris Couper BA (Hons) DiP TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 January 2016

Appeal Ref: APP/W1715/D/15/3134133
The Shambles, 45 High Street, Botley, Hampshire SO30 2EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr R Rooke against the decision of Eastleigh Borough Council.
- The application Ref C/15/76670, dated 28 May 2015, was refused by notice dated 3 August 2015.
- The development proposed is the erection of a pitched roof over the existing flat roof garage.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) the effect of the proposed development on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Botley Conservation Area; and ii) whether occupiers of the proposed accommodation and the occupiers of the main dwelling at no. 45 High Street would experience satisfactory living conditions.

Background

3. The appeal site comprises the main dwelling at no. 45 High Street ('the host dwelling'), which is set close to the road, and a detached outbuilding to the rear ('outbuilding'). I understand that the outbuilding was originally a flat-roofed garage which was extended to provide ancillary accommodation (planning permission ref: C/27474/001) ('original permission'), and that it was subsequently extended with a flat-roofed double garage on its western side.

4. It is proposed to erect a pitched roof above the double garage. The first floor space created would provide an additional bedroom. The appellant states that the use of the outbuilding would remain ancillary to the host dwelling, whilst the Council considers that an independent unit of accommodation would be formed.

Reasons

Character and appearance

5. The National Planning Policy Framework ('Framework') defines conservation areas as designated heritage assets. At paragraph 132 it requires that when considering a scheme's impact on the significance of such an asset, great

weight be given to its conservation. There is also a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

6. The Botley Conservation Area ('CA') includes the centre of the village, which is a short distance to the east, together with surrounding areas including the appeal site, and undeveloped stretches either side of the river. I observed on my visit that the historic buildings in the centre of the village are generally tightly packed on small, contained plots. However, travelling west along High Street the development pattern becomes less dense, and there are often gaps between the buildings.

7. The grade II listed All Saints' Parish Church ('Church'), which abuts the appeal site to the west, sits on a spacious plot amongst trees, and a graveyard. The more modern dwellings opposite are set well back from High Street on large, landscaped plots. Although some of those have outbuildings visible from the road, they are generally modestly designed, small single storey structures. In this part of the CA there are gaps between many of the buildings, particularly above ground floor level, which contribute to a sense of spaciousness, and which provide some glimpses to trees and spaces beyond.

8. The host dwelling is an attractive two storey property with gables to the front and rear, and dormer windows which break through the eaves line on its prominent, long western elevation. Parts of the outbuilding can be seen from High Street looking down the side access, and its pitched roof is also visible across the open frontage of the Church. However, as a significant proportion of the outbuilding has a low, flat roof, its overall mass and bulk is limited, and it is clearly subordinate to the host dwelling. Given its location, and limited height, that area of flat roof does not detract from the CA.

9. The provision of a pitched roof over the existing flat roof garage would significantly increase the outbuilding's bulk, with its long front roof clearly visible from High Street. Despite its set-back, that would make the outbuilding considerably more prominent in the streetscene, and it would no longer be clearly subordinate to the host dwelling. Furthermore, notwithstanding the proposed half-hip on its western elevation, it would close the visual gap above ground floor level to the Church. Those impacts would result in a cramped form of development and, from some vantages on High Street, would give the impression of a continuous line of buildings.

10. The scheme's facing materials would match the existing outbuilding, as would the pitch of its roof. Whilst the proposed area of high flat roof does not reflect the general style and appearance of many other buildings in this part of the CA, that element of the scheme would not be generally apparent from public vantage points. The dormer window high up on the front roof would however draw attention to the outbuilding by adding to its bulk and complexity.

11. For those reasons, I conclude that the scheme would be contrary to the prevailing pattern and form of development in this part of the CA, and that it would fail to preserve or enhance it. Having considered the statutory duty, I conclude that it would fail that test.

