



HEAD OF PLACE
REPORT TO THE PLANNING COMMITTEE OF
15th January 2020

1. INTRODUCTION

This agenda considers planning applications submitted to the Council, as the Local Planning Authority, for determination

2. STATUS OF OFFICER'S RECOMMENDATIONS AND COMMITTEE'S DECISIONS

All information, advice, and recommendations contained in this agenda are understood to be correct at the time of preparation, which is approximately two weeks in advance of the Committee meeting. Because of the time constraints, some reports may have been prepared before the final date for consultee responses or neighbour comment. Where a recommendation is either altered or substantially amended between preparing the report and the Committee meeting or where additional information has been received, a separate "Planning Addendum" paper will be circulated at the meeting to assist Councillors. This paper will be available to members of the public.

3. THE DEBATE AT THE MEETING

The Chairman of the Committee will introduce the item to be discussed. A Planning Officer will then give a short presentation and, if applicable, public speaking will take place (see below). The Committee will then debate the application with the starting point being the officer recommendation.

4. SITE VISITS

A Panel of Members visits some sites on the day before the Committee meeting. This can be useful to assess the effect of the proposal on matters that are not clear from the plans or from the report. The Panel does not discuss the application or receive representations although applicants and Town/Parish Councils are advised of the arrangements. These are not public meetings. A summary of what was viewed is given on the Planning Addendum.

5. THE COUNCIL'S APPROACH TO THE DETERMINATION OF PLANNING APPLICATIONS

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. This means that any discussions with applicants and developers at both pre-application and application stage will be positively framed as both parties work together to find solutions to problems. This does not necessarily mean that development that is unacceptable in principle or which causes harm to an interest of acknowledged importance, will be allowed.

The development plan is the starting point for decision making. Proposals that accord with the development plan will be approved without delay. Development that conflicts with the development plan will be refused unless other material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date the Council will seek to grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Local Plan taken as a whole; or
- Specific policies in the development plan indicate that development should be restricted.

Unsatisfactory applications will however, be refused without discussion where:

- The proposal is unacceptable in principle and there are no clear material considerations that indicate otherwise; or
- A completely new design would be needed to overcome objections; or
- Clear pre-application advice has been given, but the applicant has not followed that advice; or
- No pre-application advice has been sought.

6. PLANNING POLICY

The relevant development plans are, the Hart District Local Plan including first alterations, retained Policy NRM6 of the South East Plan the Hampshire, the Odiham Neighbourhood Plan, the Rotherwick Neighbourhood Plan, the Winchfield Neighbourhood Plan, the Portsmouth, Southampton, New Forest National Park Minerals and Waste Core Strategy, and the saved policies of the Hampshire, Portsmouth and Southampton Minerals and Waste Local Plan.

Although not necessarily specifically referred to in the Committee report, the relevant development plan will have been used as a background document and the relevant policies taken into account in the preparation of the report on each item.

7. THE NATIONAL PLANNING POLICY FRAMEWORK AND PLANNING PRACTICE GUIDANCE

Government statements of planning policy are material considerations that must be taken into account in deciding planning applications. Where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them.

The Government has also published the Planning Practice Guidance which provides information on a number of topic areas. Again these comments, where applicable, are a material consideration which need to be given due weight.

8. OTHER MATERIAL CONSIDERATIONS

Material planning considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. Relevant considerations will vary from circumstance to circumstance and from application to application.

Within or in the settings of Conservation Areas or where development affects a listed building or its setting there are a number of statutory tests that must be given great weight in the decision making process. In no case does this prevent development rather than particular emphasis should be given to the significance of the heritage asset.

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act . The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming.

Matters that should not be taken into account are:

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|---|---|
| • loss of property value | • loss of view |
| • land and boundary disputes | • matters covered by leases or covenants |
| • the impact of construction work | • property maintenance issues |
| • need for development (save in certain | • the identity or personal characteristics of the |

- defined circumstances)
- ownership of land or rights of way
- change to previous scheme
- or matters that are dealt with by other legislation, such as the Building Regulations (e.g. structural safety, fire risks, means of escape in the event of fire etc.). - The fact that a development may conflict with other legislation is not a reason to refuse planning permission or defer a decision. It is the applicant's responsibility to ensure compliance with all relevant legislation.
- applicant
- moral objections to development like public houses or betting shops
- competition between firms,

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming.

9. PLANNING CONDITIONS AND OBLIGATIONS

When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. Planning conditions should only be imposed where they are:

- necessary;
- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise and;
- reasonable in all other respects."

It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation under. In such cases the Council will use a condition rather than seeking to deal with the matter by means of a planning obligation.

Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are

- necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010. There are also legal restrictions as to the number of planning obligations that can provide funds towards a particular item of infrastructure.

10. PLANNING APPEALS

If an application for planning permission is refused by the Council, or if it is granted with conditions, an appeal can be made to the Secretary of State against the decision, or the conditions. Reasons for refusal must be

- Complete,
- Precise,
- Specific
- Relevant to the application, and
- Supported by substantiated evidence.

The Council is at risk of an award of costs against it if it behaves “unreasonably” with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

- Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- Failure to produce evidence to substantiate each reason for refusal on appeal
- Vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis.
- Refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead
- Acting contrary to, or not following, well-established case law
- Persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable
- Not determining similar cases in a consistent manner
- Failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances
- Refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage
- Imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the NPPF on planning conditions and obligations
- Requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the NPPF, on planning conditions and obligations
- Refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal
- Not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.
- If the local planning authority grants planning permission on an identical application where the evidence base is unchanged and the scheme has not been amended in any way, they run the risk of a full award of costs for an abortive appeal which is subsequently withdrawn

Statutory consultees (and this includes Parish Council’s) play an important role in the planning system: local authorities often give significant weight to the technical advice of the key statutory consultees. Where the Council has relied on the advice of the statutory consultee in refusing an application, there is a clear expectation that the consultee in question will substantiate its advice at any appeal. Where the statutory consultee is a party to the appeal, they may be liable to an award of costs to or against them.

11. PROPRIETY

Members of the Planning Committee are obliged to represent the interests of the **whole** community in planning matters and not simply their individual Wards. When determining planning applications they must take into account planning considerations only. This can include views expressed on relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons.

12. PRIVATE INTERESTS

The planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience

financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Covenants or the maintenance/ protection of private property are therefore not material planning consideration.

13. OTHER LEGISLATION

Non-planning legislation may place statutory requirements on planning authorities, or may set out controls that need to be taken into account (for example, environmental legislation, or water resources legislation). The Council, in exercising its functions, also must have regard to the general requirements of other legislation, in particular:

- The Human Rights Act 1998,
- The Equality Act 2010.

14. PUBLIC SPEAKING

The Council has a public speaking scheme, which allows a representative of the relevant Parish Council, objectors and applicants to address the Planning Committee. Full details of the scheme are on the Council's website and are sent to all applicants and objectors where the scheme applies. Speaking is only available to those who have made representations within the relevant period or the applicant. It is not possible to arrange to speak to the Committee at the Committee meeting itself.

Speakers are limited to a total of three minutes each per item for the Parish Council, those speaking against the application and for the applicant/agent. Speakers are not permitted to ask questions of others or to join in the debate, although the Committee may ask questions of the speaker to clarify representations made or facts after they have spoken. For probity reasons associated with advance disclosure of information under the Access to Information Act, nobody will be allowed to circulate, show or display further material at, or just before, the Committee meeting.

15. LATE REPRESENTATIONS

To make sure that all documentation is placed in the public domain and to ensure that the Planning Committee, applicants, objectors, and any other party has had a proper opportunity to consider further or new representations no new additional information will be allowed to be submitted less than 48 hours before the Committee meeting, except where to correct an error of fact in the report. Copies of individual representations will not be circulated to Members.

16. INSPECTION OF DRAWINGS

All drawings are available for inspection on the internet at www.hart.gov.uk

Annex A to Planning Report

Contributions towards Community Infrastructure and Mitigation to the effects of Residential Development on European Sites

Introduction

In considering any development proposal it is necessary to consider whether it will have a planning impact. This may be an impact on policy, on the environment, amenity or the physical capacity of the infrastructure to accommodate the development, with the Council not seeking to rectify any deficiencies. This can often be addressed by the use of planning conditions.

Planning conditions cannot however be used to require payment of money (so a tariff based approach is ruled out) and any use of planning conditions will have to meet the 6 tests on the use of planning conditions as set out in the NPPF. This means that planning conditions should only be imposed where they are:

- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Enforceable;
- Precise and;
- Reasonable in all other respects.

Such a planning condition would require that the necessary infrastructure to be put in place in line with an agreed timetable. This may be facilitated by a “planning obligation” under section 106 of the Town and Country Planning Act, 1990 (as amended). A “planning obligation” may:

- Restrict the development or use of the land in any specified way;
- Require specified operations or activities to be carried out in, on, under or over the land;
- Require the land to be used in any specified way; or
- Require a sum or sums to be paid to the authority on a specified date or dates or periodically.

The Council’s Community Infrastructure Policy was agreed at Cabinet in December 2010 and sets out the Council’s overall approach towards the collection of contributions towards transport, education, leisure and open space, and the Thames Basins Heath SPA.

It stipulates that planning obligations would only be sought:

- On case by case basis, and
- Taking into account development viability,
- Where they meet the three policy test as set out in the National Planning Policy Frameworks (NPPF) as well as the CIL Regulations, and
- Where there are agreed projects that meet the criteria set out in the advice note issued by the Planning Inspectorate, and
- Where an agreed programme exists to implement the infrastructure.

The Council’s Cabinet has subsequently updated the list of projects on a number of occasions lastly at its meeting held on 7 August 2014.

Reference should also be made to the preface to the Committee report paper which sets out information on Government Policy.

This Annex sets out the Council’s policy position in respect of contributions and should be read in conjunction with the individual reports which will set out the justification for the contribution sought in each individual case.

Thames Basin Heaths Special Protection Area

Saved local plan policies CON1 and CON2 relate to the Thames Basin Special Protection Area (SPA) and state that development which would adversely affect the nature conservation value of a site will only be permitted if it can be subject to conditions that will prevent damaging impacts on wildlife habitats or other natural features of importance on the site or if other material factors are sufficient to override the nature conservation interest. South East Plan policy NRM6 requires adequate measures to avoid or mitigate any potential adverse effects on the Thames Basin Special Protection Area (SPA).

The SPA is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar and Dartford warbler. The area is designated as a result of the Birds Directive and the European Habitats Directive and protected in the UK under the provisions set out in the Habitats Regulations. These bird species are particularly subject to disturbance from walkers, dog walkers and cat predation because they nest on or near the ground.

Natural England has indicated that it believes that within 5km of the SPA additional residential development in combination will have a significant effect on the SPA. Thus without mitigation any proposal is contrary to the Conservation of Habitats and Species Regulations 2010.

In April 2008 the Thames Basin Heaths Joint Strategic Partnership agreed a Thames Basin Heaths Delivery Framework to enable the delivery of housing in the vicinity of the SPA without that development having a significant effect on the SPA as a whole. The delivery framework is based on avoidance measures and the policy indicates that these measures can take the form of areas of open space known as Suitable Alternative Natural Greenspace (SANG). The policy also states that local authorities will collect developer contributions towards mitigation measures including the provision of SANGs land and joint contributions to the funding of Strategic Access Management and Monitoring (SAMM) the effects of mitigation measures across the SPA.

To allow the Council to conclude that a proposal will have no likely significant effect on the SPA there are likely to be two options. The first is to provide, lay out and ensure the maintenance of, in perpetuity, of a SANG. The physical provision of SANG is likely only to be suitable for schemes in excess of 60 dwellings due to the need to meet Natural England's guidelines for SANGs. The achievement of this is likely to be through the mechanism of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The second is to enter into a land transaction for an appropriate financial sum with the Council to obtain a licence to utilise part of one of the Council's SANGs in mitigation. In addition a financial contribution will be sought towards SAMM. The sums the Council considers appropriate to mitigate the impacts of the development and how they are calculated, are set out in the policy.

In terms of the tests set out in the NPPF, a planning condition is necessary to make the development acceptable in planning terms by mitigating against the impact of an increase in population within 5km of the SPA. It relates both to planning (the protection of the SPA) and the development itself with the size of contribution sought relates to the population that will be likely to occupy the development. The wording of the condition will be precise, enforceable and the condition will be reasonable in all other respects.

It would be therefore be possible to conclude that the development will not have an adverse effect on the SPA and therefore complies with saved policies CON1 and CON2, South East Plan policy NRM6 and the CIL Regulations.

Transport

Saved Local Plan policies T14 and T16 seek to ensure that development is served effectively by public transport, cycling or walking and that improvements made necessary by development are to be funded by that development. This relates not only to physical improvements required to permit development to

take place (such as sight lines at an entrance to a site), but also to the wider network, seeking to allow development provided that it could be effectively served by public transport, cycling and walking.

The Hampshire Local Transport Plan (LTP) relates to the years 2011 - 2031 and makes reference to the North Hampshire Transport Strategy (NHTS) which covers the areas administered by Hart District Council, Rushmoor and Basingstoke and Deane Borough Councils and that part of the area of Test Valley Borough Council north of the A303.

Within the Fleet/Church Crookham/Elvetham Heath area the County Council has also adopted the Fleet Town Access Plan (FTAP) as a sub-programme of NHTS.

The Hampshire wide Local Transport Plan identifies a number of key themes:

- Supporting the economy through resilient highways;
- Management of traffic;
- The role of public transport;
- Quality of life and place;
- Transport and growth areas

Additional development brings with it additional multi-modal transport impacts. This is additional cars, cycles and use of public transport which has an incremental impact on the transport infrastructure. In line therefore with saved policy T14 it is incumbent on developers to show how they intend the development to be served by public transport, cycling and walking. The provision of a contribution towards either NHTS or FTAP would provide that mitigation.

In terms of the policy tests in the NPPF the condition is necessary in that it will secure a scheme that will mitigate the effects of the development on the local transport infrastructure which relates to planning. The scale and kind of the contribution sought relates to the increase in transport activity. The details of the direct link between the schemes the contribution will fund and the development are set out in the Committee report. The wording of the condition will be precise, enforceable and the condition will be reasonable in all other respects.

Leisure

As part of living in a dwelling its residents will use the local leisure infrastructure to undertake recreation. The impact on infrastructure used for recreation is clearly a material planning consideration.

Some of this infrastructure is of a strategic, District-wide, nature while other is more local. At a local level the Council has determined that as a general rule the local infrastructure will be considered at the Parish level.

Even where infrastructure is of a District wide nature it is clear that the further from a development itself the less likely that the residents will use that infrastructure. Utilising visitor data, the Council has set “zones of influence” of the individual elements where it is known that residents visit and will have an impact.

In terms of the policy tests in the NPPF the condition will secure a scheme to mitigate the effects of the development on the leisure infrastructure, which, as set out above, relates to planning. The scale and kind of the contribution sought relates to the increase in leisure activity. The details of the direct link between the projects the scheme will be spent on and the development are set out in the Committee report. The wording of the condition will be precise, enforceable and the condition will be reasonable in all other respects.

Without the necessary scheme in place additional development would exacerbate the existing deficiency in provision for leisure facilities within the vicinity of the site through an increase in population who

would have access to the facilities. The nature of the scheme has been assessed through the Council's Leisure Strategy as being appropriate to mitigate these effects.

Education

Hampshire County Council has advised in their policy document Developers' Contributions towards Children's Services Facilities December 2011 where the availability of school places is particularly critical, contributions should be sought in relation to each individual dwelling. Hampshire County Council has confirmed that there are particular pressures on places at the primary and secondary schools in the Fleet/Church Crookham schools and Hook catchment areas, and in the catchment of the Robert Mays secondary school in Odiham where any increase in population will add to the demand beyond the available capacity. Full details of the issues are set out in the Community Infrastructure Policy.

In Fleet/Church Crookham, Hook and Odiham programmes for the provision of additional educational facilities are well advanced. The County Council considers it preferable to invest in existing schools where achievable in building terms and where agreement can be reached with the headteacher and governors of the schools involved.

Schools are ideally organised into classes of 30 pupils across the age range of the school to support curriculum delivery relevant to the pupil year group and to meet statutory class size regulations whereby no class can be larger than 30 for pupils aged 5 to 7. It is not practical, therefore, for schools to marginally increase their capacity, have larger than ideal class sizes, or create a budget deficit due to the need to employ an additional teacher for very small increases to pupil numbers.

In terms of the policy tests in the NPPF the agreed scheme will mitigate the effects of the development on the education infrastructure, which as set out above relates to the proper planning of the area. The scale and kind of the contribution sought relates to the facilities being provided. The details of the direct link between the contribution and the development are set out above. The wording of the condition will be precise, enforceable and the condition will be reasonable in all other respects.

Item No: 101

19/01949/HOU

Page: 11 – 34

Refuse

Lees Cottage Lees Hill South Warnborough Hook RG29 IRQ

Erection of a two storey rear extension, creation of basement. Single storey outbuilding with accommodation in roof space and replacement of metal railings with new fence and gate.

Item No: 102

19/01950/LBC

Page: 35 - 42

Refuse

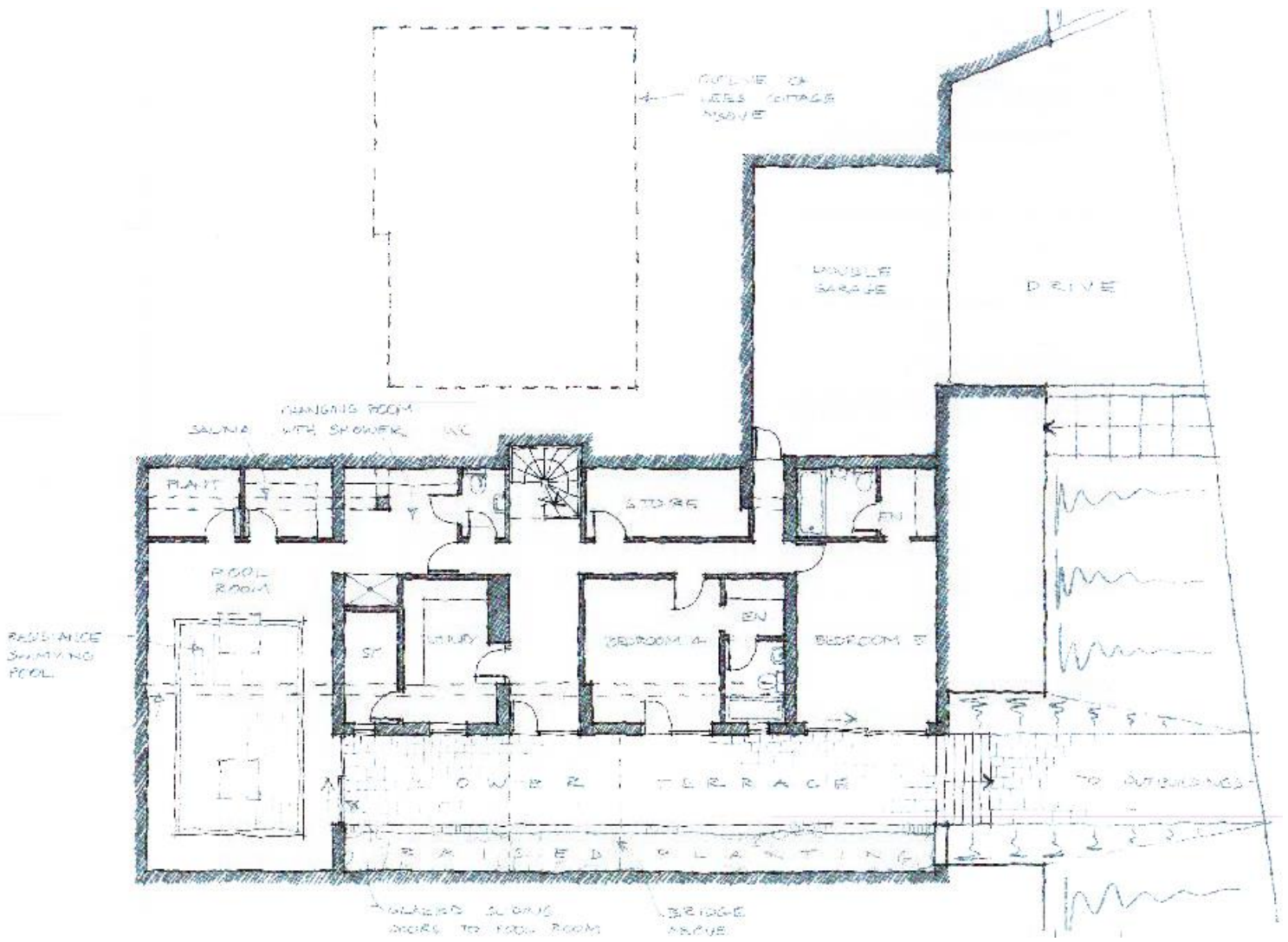
Lees Cottage Lees Hill South Warnborough Hook RG29 IRQ

Erection of a two storey rear extension, creation of basement. Single storey outbuilding with accommodation in roof space and replacement of metal railings with new fence and gate.

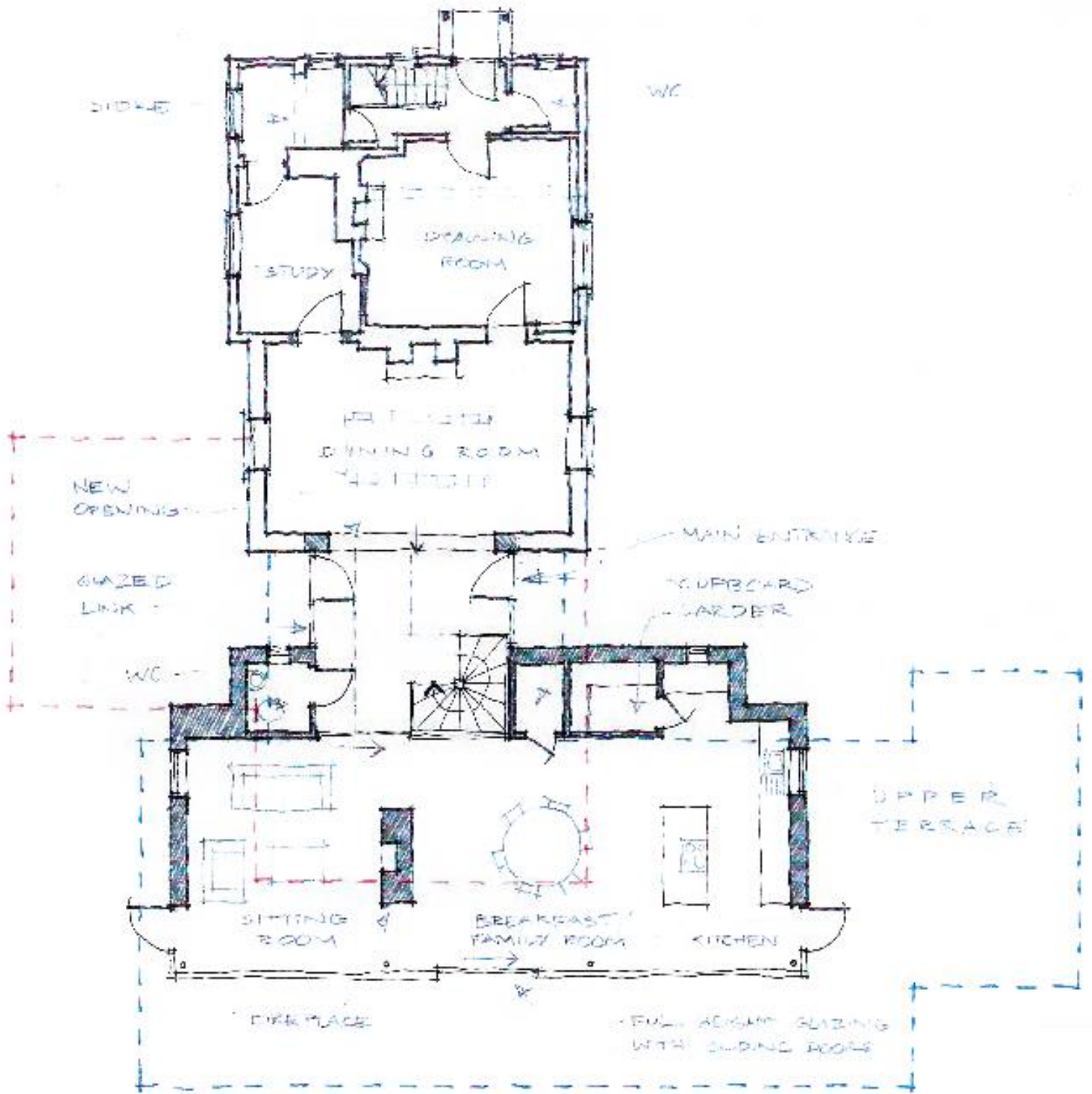
Proposed site layout plan



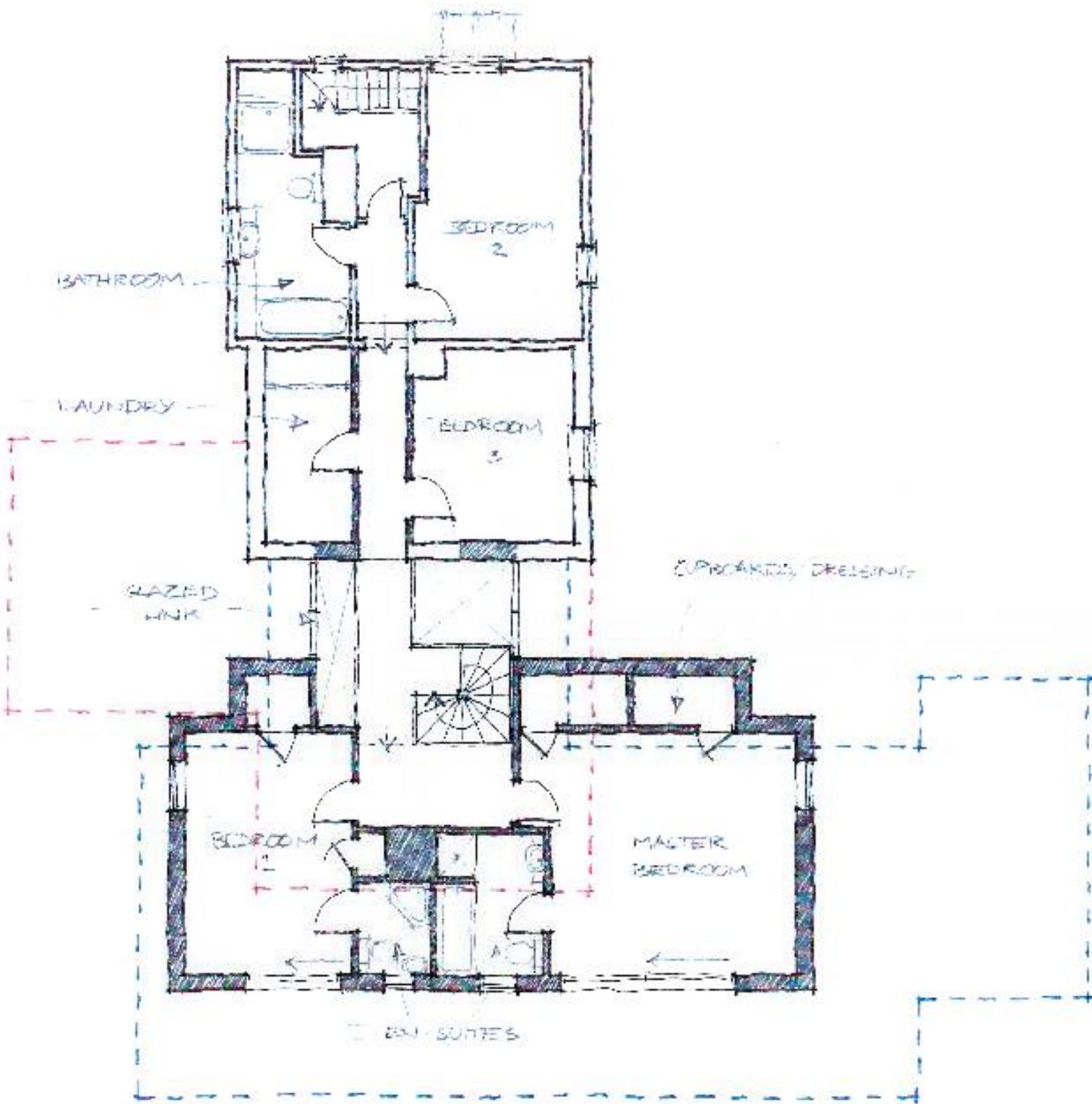
Proposed Lower Ground Floor Plan



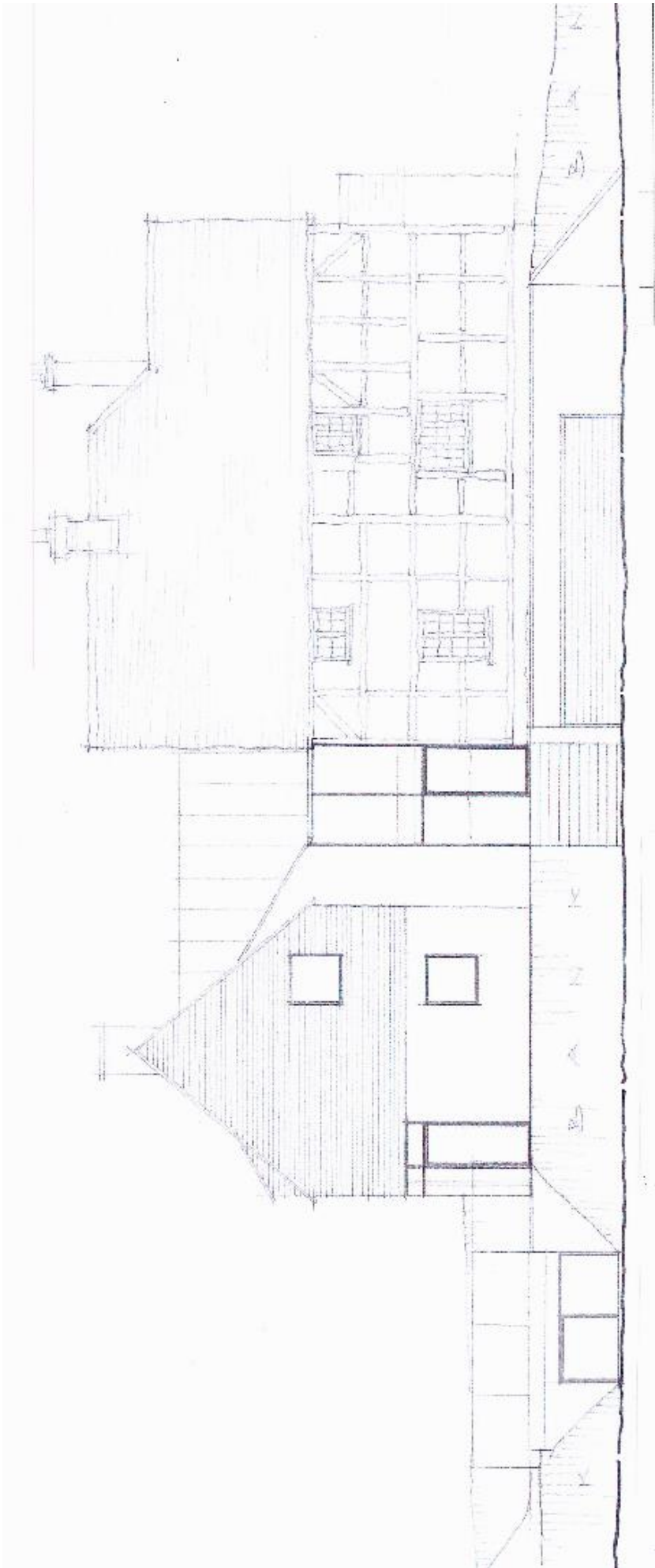
Proposed Ground Floor Plan



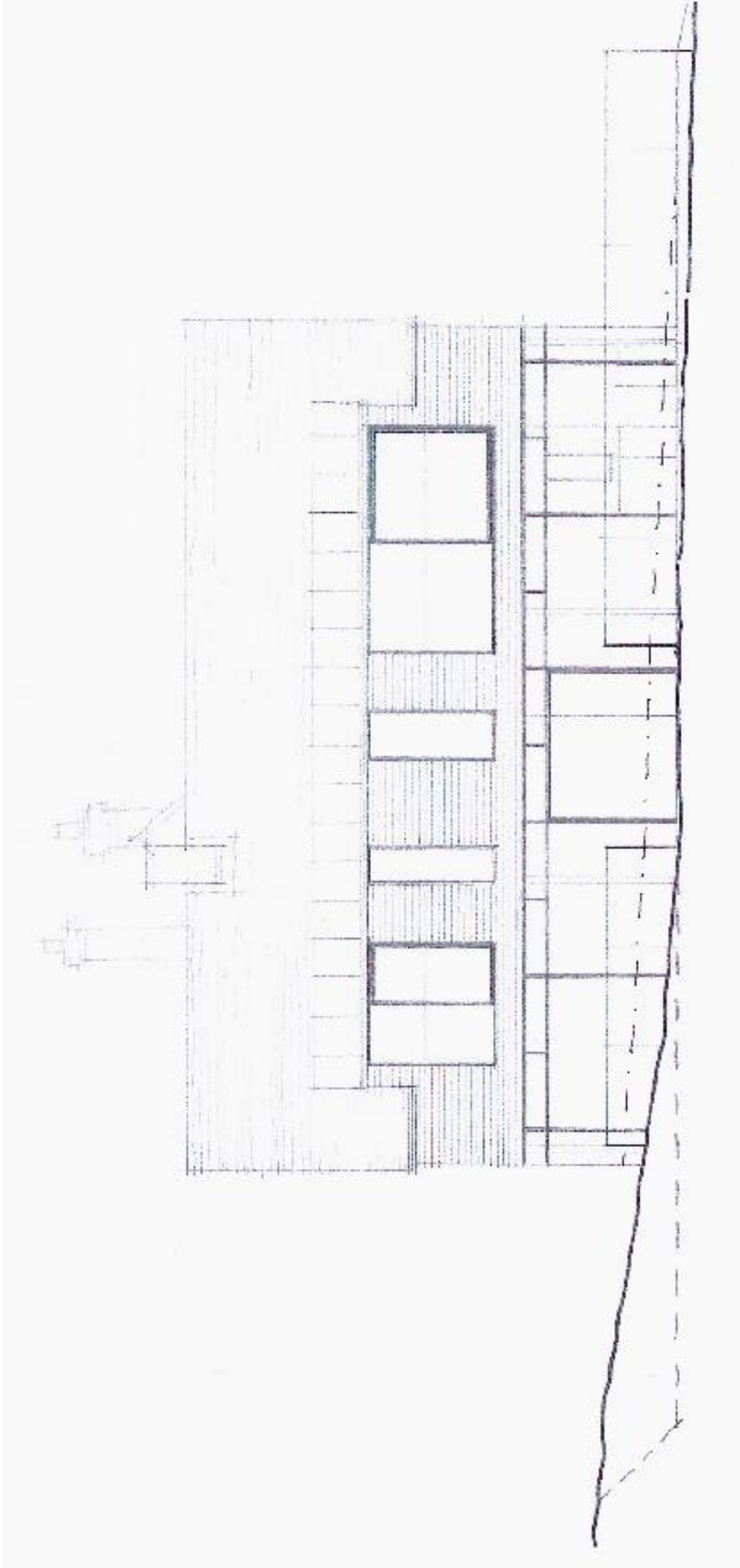
Proposed First Floor Plan



Proposed east (side) elevation

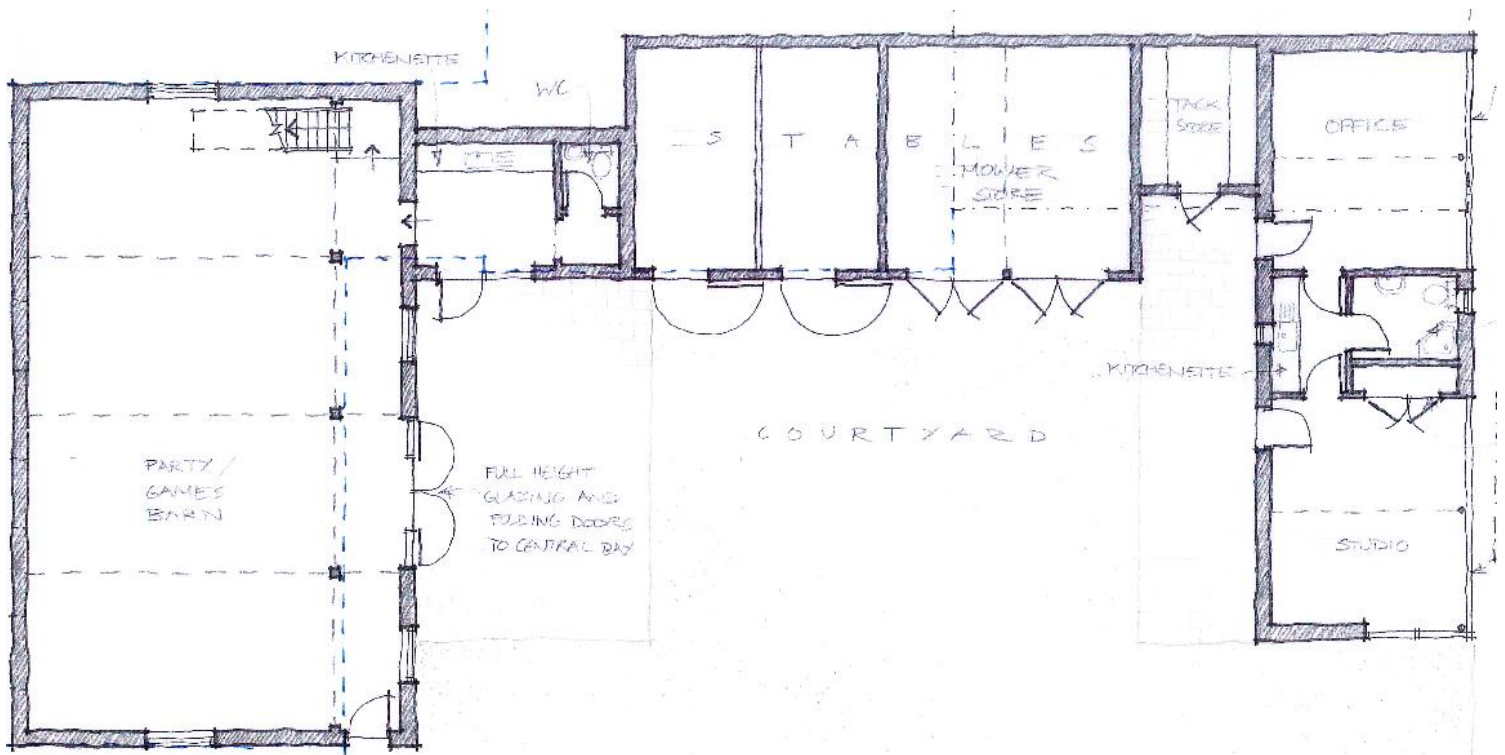


Proposed south (rear) elevation

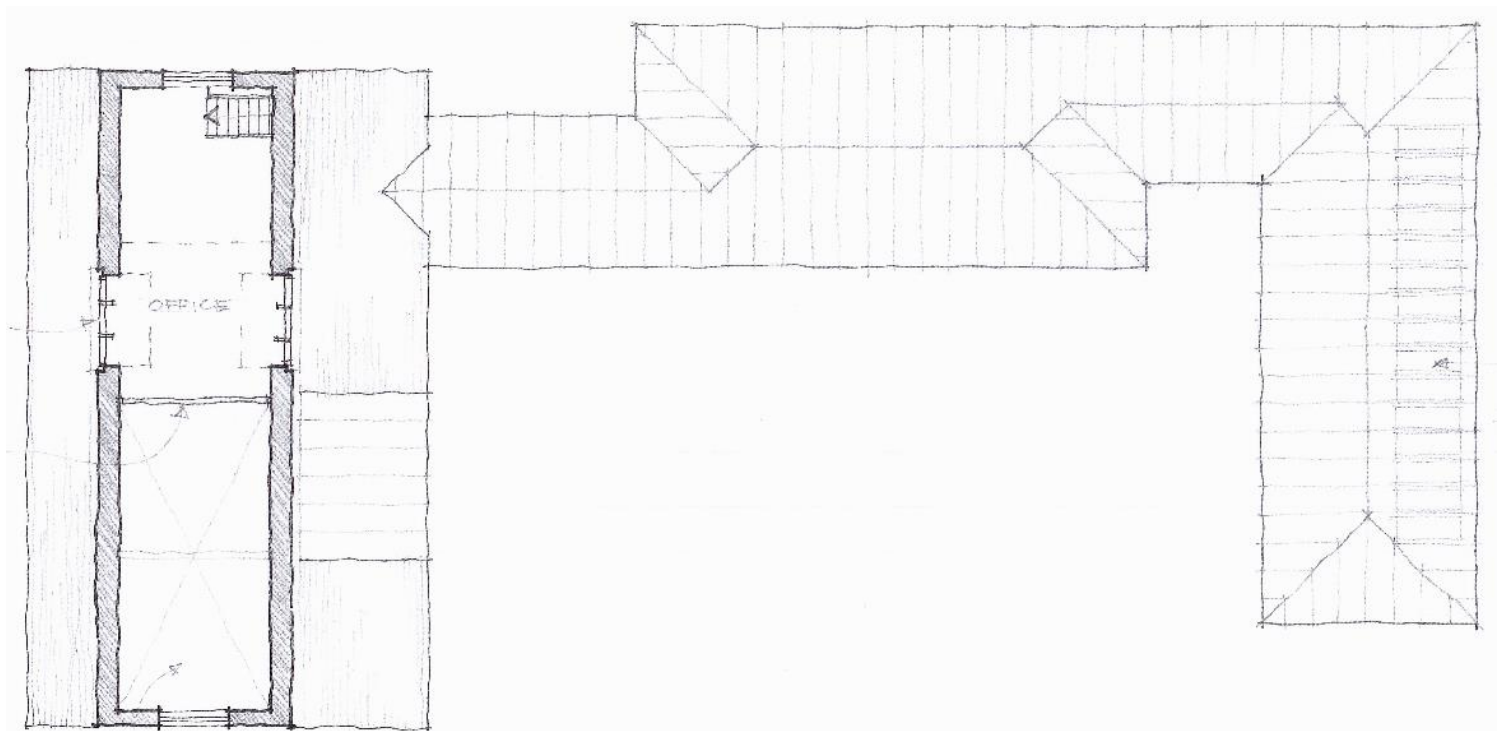


Proposed outbuildings floor plans

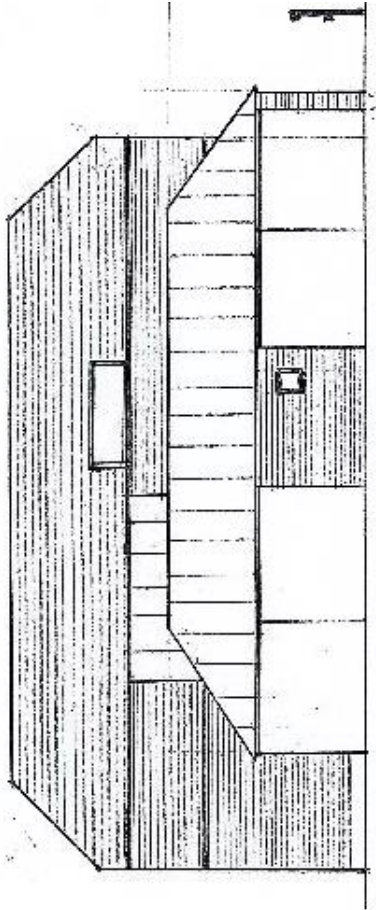
Ground floor



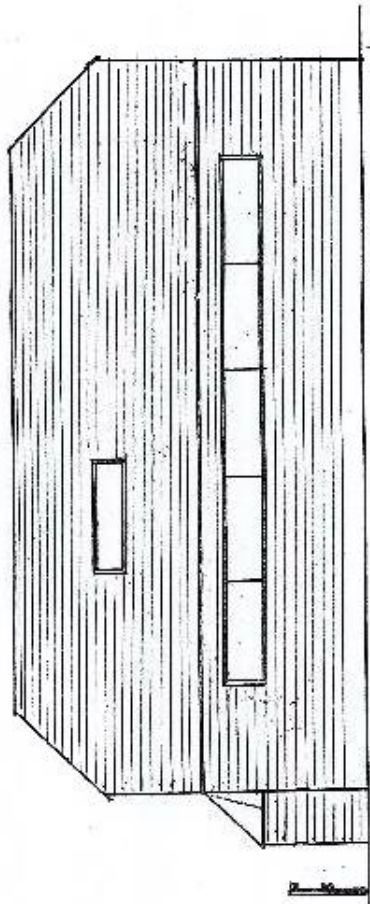
First Floor



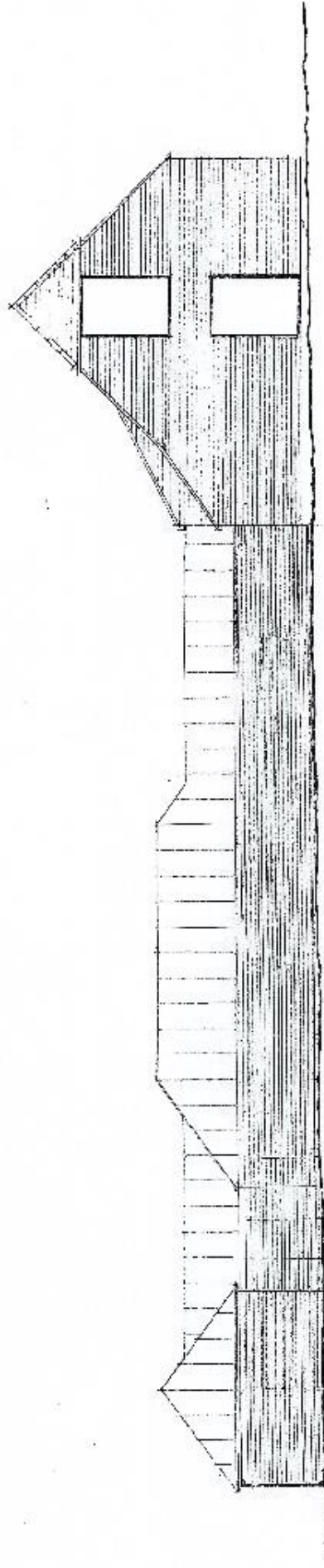
Proposed outbuildings north, south and east elevations



SOUTH ELEVATION

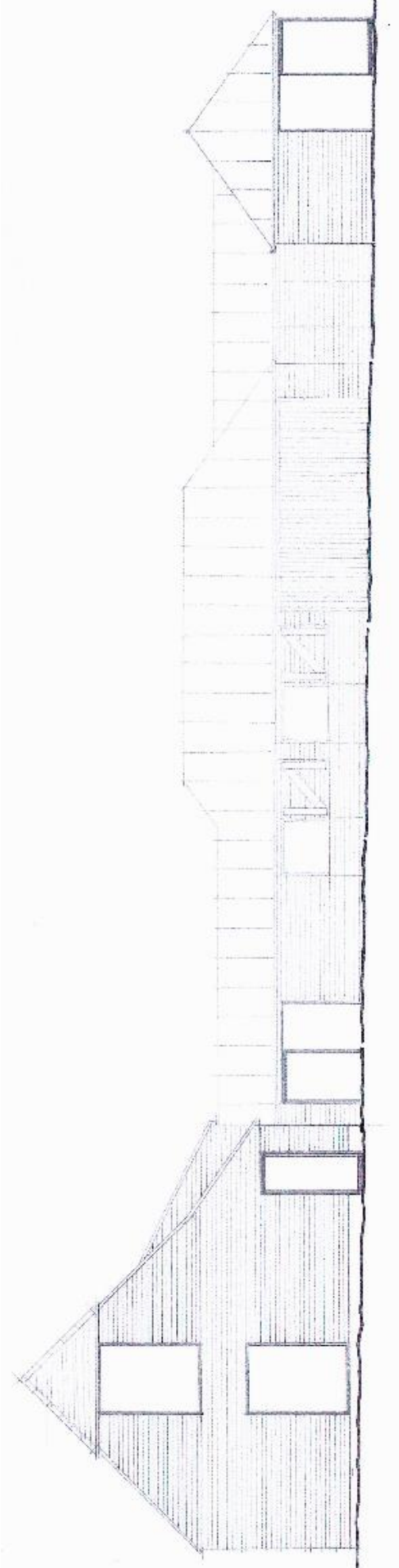


NORTH ELEVATION



EAST ELEVATION

Proposed outbuildings west elevation



BACKGROUND

This application is reported to the planning committee for consideration because a District Councillor lives opposite to the application site.

THE SITE

Lees Cottage is a grade II listed building which dates from C17/C18. It is a two storey timber framed dwelling which was historically one of a pair of cottages. The frame is exposed with painted brick infill. There is a modern two storey rear extension which was built in the 1960s.

Lees Cottage is located on the south side of Lees Hill in South Warnborough and lies within the South Warnborough Conservation Area.

The application site has an area of approximately 0.38 hectares. Levels across the site drop from the west to the east side of the site and also from the north to the south. There are existing stables, a brick built outbuilding and a timber outbuilding located east of Lees Cottage.

There are a number of trees on the site which are protected by virtue of their siting within the conservation area.

The surrounding properties vary in size, age and character, many are listed.

There is a public right of way which runs through the field which is located east of the application site.

RELEVANT PLANNING HISTORY

62/04852/H- Alterations to dwelling house for farm worker-granted 1962.

99/00617/LBC- Add render to south elevation and retrospective permission to replace the kitchen window- granted 1999.

05/01107/FUL and 05/01108/LBC - Erection of a two-storey rear extension, two storey side extension and side porch together with erection of a detached garage. Installation of en-suite following removal of existing staircase. Installation of new staircase- granted 2005.

09/02940/EXT and 09/03172/EXT- Application to extend the life of planning permission 05/01107/FUL and 05/01108/LBC- granted 2009. – It appears that the planning permission may have been commenced due to the construction of the garage foundations, however the associated listed building consent has lapsed.

10/01510/FUL- Erection of post and rail fence with gates, in part to replace existing metal railings- granted 2010. – This consent has not been implemented

12/02238/HOU and 12/02239/LBC - Erection of two storey rear extension and outbuildings to form garage, carports and games barn (garage excluded from the LBC) - refused 2012.

LISTING DESCRIPTION

'C17, C18. 2 storeyed timber-framed house of 2 periods, with irregular fenestration. Red tile roof. Frame exposed, with painted brick infill. Casements. Plain doors in solid frames, one with a modern open porch.' Listing date: 26.06.1987

PROPOSALS

The application seeks planning permission for a two-storey rear extension, the formation of a basement with pool room, en-suite and dressing area, and garage, outbuildings to accommodate offices, stables, kitchenettes / WCs, a studio, stores and games barn, the re-instatement of a pond and the installation of replacement boundary treatments and vehicular access gates. The outbuildings would be located on land that lies outside of the residential curtilage for the property.

The two-storey rear extension

This would be attached to the host property by a **glazed link**, which would immediately adjoin the rear of the 1960s extension; this would measure 1.8m metres deep, 5m wide, and 6.9m high. It would be set in from the side elevations of the existing house. The roof would be dual pitched, set lower than the main ridge of the host.

The link would contain a second staircase. It would also include the property's main entrance, accessed by a flight of steps in the bank to the east.

It would have non-reflective glazed walls and a zinc roof.

The **main extension** would measure a further 6.5 metres in depth and 12.8 metres wide. This part of the extension would include lower ground, ground and first floor accommodation. It would be 7.3m high, some 0.9m lower than the main house ridge. The roof form would be gabled and feature a large catslide dormer on the rear and catslide linking to the eaves of the glazed link, at the front.

The extension would include three storeys; a **lower ground floor** would be created by excavating the bank to the south of the house, and the ground to the east of the 1960s extension.

This floor would accommodate a double garage (to the east of the house), served by a driveway. Under the main part of the extension, to the rear of the cottage, this floor would contain two bedrooms, a utility room and stores, a swimming pool and sauna, and associated changing and pool rooms. The rear part of the excavated area would form a lower terrace, accessed from inside from the bedrooms and pool room and from outside by a flight of steps to the lower, eastern part of the site.

The **ground floor** would contain the sitting room, the kitchen / breakfast room store and a WC. A full width upper terrace, which would wrap around to the rear, to the east of the house, above the garage, would be accessed from the back of this floor.

The **first floor** would contain two main bedrooms, each with an en-suite and built-in storage cupboards.

The walls of the main extension would be finished with horizontal timber boarding, stained black or dark grey and render to match the host. The roof would be constructed from clay roof tiles. The rear wall of the first floor would be mainly full height glazing, with sliding doors. The frames of these, as well as the new windows, would have aluminium frames.

Alterations to the listed building

In the historic part of the cottage, at ground floor, part of the wall between the hall and front part of the kitchen would be removed and replaced with a door. An external door to the kitchen would be replaced with a window. A door would be installed in the kitchen to divide the room and facilitate the conversion of the kitchen into a store and study. Part of the wall between the rear part of the kitchen and the lounge would be removed and replaced with a door and an existing doorway between the

kitchen and dining room would be blocked up.

In the modern section, most of the rear wall of the 1960s extension would be removed for access to the link and a window inserted in the west wall.

At first floor, in the historic part, false walls in the bathroom would be removed to facilitate re-configuration of the bathroom, a door would be inserted in the landing and one of the doors into bedroom 2 would be blocked up.

A door between the old and modern sections of the host would be removed.

In the modern section, bedroom 2 would be divided into a bedroom and laundry cupboard, with a corridor to the new extension created in between. Two rear windows would be blocked where the link joins the host.

The outbuildings

These would be located to the east of Lees Cottage. They would form a courtyard arrangement, with the largest structure on the north side. This would be a two-storey barn, with a barn hipped roof. It would measure 13.8m in width, 8.4m in depth and 6.7m in height. This building would be constructed of wood and have clay roof tiles. It would be constructed to resemble a 4-bay barn but would feature glazing and rooflights.

The ground floor would be used as a games/party area and the first floor would contain an office.

The buildings forming the east and south sides of the courtyard would have an overall length of 22m. They would be single storey, with a maximum height of 3.7m and maximum width equal to the main barn. The structures would incorporate some existing buildings and would replace others. They would be treated externally to replicate the ground floor of the proposed cottage extension, incorporating aluminium framed full height glazed doors in the south elevation and cladding. Roofing materials are unspecified.

The structures would contain a studio, additional office, stables and a tack store, a mower store, 2 kitchenettes, 1 WC and one en-suite (what this would serve is unspecified).

As stated above, the outbuildings would be located on land that is outside of the residential curtilage of the dwelling.

Boundary treatments

The existing metal fencing on the front boundary would be replaced with a 1.2m high post and rail fence, with hedging to the front. The site is accessed via two existing vehicular entrances from Lees Hill and these would have 2.4m high wooden gates erected, approximately 3m from the edge of the highway. The pedestrian access would be served by a 1.2m high gate.

In addition to the construction works, a pond at the front of the site would be reinstated, between the two vehicular access tracks.

CONSULTEES RESPONSES

South Warnborough Parish Council:

South Warnborough Parish Council discussed the above application (and the related LBC application) at

the meeting on Monday 7th October and it was resolved to submit the comment of no objection to this application to extend the listed dwelling and associated outbuildings to a single residential property due to the proposed sympathetic treatment of the site and the low intensity of the development which is proposed.

The Parish Council supported the re-instatement of the historic pond and the gravel finish to the driveway but objected to the proposed design of the gate and fencing and would prefer metal estate railings as the existing and a matching gateway to be used.

The Parish Council has also some concern regarding the extensive excavation proposed under the listed building in light of the collapse of another property in the Conservation Area which has occurred recently during extension works and would appreciate Hart District Council seeking reassurance on how this will be carried out safely.

Ecology Consult (Internal):

Summary: No objection

The property is located in a rural setting which is likely to be of high quality for foraging bats. The older part of the cottage is likely to offer opportunities for roosting bats.

My understanding of the proposals in this application indicates that the older roof will not be impacted and that the likelihood of features being used by bats being affected is negligible.

On this basis I have no objection to this application. If permission is granted and a bat is subsequently discovered, works should stop immediately and Natural England should be contacted.

Tree Officer (Internal):

Summary: Objection

All trees of a certain size are protected by the South Warnborough Conservation Area.

The application proposes to fell a number of trees and shrubs at this site. Most of these are poor quality or young trees, or large, overgrown shrubs. The site has a relatively high number of trees; ornamental, specimen and fruiting species in relative abundance. Despite the low arboricultural quality of most individual trees, tree/shrub loss would be quite noticeable as viewed from Lees Hill and the public right of way (FP2) which crosses the field to the east of the property. As such, where public views become compromised by tree loss, compensatory planting should be offered up.

The most significant tree loss is T12 (Beech). This is stated to be Cat B (moderate quality) as per BS5837:2012. The tree has a broad canopy spread, almost as wide as it is tall. As an early-mature specimen, it has considerable growth potential and would be expected to make an increasing contribution to the Conservation Area. The loss of this tree has not been sufficiently justified; its loss could not be mitigated by replacement planting as the gap between the proposed building edge and the site boundary is too narrow. If the tree were able to be retained e.g. by re-siting the proposed building so that it was away from both its RPA and taking account of future growth of the tree, I would likely support this application. As it is, the loss of the tree would be harmful to public amenity therefore this gives me cause to object.

I would not take issue with the remainder of the tree removals/pruning works noted within Para 4.0 "Impact Assessment & Tree Protection Measures Recommended".

County Archaeologist:

Summary: No objection subject to conditions

It is likely that development with this extent of ground works is likely to encounter archaeological remains that will shed light on the origins and development of the village and of Lee Cottage site itself.

I recommend that an archaeological condition is attached to any planning permission which might be issued to secure an archaeological watching brief. This should ensure that an archaeologist is present during the relevant stages of development to ensure that archaeological remains encountered are recognised and recorded.

Conservation/Listed Buildings Officer (Internal):

Summary: Objection

The proposed works would cause less than substantial harm to the significance of the listed building and its setting.

The significance of the building lies in its scale and vernacular style. Although it was significantly extended in the 1950s, that extension was in existence at the point of listing in 1987.

The existing property is tired and in need of some upgrading, however there is no evidence presented to suggest that the property could not continue in residential use without the proposed works. There is no evidence to suggest that the level of repair necessary could not be secured without the scale of the works being proposed.

The proposal does bring some conservation benefits in terms of the repairs.

The scale and form of the outbuilding would rival the scale of the main house and would not be subordinate to it.

Views of the proposed development would be available from the Conservation Area and therefore the design of the extension would cause some harm to the significance of the heritage asset.

NEIGHBOUR COMMENTS

None received

POLICY AND DETERMINING ISSUES

Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement 1996-2006)

GEN1 – General Policy for Development

GEN4 – General Design Policy

CON5 – Nature Conservation – Species Protected by Law

CON8 – Trees, Woodland & Hedgerows: Amenity Value

CON11 – Archaeological Sites and Schedule Monuments

CON13 – Conservation Areas – General Policy

CON17 – Listed Buildings and Buildings of Local Interest – Extension or Alteration

RUR1 – Definition of Areas Covered by RUR Policies
RUR2 – Development in the Open Countryside – General
RUR24 – Renovation and Extension of Existing Dwellings

Strategy and Sites 2016-2032 Proposed Submission Version:

NBE1 – Development in the Countryside
NBE9 – Historic Environment
NBE10 – Design
SDI – Sustainable Development

CONSIDERATIONS

Principle of development

The property is situated within the South Warnborough rural settlement boundary where there is a presumption in favour of development which accords with the policies of the development plan.

It is worth noting at this point that the eastern half of the application site, where the proposed outbuildings are located, lies outside of the settlement boundary, as well as being outside of the residential curtilage of the dwelling. On the 2005 applications and subsequent extension of time applications in 2009 the red line did not include this piece of land.

In the 2012 application the case officer opined that "from the site visit this piece of land is clearly used as a residential garden and the older planning history shows that it has been used as such for quite some time."

This relationship was not so evident on the site visit for the current case however. Much of the vegetation was overgrown and the land and outbuildings appeared to be used for storage. It would be incumbent on the applicant to demonstrate that this land has established residential use if domestic outbuildings are to be constructed in this area. However, even if the applicant could demonstrate that the land had been used as "ancillary" residential land for more than 10 years and was immune from enforcement action the land could not become part of the residential curtilage.

Design and impact on Listed Building of the extension and boundary treatments

Saved policy CON17 relates to listed buildings and states that the scale of the building should not materially change and the design should be appropriate to the character and setting of the building.

Emerging local plan policy NBE9 refers to proposals affecting the historic environment. The modified policy states that development proposals should conserve or enhance heritage assets and their settings, taking account of their significance.

Sections 16 and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities to have special regard to the desirability or preserving the listed building or its setting or any features of architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF) 2019 states that in determining planning applications Local Planning Authorities should sustain and enhance the significance of heritage assets.

The historic map from 1871 provided by the applicant shows that the cottage was originally much wider, potentially comprising two cottages, and the applicant states that there is evidence on the west elevation

that the timber has been cut. The map from 1910 shows that by this time the cottage had been reduced in size, which accords with the cutting of timbers, if the adjacent cottage was demolished. The 1871 map also shows several other buildings around which are no longer there; the applicant has provided photos from circa 1940s to show those remaining at that time.

Notwithstanding the cottage may have previously been part of a larger structure, the original cottage is how it appeared in 1948, when the modern planning process was introduced; this is the benchmark date for assessment of older vernacular properties in terms of how proposed development would impact the appreciation of them.

The original cottage was extended in the mid-20th century by an addition which roughly doubled the size of the original cottage. The proposed development would add further bulk to the host.

The proposed extension would add a sizeable amount of built form to the existing property. The applicants have identified that it would represent a 16 percent increase on the approved 2005/2009 schemes. However, while those schemes were ultimately approved, it was noted by the case officer at the time that the proposed development would subsume the historic core of the cottage, resulting in harm. The proposed extension would overwhelm the modest cottage causing harm to its significance.

This larger scheme attempts to offset some of the bulk by excavating and creating a lower ground floor. However, the proposal would add 3 stories to a modest 2 storey dwelling. The development would add to the increased mass generated by the earlier extension and would cumulatively overwhelm the cottage. The applicants suggest that by isolating the main section of the extension from the host, by way of a glazed link, the increased bulk would be mitigated. While the use of a glazed link can often successfully serve to minimise the impact of an extension to a listed building by creating a visual hiatus between the old and the new, the scale of this scheme negates any positive effect that the link would have; the link itself does not need to be of the size proposed, its function being to accommodate a spiral staircase and the main entrance alone.

The proposed room arrangement further threatens the historic interest of the cottage. Most of the main residential activities would be removed from the host and relocated to the extension. This would include the kitchen, lounge, main bedrooms and main entrance. The family bathroom would remain in the original cottage, but given the extent of washing facilities provided by the proposal, this does little to offset the rest.

It is a material consideration that the LPA have previously approved two-storey extensions to substantially enlarge this cottage, though no evidence has been supplied to verify that an approval has commenced. Even if the submission of a lawful development certificate proved that the foundations of the garage secured the planning permission, as the listed building consent did not include the garage and has not been implemented, the householder consent is not an entirely realistic fallback. This is because listed building consent would still be required for the proposed works and whilst the previous consent is a material consideration, the Council is not bound by the previous decision especially where there is a material change in circumstance. However, whether there is a fallback position or not, the previously consented scheme is materially different and of a significantly smaller scale and different design to that currently proposed. Therefore, the previous consent does not justify a different, larger and more harmful extension.

The proposed changes to the boundary treatments on the northern edge of the site have been objected to by South Warnborough Parish Council, who consider that the existing railings should be replaced like-for-like, with metal estate railings. While the railings provide an element of consistency with the metal fencing of the adjacent field, the materials of the proposed fencing and gates would be appropriate to the rural village setting of the cottage and would not cause harm to the Conservation Area or the setting of the listed building. The installation of the replacement boundary treatments would be

appropriate therefore, however the dimensions of the gates are not clear and if approved, these would be subject to agreement via condition.

The NPPF is a material consideration and states that where there is harm caused to a Heritage Asset, the level of harm should be identified. In this case the harm to the listed building would be less than substantial and as a consequence the NPPF requires not only that great weight is given to the conservation of the heritage asset but also that any public benefits are weighed against the harm; this balance will be dealt with below.

Impact on the setting of the listed building from the outbuildings

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the assessment of applications for planning permission or listed building consent for works that affect a listed building to have special regard to the desirability of preserving the setting of the building. The word "setting" is not defined in planning legislation. However, the NPPF (2019 revision) glossary does define the setting of a heritage asset as: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

The factors which determine whether outbuildings are considered to be curtilage listed are the historic independence of the building(s), the physical layout of the principal building and other buildings, the ownership of the buildings at the time of listing, whether the structure(s) form part of the land, and the use / function of the building(s) and whether a building is ancillary or subordinate to the principal building.

The buildings may have had a historic relationship with the wider Lees Farm land holding. However, their ownership and use at the point of listing cannot be directly attributed to the (historic) use or occupation of Lees Cottage. In addition, it appears that the land and cottage appear to have been under separate ownership at the point of listing.

While they form part of the setting of the listed Lees Cottage, the visual distinction between the dwelling and the outbuildings is evident. The original cottage does not have the status to warrant ancillary structures at the distance that the outbuildings lie. Considering the factors which protect curtilage structures under the listing of the principal building, the outbuildings proposed for development are not considered to be curtilage listed structures. However, the impact of the development on the setting of the listed building does require consideration. There is no ordained distance which can be applied to how far away a structure needs to be to not fall within the setting of a listed building or how far away it has to be in order not to affect its setting; each case must be individually assessed.

The current outbuildings are a mix of sheds, stables and barns. They are positioned some distance from the house, but are read as part of the setting of the cottage, as they are the only other built structures at this point on the south side of Lees Hill. They are additionally accessed via the same vehicular track that the cottage is accessed from. That the cottage lies within the South Warnborough rural settlement boundary and the outbuildings lie without, this is a policy-imposed distinction and has no bearing on the visual appreciation of the site. Though used for purposes incidental to the occupation of the cottage, they are not considered to be within the residential curtilage of the cottage.

In terms of their appearance, the loss of the outbuildings and tidying up of the site would be beneficial as this would improve the untidy unkempt site. However, these benefits must be weighed against the proposed redevelopment of these buildings.

The scale and form of the outbuildings would exceed the scale of the original cottage that they are intended to serve. They would rival the host property for dominance of the site and the footprint of the outbuilding complex would be greater than that of the extended cottage. Though designed to be sympathetic to the rural setting, the scale and bulk of the outbuildings would be akin to that of a new dwelling.

By virtue of the bulk and overall scale of the outbuilding complex, it would create a significant visual incursion into the setting of the protected cottage. This visual intrusion would not be outweighed by the benefits of removing the existing dilapidated structures and general landscaping improvements.

The setting of the listed building would not be enhanced by the outbuilding complex and by virtue of their scale they would be excessive in the context of the property they are intended to serve. The proposed outbuildings would cause less than substantial harm to the setting of Lees Cottage.

Impact of the proposal on the setting of the conservation area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

The glossary to the NPPF (February 2019 revision) includes conservation areas within the definition of a "Designated Heritage Asset", it also specifically defines the "Setting of a heritage asset" as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. "Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

NPPF policy set out in paragraph 194 is clear that the significance of a conservation area (and other designated historic assets) can be harmed or lost as a result of development within its setting, and will require clear and convincing justification. In such circumstances, paragraph 195 states that Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefit. Paragraph 200 provides support to proposals that preserve those elements of a conservation area setting that make a positive contribution to the asset (or which better reveal its significance), suggesting such schemes should be treated favourably.

Saved policies GEN1 and GEN4 state that development should be in keeping with the local character by virtue of their scale, design, massing, height and materials.

Emerging local plan policy NBE10 refers to design. Of relevance to this application, the modified policy states that development proposals will be supported which: promote, reflect and incorporate the distinctive qualities of its surroundings in terms of the proposed scale, density, mass and height of development and choice of building materials, respect local landscape character and sympathetically incorporates any on-site or adjoining landscape features such as trees and hedgerows, and respects or enhances views into and out of the site and protect or enhance surrounding heritage assets, including their settings.

Saved policy CON13 relates to conservation areas and states that proposals which do not conserve or enhance the character or appearance of the conservation area will not be permitted.

The South Warnborough Conservation Area Character Appraisal states that Lees Hill consists of individual buildings and small groups of informally arranged buildings alternated with large expanses of countryside, views of which are important within the conservation area. It specifically mentions views in Lees Hill around Lees Cottage, noting that: "*Travelling from an easterly direction up Lees Hill open views are*

found between the cottages on the south side of the road, between Manor Cottage and Lees Cottage, adjacent to Lees Cottage, between Peacecroft and Hill Top Cottage, and opposite South Warnborough Lodge, all looking south across green fields towards Humbly Grove Copse. The sheer breadth and distance of views over this attractive downland countryside makes the setting of the conservation area particularly valuable. Development within these gaps would be in unacceptable conflict with statutory planning policies ... and Government Policy relating to the setting of conservation areas".

The application site is therefore prominent within the Conservation Area, with views of the west and north elevations of the cottage visible from Lees Hill and views of the east side of the site from the public footpath which runs through the adjacent field. While they do not enhance the Conservation Area, the existing buildings are of a scale and form which do not impinge on views within the area. With regards to the scale of new buildings, the Conservation Area appraisal states that: *"It is essential that any new development within the conservation area or close to it fully respects the scale of the older properties around it..."*.

The proposed alterations to the boundary treatments have been assessed above and are considered not to have a detrimental impact on the setting of the Conservation Area.

The scale of the extension has been discussed in relation to its impact on the host cottage, above. With regards to how the proposal would affect the setting of the Conservation Area, the detrimental impact that the extension would have on the listed building is a key consideration. The scale, design and siting of the extension would appear as an incongruous and unrelated addition to the host cottage and would take the amount of built form southwards into the conservation area, towards the open countryside. Indeed, it appears that to enable the extension and to provide a lawn to the south, the proposal would enclose an area of currently agricultural land, thereby impinging on the countryside setting of the conservation area.

The outbuildings proposed are also substantial and of a much greater scale than the structures they would replace. The games barn would be 6.7 metres high at the ridge and the garage/ car port would be 4.7 metres high at the ridge. Whilst it is considered that the principle of outbuildings in this location may be acceptable, by virtue of their scale, the proposed outbuildings would be a conspicuous addition, poorly correlating to the host property and causing less than significant harm to the character of the Conservation Area.

Overall it is considered that the scale, proportion and design of the proposed extensions and outbuildings would be detrimental to the fabric, character and setting of the listed building and the character of the South Warnborough Conservation Area. As such, the proposed development would fail to comply with saved policies GEN1, GEN4, CON13 and CON17 of the Local Plan and with the NPPF.

Impact on the Character of the Countryside and the scale of the original cottage

Saved policy RUR2 (Development in the Open Countryside) stresses the importance of design considerations and the sensitiveness of the existing settlement.

The application site is located within a rural settlement as identified on the proposals map of the Hart District Local Plan (as saved). Policy RUR24 (Renovation and Extension of Existing Dwellings) states that extension of a dwelling in the countryside will be permitted provided that the Local Planning Authority is satisfied that the extension does not materially change the impact of the dwelling on the countryside or result in an enlarged dwelling disproportionate in size to the original dwelling.

The additional mass of built form proposed would adversely impact the appreciation of the original house as a modest cottage. Although the original part of the house would still be the closest part of the house to the road, its dominance as the primary element of the dwellinghouse would be eroded by the

mass of the extensions. The proposed development would result in extensions which would be disproportionate to the original dwellinghouse and contrary to saved policy RUR24. By resulting in overdevelopment of the host property, the proposal would be ineffective in sustaining or improving the appearance of the area by failing to reflect local character. As such, it would not meet the policy requirements of GEN1, RUR24 or national policy expressed in the NPPF.

The scale, bulk and positioning of the outbuildings complex would make them visually noticeable in the wider views from the adjacent fields. There are significant separation distances to the closest properties which would otherwise serve to lessen the impact of the development and consequently the visual impact would be pronounced. Given the local topography, the site is at a higher elevation than the land to the south and can be appreciated from viewpoints from this direction. The bulk and scale of the constructed parts would be visually intrusive on the open countryside to the south of the site and would fail to comply with the policy requirements of RUR2.

Impact on neighbour amenity

Saved policy GEN1 permits development where there is no material loss of amenity to existing and adjoining residential uses.

The application site does not have any immediate neighbours to the west, east or south; there would be no harm to neighbour amenity. As such the proposal complies with saved policy GEN1.

Parking and access issues

Saved policies GEN1 (vii) and T14 permit development which has adequate arrangements on site for access, servicing or the parking of vehicles.

The standing advice from Hampshire Highways is that: 'Any gates provided shall be set back a distance of 6m from the edge of the carriageway of the adjoining highway'. There is no pavement to the highway, so the 6m distance would be taken from the boundary of the road with the site.

There would be no change to the existing vehicular access arrangement in terms of the position of the access points. However, the gates proposed would not be set back the recommended distance from the edge of the public highway to allow a vehicle to pull off the road in front of the gates. This means that there could be conflict between highway users and someone trying to access the property who has to stop on the public highway first to open the gates.

There would be a new two bay car port and single garage; the size of these meets current parking standards. There would be sufficient turning space within the site.

The proposal would comply with saved policies GEN1 and T14 in terms of parking arrangements but has the potential to have an adverse impact on highway safety. As such, the gates proposed would not be acceptable.

Impact on protected trees

Saved policy CON8 states that where development is proposed which would affect trees, woodlands or hedgerows of significant landscape or amenity value planning permission will only be granted if these features are shown to be capable of being retained in the longer term.

There are a number of trees on the site which are protected by virtue of their siting within the Conservation Area and have significant public amenity value.

The proposal would result in the loss of a beech tree. The Council's Tree Officer has raised an objection to the felling of this tree as it is an early mature specimen, with ..'considerable growth potential and would be expected to make an increasing contribution to the Conservation Area'. The removal of the tree has not been adequately justified, nor has there been an attempt to amend the scheme, thereby reducing the impact of the development on the tree. The proposal fails to comply with saved policy CON8 as it would result in the loss of a protected tree with public amenity benefits.

Impact on biodiversity

Saved policy CON5 states that planning permission will not be granted for development that would have a significant adverse effect on plant or animal species or their habitats protected by law unless conditions are attached or planning obligations entered into requiring the developer to secure their protection.

The applicant has provided a statement which concluded that no evidence of bats or their habitat was present and therefore no harm would occur to any protected species.

Whilst the house dates from C17/C18, the oldest parts of the roof would be unaffected by the works. The Council's Ecology Consultant has raised no objections to the works, subject to works ceasing if bats are found.

The LPA can be reasonably assured that no protected bat species would be harmed and therefore the proposal complies with saved policy CON5.

The reinstatement of a pond at the front of the site has been cited as increasing biodiversity at the site. The benefits of this have not been commented on by the Ecology Consultant.

Impact on archaeology

Saved policy CON11 states that development that would adversely affect a scheduled ancient monument, other site of archaeological importance or its setting, will not be permitted. Archaeological remains should be protected in situ, unless there are exceptional overriding needs for development which would prevent this, in which case a detailed archaeological investigation should be carried out prior to development.

The site lies within an Area of High Archaeological Potential as defined in the Historic Rural Settlement Survey of Hampshire. The Hampshire County Council Archaeologist suggests that a watching brief is secured via condition. Subject to the imposition of such a condition the proposal would comply with saved policy CON11.

Public benefits and Balance

As less than substantial harm would be caused by the development to the Heritage Assets, it is necessary to consider any public benefits that are proposed. The submitted Design and Access Statement concludes that the works would be “*an existing opportunity to improve significantly on the scheme for an extension to Lees Cottage...*” and would be constructed using high 'Green Guide' scoring materials and incorporating sustainable energy conservation measures. The reinstatement of the pond has been identified by the applicants as providing a biodiversity increase.

There would be some public gain in the use of sustainable materials and providing the opportunity to make the site more ecologically diverse. It is acknowledged that the property is in need of some works to improve its condition and that this would be delivered by the application. However, there is nothing to suggest that the property could not be repaired and maintained without the proposed works. There

is also nothing to indicate that the works and development proposed are necessary to enable the property to continue in its current use. There is no evidence within the planning application or application for listed building consent to suggest that the cottage would fall out of its optimum viable use as a dwelling, should the proposal be rejected.

The Council is required to give great weight to the conservation of the Heritage Assets. The public benefits that would be derived from the proposals are minimal and do not outweigh the harm caused. The proposals are therefore unacceptable and contrary to Local Plan Policy, National Planning Policy and legislation.

CONCLUSION

As stated above, the proposals would have a detrimental impact on the setting of the designated heritage assets; the grade II listed building Lees Cottage and the South Warnborough Conservation Area. The scale, bulk, design and positioning of the extension would overwhelm the historic core of the cottage and would fail to preserve the building or its setting. It would fail to preserve or enhance the conservation area.

The scale, bulk and positioning of the outbuildings complex would adversely impact the setting of the listed building and would fail to preserve the setting. The scale, bulk and positioning of the outbuildings would fail to preserve or enhance the conservation area.

The detrimental impact would result in less than substantial harm to the identified heritage assets. In weighing public benefits, the limited benefits of the scheme would not be considered to provide sufficient public benefit to outweigh the harm that approval of the scheme would cause.

RECOMMENDATION - Refuse

REASONS FOR REFUSAL

- 1 The proposed works and development would cause less than substantial harm to the listed Heritage Asset (Grade II listed building) and its setting. Insufficient public benefit has been demonstrated to outweigh the less than substantial harm generated.

The proposal would be contrary to saved Policy CON17 of the Hart District Local Plan 1996-2006 (Saved Policies), Policy NBE9 of the modified Hart Local Plan Strategy and Sites 2016-2032 Proposed Submission Version, Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the National Planning Policy Framework 2019.

- 2 The proposal would cause harm to character and appearance of the South Warnborough Conservation Area by having a detrimental impact on the character and appearance of a listed building that contributes positively to the character and appearance of the conservation area and through the impact of the proposed extension and outbuildings development on the countryside setting of the site.

The proposal works and development conflicts with the provisions of policies GEN1, CON13 of the Hart District Local Plan 1996-2006 (Saved Policies), Policy NBE10 of the Hart Local Plan Strategy and Sites 2016-2032 Proposed Submission Version, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with Section 16 of the National Planning Policy Framework 2019.

- 3 The proposed installation of vehicular access gates has the potential to adversely impact the safety of users of the adjacent public highways.

As such, the proposal is contrary to saved policies GEN1 and T14 of the Hart District Local Plan (Replacement) 1996-2006.

- 4 By virtue of size, design and position, the proposed extension and outbuildings would represent a form of domestic encroachment into the countryside which would have a detrimental impact on the character and appearance of the rural setting of the application site.

As such the proposal is contrary to saved policies GEN1, GEN4, RUR2 and RUR24 of the Hart District Local Plan and Policy NBE1 of the Hart Local Plan Strategy and Sites 2016-2032 Proposed Submission Version. In addition, the proposal fails to accord with national policy considerations of the NPPF.

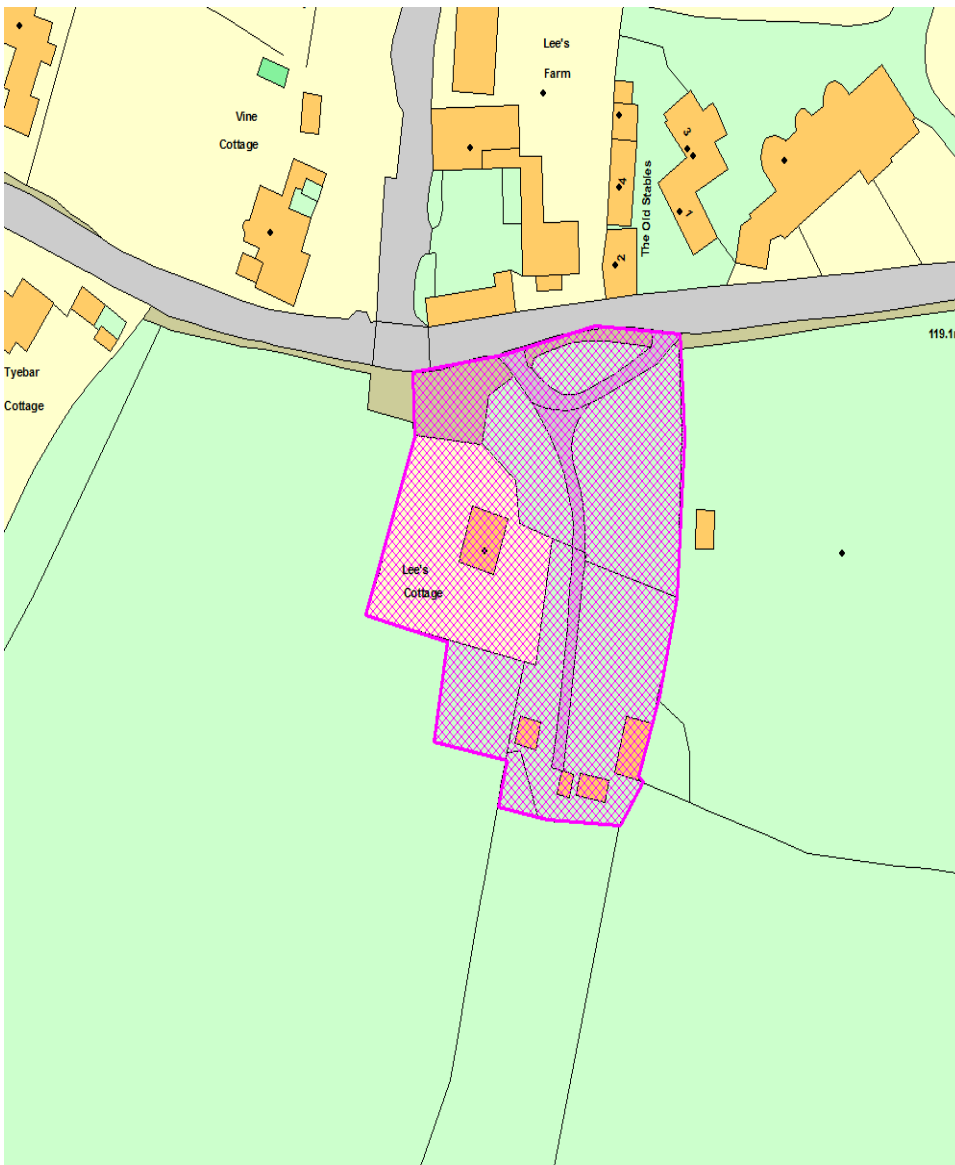
INFORMATIVES

- I The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance:

The applicant was provided with pre-application advice. However, the application did not follow the recommendations of that advice and the proposal is unacceptable for the reasons given above.

**COMMITTEE REPORT
ITEM NUMBER: 102**

APPLICATION NO. 19/01950/LBC
LOCATION **Lees Cottage Lees Hill South Warnborough Hook RG29
IRQ**
PROPOSAL Erection of a two storey rear extension, creation of basement.
Single storey outbuilding with accommodation in roof space and
replacement of metal railings with new fence and gate.
APPLICANT Robert Evans
CONSULTATIONS EXPIRY 17 October 2019
APPLICATION EXPIRY 6 November 2019
WARD Odiham
RECOMMENDATION **Refuse**



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BACKGROUND

This application is reported to the planning committee for consideration because a District Councillor lives opposite to the application site.

There is an accompanying planning application, however this application only deals with those parts of that proposal that require listed building consent.

THE SITE

Lees Cottage is a grade II listed building which dates from C17/C18. It is a two-storey timber framed dwelling which was historically one of a pair of cottages. The frame is exposed with painted brick infill. There is a modern two storey rear extension which was built in the 1960s.

Lees Cottage is located on the south side of Lees Hill in South Warnborough and lies with the Conservation Area.

The application site has an area of approximately 0.38 hectares, and levels drop from the west to the east side of the site and also from the north to the south. There are stables, a brick built outbuilding and a timber outbuilding located east of Lees Cottage.

There are a number of trees on the site which are protected by virtue of their siting within the conservation area.

The surrounding properties vary in size, age and character, many are listed.

There is a public right of way which runs through the field which is located east of the application site.

RELEVANT PLANNING HISTORY

62/04852/H- Alterations to dwelling house for farm worker-granted 1962.

99/00617/LBC- Add render to south elevation and retrospective permission to replace the kitchen window- granted 1999.

05/01107/FUL and 05/01108/LBC - Erection of a two storey rear extension, two storey side extension and side porch together with erection of a detached garage. Installation of en-suite following removal of existing staircase. Installation of new staircase- granted 2005.

09/02940/EXT and 09/03172/EXT- Application to extend the life of planning permission 05/01107/FUL and 05/01108/LBC- granted 2009.

These consents have not been implemented.

10/01510/FUL- Erection of post and rail fence with gates, in part to replace existing metal railings-granted 2010.

This consent has not been implemented.

12/02238/HOU and 12/02239/LBC - Erection of two storey rear extension and outbuildings to form garage, carports and games barn (garage excluded from the LBC) - refused 2012.

The garage foundation was commenced but requires an LDC to confirm implementation of the approval, the Listed Building Consent has not been implemented and has lapsed.

LISTING DESCRIPTION

'C17, C18. 2 storeyed timber-framed house of 2 periods, with irregular fenestration. Red tile roof. Frame exposed, with painted brick infill. Casements. Plain doors in solid frames, one with a modern open porch.' Listing date: 26.06.1987

PROPOSALS

The application seeks listed building consent for works associated with the erection of a two-storey rear extension, the formation of a basement with pool room, en-suite and dressing area and associated internal works.

The two-storey rear extension:

This would be attached to the host property by a **glazed link**, which would immediately adjoin the rear of the 1960s extension; this would measure 1.8m metres deep, 5m wide and 6.9m high. It would be set in from the side elevations of the existing house. The roof would be dual pitched, set lower than the main ridge of the host.

The link would contain a second staircase. It would also include the property's main entrance, accessed by a flight of steps in the bank to the east.

It would have non-reflective glazed walls and a zinc roof.

The **main extension** would measure a further 6.5 metres in depth and 12.8 metres wide. This part of the extension would include lower ground, ground and first floor accommodation. It would be 7.3m high, some 0.9m lower than the main house ridge. The roof form would be gabled and feature a large catslide dormer on the rear and catslide linking to the eaves of the glazed link, at the front.

The extension would include three storeys:

- A **Lower ground floor** would be created by excavating the bank to the south of the house, and the ground to the east of the 1960s extension.

This floor would accommodate a double garage (to the east of the house), served by a driveway. Under the main part of the extension, to the rear of the cottage, this floor would contain two bedrooms, a utility room and stores, a swimming pool and sauna and associated changing and pool rooms. The rear part of the excavated area would form a lower terrace, accessed from inside from the bedrooms and pool room and from outside by a flight of steps to the lower, eastern part of the site.

- The **ground floor** would contain the sitting room, the kitchen / breakfast room store and a WC. A full width upper terrace, which would wrap around to the rear, to the east of the house, above the garage, would be accessed from the back of this floor.
- The **first floor** would contain two main bedrooms, each with an en-suite and built-in storage cupboards.

The walls of the main extension would be finished with horizontal timber boarding, stained black or dark grey and render to match the host. The roof would be constructed from clay roof tiles. The rear wall of

the first floor would be mainly full height glazing, with sliding doors. The frames of these, as well as the new windows, would have aluminium frames.

Alterations to the listed building:

In the historic part of the cottage, at ground floor, part of the wall between the hall and front part of the kitchen would be removed and replaced with a door. An external door to the kitchen would be replaced with a window. A door would be installed in the kitchen to divide the room and facilitate the conversion of the kitchen into a store and study. Part of the wall between the rear part of the kitchen and the lounge would be removed and replaced with a door and an existing doorway between the kitchen and dining room would be blocked up.

In the modern section, most of the rear wall of the 1960s extension would be removed for access to the link and a window inserted in the west wall.

At first floor, in the historic part, false walls in the bathroom would be removed to facilitate re-configuration of the bathroom, a door would be inserted in the landing and one of the doors into bedroom 2 would be blocked up.

A door between the old and modern sections of the host would be removed.

In the modern section, bedroom 2 would be divided into a bedroom and laundry cupboard, with a corridor to the new extension created in between. Two rear windows would be blocked where the link joins the host.

CONSULTEES RESPONSES

South Warnborough Parish Council

South Warnborough Parish Council discussed the above application at the meeting on Monday 7th October and it was resolved to submit the comment of no objection to this application to extend the listed dwelling and associated outbuildings to a single residential property due to the proposed sympathetic treatment of the site and the low intensity of the development which is proposed.

The Parish Council supported the re-instatement of the historic pond and the gravel finish to the driveway but objected to the proposed design of the gate and fencing and would prefer metal estate railings as the existing and a matching gateway to be used.

The Parish Council has also some concern regarding the extensive excavation proposed under the listed building in light of the collapse of another property in the Conservation Area which has occurred recently during extension works and would appreciate Hart District Council seeking reassurance on how this will be carried out safely.

Ecology Consult (Internal)

Summary: no objection

The property is located in a rural setting which is likely to be of high quality for foraging bats. The older part of the cottage is likely to offer opportunities for roosting bats.

My understanding of the proposals in this application indicates that the older roof will not be impacted and that the likelihood of features being used by bats being affected is negligible.

On this basis I have no objection to this application. If permission is granted and a bat is subsequently discovered, works should stop immediately and Natural England should be contacted.

Conservation/Listed Buildings Officer (Internal)

Summary: Objection

The proposed works would cause less than substantial harm to the significance of the listed building and its setting.

The significance of the building lies in its scale and vernacular style. Although it was significantly extended in the 1950s, that extension was in existence at the point of listing in 1987.

The existing property is tired and in need of some upgrading, however there is no evidence presented to suggest that the property could not continue in residential use without the proposed works. There is no evidence to suggest that the level of repair necessary could not be secured without the scale of the works being proposed.

The proposal does bring some conservation benefits in terms of the repairs.

The scale and form of the outbuilding would rival the scale of the main house and would not be subordinate to it.

Views of the proposed development would be visible from the Conservation Area and therefore the design of the extension would cause some harm to the significance of the heritage asset.

NEIGHBOUR COMMENTS

I support comment received

POLICY AND DETERMINING ISSUES

Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan 1996-2006

CON17 – Listed Buildings and Buildings of Local Interest – Extension or Alteration

Strategy and Sites 2016-2032 Proposed Submission Version:

NBE9 – Historic Environment

CONSIDERATIONS

Policy Context

The property is situated within the South Warnborough rural settlement boundary where there is a presumption in favour of development which accords with the policies of the Development Plan.

The application seeks listed building consent and there is an associated planning application.

Saved policy CON17 relates to listed buildings and states that the scale of the building should not

materially change and the design should be appropriate to the character and setting of the building.

Emerging local plan policy NBE9 refers to proposals affecting the historic environment. The modified policy states that development proposals should conserve or enhance heritage assets and their settings, taking account of their significance.

Sections 16 and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Planning Authorities to have special regard to the desirability or preserving the listed building or its setting or any features of architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF) 2019 states that proposals should conserve heritage assets but where there is less than substantial harm that any public benefits of the proposals should be weighed against the harm. The Framework requires that great weight is given the conservation of heritage assets.

Design and impact on Listed Building of the extension and boundary treatments

The historic map from 1871 provided by the applicant shows that the cottage was originally much wider, potentially comprising two cottages, and the applicant states that there is evidence on the west elevation that the timber has been cut. The map from 1910 shows that by this time the cottage had been reduced in size, which accords with the cutting of timbers, if the adjacent cottage was demolished. The 1871 map also shows several other buildings around which are no longer there; the applicant has provided photos from circa 1940s to show those remaining at that time.

Notwithstanding the cottage may have previously been part of a larger structure, the original cottage is how it appeared in 1948, when the modern planning process was introduced; this is the benchmark date for assessment of older vernacular properties in terms of how proposed development would impact the appreciation of them.

The original cottage was extended in the mid-20th century by an addition which roughly doubled the size of the original cottage. The proposed development would add further bulk to the host. The significance of the cottage lies in its scale and vernacular design. Any extension and internal works should be sympathetic not cause harm to its significance.

The proposed extension would add a sizeable amount of built form to the existing property causing harm to the significance of the heritage asset. The applicants have identified that it would represent a 16 percent increase on the approved 2005/2009 schemes. However, while those schemes were ultimately approved, it was noted by the then case officer that the development would subsume the historic core of the cottage, resulting in harm. Further increases in built form would undoubtedly further overwhelm the modest cottage.

This larger scheme attempts to offset some of the bulk by excavating and creating a lower ground floor. However, the proposal would add 3 stories to a modest 2 storey dwelling. The development would add to the increased mass generated by the earlier extension and would cumulatively overwhelm the cottage. The applicants suggest that by isolating the main section of the extension from the host, by way of a glazed link, the increased bulk is mitigated. While the use of a glazed link can often successfully serve to minimise the impact of an extension to a listed building by creating a visual hiatus between the old and the new, the scale of this scheme negates any positive effect that the link would have; the link itself does not need to be of the size proposed, its function being to accommodate a spiral staircase and the main entrance alone.

The proposed room arrangement further threatens the historic interest of the cottage. Most of the main residential activities would be removed from the host and relocated to the extension. This would

include the kitchen, lounge, main bedrooms and main entrance. The family bathroom would remain in the original cottage, but given the extent of washing facilities provided by the proposal; this does little to offset the rest.

The extension and internal works would cause harm to the significance of the listed building by virtue of their scale and design. The harm caused would be less than substantial and in accordance with the National Planning Policy Framework this harm must be weighed against the public benefits of the scheme.

Public benefits and Balance

As less than substantial harm would be caused by the development to the Heritage Assets, it is necessary to consider any public benefits that are proposed. The submitted Design and Access Statement concludes that the works would be “*an existing opportunity to improve significantly on the scheme for an extension to Lees Cottage...*” and would be constructed using high 'Green Guide' scoring materials and incorporating sustainable energy conservation measures. The reinstatement of the pond has been identified by the applicants as providing a biodiversity increase.

There would be some public gain in the use of sustainable materials and providing the opportunity to make the site more ecologically diverse. It is acknowledged that the property is in need of some works to improve its condition and that this would be delivered by the application. However, there is nothing to suggest that the property could not be repaired and maintained without the proposed works. There is also nothing to indicate that the works and development proposed are necessary to enable the property to continue in its current use. There is no evidence within the planning application or application for listed building consent to suggest that the cottage would fall out of its optimum viable use as a dwelling, should the proposal be rejected.

The Council is required to give great weight to the conservation of the Heritage Assets. The public benefits that would be derived from the proposals are minimal and do not outweigh the harm caused. The proposals are therefore unacceptable and contrary to Local Plan Policy, National Planning Policy and legislation.

CONCLUSION

The proposals would have a detrimental impact on the setting of the designated heritage asset, the grade II listed building Lees Cottage. The scale, bulk, design and positioning of the extension would overwhelm the historic core of the cottage and would fail to preserve the building or its setting.

The scale, bulk and positioning of the outbuildings complex would adversely impact the setting of the listed building and would fail to preserve its setting.

The detrimental impact would result in less than substantial harm to the identified heritage asset. In weighing public gain, the sustainability and biodiversity benefits of the scheme would not be considered to provide sufficient public benefit to outweigh the harm that approval of the scheme would cause.

RECOMMENDATION - Refuse

REASONS FOR REFUSAL

- I The proposed works and development would cause less than substantial harm to the listed Heritage Asset (Grade II listed building) and its setting. Insufficient public benefit has been demonstrated to outweigh the less than substantial harm generated.

The proposal would be contrary to saved Policy CON17 of the Hart District Local Plan 1996-2006 (Saved Policies), Policy NBE9 of the modified Hart Local Plan Strategy and Sites 2016-2032 Proposed Submission Version, Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the National Planning Policy Framework 2019.

INFORMATIVES

- I The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance:

The applicant was provided with pre-application advice. However, the application did not follow the recommendations of that advice and the proposal is unacceptable for the reasons given above.