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## Appeal Decision

Site visit made on 5 August 2015

**by Sukie Tamplin Dip TP Pg Dip Arch Cons IHBC MRTPI**

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

**Decision date: 13 August 2015**

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**Appeal Ref: APP/A1720/W/15/3013883**

**Car park, 68 High Street, Fareham, Hampshire PO16 7BB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Kensington Homes Ltd against the decision of Fareham Borough Council.
  - The application Ref P/15/0063/FP, dated 16 January 2015, was refused by notice dated 27 March 2015.
  - The development proposed is a detached dwelling.
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. Applications for costs were made by Kensington Homes Ltd against Fareham Borough Council and by Fareham Borough Council against Kensington Homes Ltd. These applications are the subject of separate Decisions.

### Procedural and background matters

3. A more legible copy of the plans was provided after the site visit. These show a proposed neo-Georgian, two-storey house located towards the southern boundary of the appeal site. At the northern end or frontage of the site would be circulation and manoeuvring space, parking and a double garage
4. Both parties rely in part on 2 appeal decisions in respect of land including or adjacent to the appeal site before me. The first decision was an enforcement appeal regarding a close boarded fence dividing the lawn of the frontage building, and the second the proposed change of use of No 68. Both appeals were dismissed on 17 December 2014.
5. Two undertakings have been submitted as part of the appeal documentation. I shall refer to these below.

### Significance

6. Fareham High Street Conservation Area (FHSCA) was first designated in 1977 and recognised as being of outstanding architectural and historic interest in 1977. It appears that this accolade was because of the remarkable preservation of the old High Street and its burgage plot pattern. The burgage plots are said to have been laid out by the Bishops of Winchester in the late 12<sup>th</sup> and early 13<sup>th</sup> century.

7. As I saw, the burgage plots extend behind the High Street houses, and are typically delineated by high brick walls. Numerous alleys, or accesses under arches and other openings, follow the line of the burgage plots and extend in depth both from the west and east sides of High Street. Some of these plots, including that adjacent to the appeal site, have long established development mostly at small scale and subsidiary in character to the grand Georgian houses that line High Street. However, in many of the views and glimpses from the High Street it seems to me that the prevailing character to the rear and along the burgage plots is 'open', albeit that much of the back land is now used for parking. Consequently the pattern of burgage plots remains highly legible and is an highly distinctive and important characteristic of the FHSCA.
8. No 68, listed at Grade II\* is specifically described in the FHSCA Character Assessment, and is one of a group of larger more formal Georgian residences concentrated towards the middle of the High Street on the outside of the gentle curve. It seems likely that the burgage strips to the rear would have been amalgamated to provide a proportional plot for the grand house<sup>1</sup>. Historically the domestic garden occupied the full depth of the burgage plot and this was the setting of the large house.
9. Thus the significance of the land to the rear of No 68 as part of the FHSCA is as an important element of the evolution of the town of Fareham. The unusual survival of the burgage plots demonstrates the early importance of Fareham, while the later wealth of the town led to the grand housing constructed in the Georgian period. As is noted in the FHSCA character assessment, the open rear garden areas provide a striking contrast with the closely built street frontage and create a valuable and vital setting to the many listed buildings, including the appeal site. Whether or not the use of the rear car park is tied to the frontage building is unclear, but the appeal site is in the same ownership and historically formed part of the burgage plot to the rear of No 68.

### **Main issue**

10. The main issue in this appeal is the effect of the proposed house on the setting of the listed building and the Fareham High Street Conservation Area by reason of location, size, scale and design.

### **Reasons**

11. As already noted No 68 and its surviving medieval burgage plot is particularly characteristic of FHSCA. Planning permission was granted in about 1973 for the use of part of the garden as a car park when it seems that the main building was used as Fareham and County Club. Subsequently the main building became a restaurant but planning permission has been granted for a change of use to a dwelling. It appears that this use has not commenced to date. Car parking for the dwelling would be provided in the existing car park and this area has been excluded from the appeal site.
12. There is no evidence before me that there have been any buildings to the rear of No 68 and certainly there are none today. Hence on the balance of probabilities it is likely that the form and full extent of the large rear garden has been retained in so much as all the associated land has remained open within the characteristic boundary of high brick walling. Whilst there may have

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<sup>1</sup> Paragraph 7.8: Fareham High Street Conservation Area Character Assessment

been various subdivisions in terms of the use of the rear area there is no evidence of built development, substantial or otherwise, which has diminished the integrity of the burgage plot. Consequently this scenario provides the current and historic setting for the house.

13. I acknowledge that the rear of the garden has been used as a car park and thus has a different character to the cultivated green space behind the house. But, as I saw at the site visit, the whole of the depth of the burgage plot remains intact, legible and clearly delineated by the high walls that surround it. The appellant relies on comments made by the Inspector in the recent appeals<sup>2</sup> which say that a proposed subdivision of the plot would preserve the setting of the listed building and no features of special architectural or historic interest would be harmed.
14. But it seems to me that these comments should be considered in the context of those two appeals which were concerned with an unauthorised fence and a change of use of the frontage building. The proposal before me is materially different and the effect on the setting would not be comparable. This is because the proposed dwelling would be large and would have its own separate curtilage and the high brick walls that delineate the burgage plot would be obscured or hidden at least in part. Critically, as has been noted by Historic England<sup>3</sup> the legibility and integrity of the medieval layout, would be weakened, whether or not this would be readily visible from the public realm. In these circumstances I consider that the previous Inspector's comments are not determinative nor is it cogent to construe that these comments would equally apply to the proposed construction of a detached dwelling.
15. In terms of previous development on the burgage plots, whether to the east or west of High Street, along the line of, or to the rear of those plots, the evidence is inconclusive. But irrespective of when these developments were constructed, from what I saw it seems to me that none is comparable to the scheme before me. The proposed dwelling would be a substantial detached house, designed in a formal manner that would fail to be subservient to the frontage Grade II\* house. I find that its size, mass and detailing would be incongruous in this 'back land' location. Features such as the monumental porch with its pillars and portico, the formal front façade and the neo-Georgian design and form would result in a dwelling that seeks to draw attention to itself and this would irretrievably harm the low key character of the rear of the burgage plot and compete with the grandeur of the listed building.
16. Consequently, previous developments to the rear of High Street do not provide sufficient justification for the construction of the proposed detached house. Nor do I give much weight to the suggestion that the proposed house could not be replicated on other sites in the locality so that the effect on the pattern of burgage plots would be limited. I have had regard to the appeal decisions relied upon by the appellant but in respect of the first I have already found that it is not comparable. In terms of the Cowbridge decision I note that it was common ground that the setting of the listed building would not be adversely affected, therefore that decision is not comparable.
17. I have found that the proposed house, by reason of its location at the rear of the burgage plot would seriously harm the significance of the FHSCA and the

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<sup>2</sup> Appeal references APP/A1720/C/13/2210878 & APP/A1720/A/14/2218787

<sup>3</sup> Previously known as English Heritage

Grade II\* listed house. The harm arising from the proposed development would be compounded by the size, scale and design which collectively would undermine the setting of the listed building. Although the site is within Fareham there would be conflict with the aims of Policy DG4 of the *Fareham Borough Local Plan Review (LPR)*, and Policies CS6 and CS17 of the *Fareham Borough Core Strategy (CS)* which seek development that, amongst other matters, respects the historic environment and the significance of the heritage assets. Of the policies relied upon I find that these are most relevant to the main issue and weigh heavily against permission.

#### *Other matter*

18. The Council also refused the application because it says that there is a need for obligations under Section 106 of the Planning Act in order to secure parking provision for the frontage property and also to provide for mitigation of the potential for increased use of protected habitats. Such undertakings were provided at appeal stage but are not determinative in my decision because they do not alter my findings on the main issue. Consequently I do not need to consider them further.

#### **The Planning Balance and Conclusion**

19. The proposal would result in the erection of a single dwelling in an accessible location and this is a benefit. In these circumstances I must consider whether the development would be in accordance with the aims of the National Planning Policy Framework (the Framework) taken as a whole. Paragraph 7 says that there are three dimensions to sustainable development: economic, social and environmental. In respect of the first I find that the proposed dwelling would fulfil an economic role by dint of the building work and in terms of the second, the development would boost the supply of housing, and would be within an existing town close to facilities and services.
20. But in respect of the third strand, for the reasons I have given, the proposals would not satisfy the environmental aims of sustainable development because it would seriously harm the setting of the Grade II\* listed building and the character and appearance of the FHSCA. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously and because the scheme does not meet this goal it would not comprise sustainable development.
21. In respect of harm to the setting of the listed building and the FHSCA this harm would be less than substantial and in these circumstances the Framework says that such harm should be weighed against the public benefits of the proposal<sup>4</sup>. But in this case the development would not be sustainable and consequently it would not outweigh the harm.
22. In respect of the duties of the PLBCA Act<sup>5</sup>, I find that the works would fail to preserve the setting of the listed building and the features of special architectural or historic interest which it possesses. I also find the development would fail to preserve the character and appearance of the FHSCA because of its harmful effect on the essential and important characteristic of the layout of burgage plots.

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<sup>4</sup> Paragraph 134: The National Planning Policy Framework

<sup>5</sup> S66 (1) and S72 (1) Planning (Listed Building and Conservation Areas) Act

23. Consequently, the appeal is dismissed.

*Sukie Tamplin*

INSPECTOR