12. Consequently the proposal would also conflict with policy 169.LB of the Eastleigh Borough Local Plan Review 2006 ('LPR'). It would also conflict more

generally with LPR policy 59.BE's requirement that development proposals take full and proper account of a site's context, including the character and appearance of the neighbourhood, and that they are appropriate both individually and in relation to adjoining buildings in terms of matters such as mass, scale, density, siting and design.

13. One of the Framework's core planning principles is that planning should secure a high quality of design, and paragraph 131 states that authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. The scheme would conflict with those requirements, although, having regard to paragraph 134, and with due regard to the scale of this scheme relative to the size of the CA, the harm caused to the CA would be less than substantial. I return to this at paragraphs 22 and 24 of my decision.

14. The Council also refers to policies DM1 and DM10 of the Eastleigh Borough Local Plan 2011-2029 (Revised Pre submission 2014) ('RPSLP'). However, as that Plan has not been adopted I accord it limited weight in my decision. Those policies do not in any event change my findings.

Living conditions

15. The occupants of the outbuilding and the host dwelling would share an area of outdoor space between the two buildings, and would also have shared parking and access facilities. The appellant states that as the outbuilding would be occupied my members of his family, this arrangement would not give rise to unacceptable living conditions.

16. For my part, I agree that given the proximity of the outbuilding to the host dwelling, the very limited space to its rear and side boundaries, and the shared parking, access and amenity areas, independent occupation of the outbuilding would result in limited privacy and poor living conditions for both sets of occupiers.

17. I understand that a condition on the original permission controlled the occupation of the outbuilding to prevent its use as a separate dwelling. Although the Council states that it contained just a small kitchen, WC and lounge area, it does not allege that the existing outbuilding or its use is in breach of planning control. Given the existing outbuilding's siting and its range of existing facilities, which include a kitchen, bedroom, bathroom and lounge, I am not persuaded that this scheme, which would provide a second, larger bedroom, would materially increase the 'risk' of independent occupation, or make the condition significantly more difficult to enforce.

18. Consequently, I conclude that sufficient provision for amenity space, parking, access and refuse storage would be made, and that the proposal would not give rise to unacceptable living conditions for the occupiers of the host dwelling or the outbuilding. On this issue the scheme would not conflict with LPR policies 28.ES, 59.BE or 104.T, or with the Framework's requirements at paragraph 17 to secure a good standard of amenity for all occupants, and at section 7 that developments should function well and should make places better for people.

19. Although I give the RPSLP limited weight, for similar reasons I conclude that the scheme would not conflict with the general parking, waste management, and residential amenity requirements of its policies DM1 and DM24.

Other matters

20. The Church contains two windows at ground floor in its eastern elevation which are close to the flank wall of the existing garage, and there is a larger, higher window set back further from the boundary. The Parochial Church Council has expressed concerns regarding the scheme's impact on light coming through the stained glass window.

21. As the ground floor Church windows are already very close to the outbuilding, and this scheme would not reduce that distance, from the evidence before me the proposal would not materially affect the amount of light coming through them. Given that the proposed pitched roof would be further from the Church's higher window, and that this elevation of the scheme would include a gable and a half hip, I am satisfied that the scheme would not significantly reduce the amount of light coming through that window. The proposal would not detract from the Church's beauty, and I concur with the Council's conclusion that the setting of this designated heritage asset would not be harmed.

22. I appreciate that the cost of housing makes it difficult for young people to get on the housing ladder. The scheme would enable two of the appellant's children to live in the outbuilding as part of the family, contributing to the family business. The site is sustainably located close to services, and the proposal would make an efficient use of the land. Those matters count in the scheme's favour.

Conclusions

23. I am satisfied that the scheme would not result in adverse living conditions for the occupiers of the host dwelling or the outbuilding, or significantly increase the risk that the outbuilding would be independently occupied.

24. However, whilst I have considered the benefits of the scheme, given the harm that would be caused to the character and appearance of the area, it is not the sustainable development for which the Framework places a presumption in favour. Having regard to paragraph 134, the public benefits do not outweigh the harm that would be caused to the CA.

25. For that reason, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR