

**Appeals Progress Report**

**1. New Appeals**

**1.1 The White Lion Public House -**

An appeal against refusal of planning application 21/00545/FULPP for two storey rear extension to facilitate the change of use of a Public House with ancillary accommodation into 4 flats (2 x 1 bed and 2 x 2-bed) (Use Class C3) at The White Lion Public House, 20 Lower Farnham Road, Aldershot, Hampshire GU12 4EA has now been made valid and given a start date. The planning appeal reference is APP/P1750/W/22/3291498. The appeal will be determined by the written representation method.

**1.2 Asda, Westmead, Farnborough**

An appeal against refusal of planning application 21/00074/FULPP for Construction of new Home Shopping storage areas and associated coldrooms, construction of new click & collect canopy and associated steelworks and associated works at Asda, Westmead, Farnborough, GU14 7LT has also been made valid and given a start date. The planning appeal reference is APP/P1750/W/21/3289492. The appeal will be determined by the written representation method. (Officer note: While the Council also refused an application for Express Advertisement Consent for the display of illuminated advertisements on the canopy – 21/00075/ADVPP refers, and an appeal was also lodged simultaneously against that refusal, the Planning Inspectorate turned away this appeal as it was submitted too late – the time period for lodging appeals against the refusal of applications Express Advertisement Consent being only 8 weeks rather than 6 months as applies to most planning applications).

**2. Appeal Decision**

**2.1 71 Tongham Road, Aldershot.**

An appeal against refusal of planning application 21/00331/FULPP for “Construction of an attached dwelling to the existing semi-detached property to create a terrace of 3 following the demolition of existing detached garage” at 71 Tongham Road, Aldershot. This application related to a semi-detached property in a corner plot at the junction of of Tongham Road and Chestnut Avenue. The proposal was to demolish an existing detached garage to the side of the property and to erect a part two storey and part single storey dwelling to the sided of the property. Planning permission was refused under delegated powers for the following reasons:

- 1 The site is located within Flood Zone 2 and it has not been satisfactorily demonstrated that there are no more sequentially preferable locations within the Local Planning Authority's area where the development proposed could be accommodated and accordingly, the proposal is contrary to Policy NE6 of the Rushmoor Local Plan and the relevant sections of the NPPF and NPPG.
- 2 The proposal would result in a cramped form of development that would be dominated by off-road parking, with no compensatory landscaping, that would be out-of-character with the surrounding area and due to its prominent location

at the junction of two roads, would have a detrimental impact upon the street scene and the character of the surrounding area, contrary to Policies DE1 and DE11 of the Rushmoor Local Plan and the National Planning Policy Framework/Practice Guidance.

- 3 It has not been satisfactorily demonstrated that off-road car and cycle parking in accordance with the requirements of Policy IN2 of the Rushmoor Local Plan and the Council's adopted Car & Cycle Parking Standards SPD 2017, and refuse/recycling bins will be provided and this may lead to further demand for on-street parking, to the detriment of highway safety and visual amenity and friction between the two households.
- 4 The proposal fails to make any provision for off-site Public Open Space improvements to support the addition dwelling and is thereby contrary to Policies DE6 and DE7 of the Rushmoor Local Plan.
- 5 The proposed development makes no provision to address the likely significant impact of the additional residential unit on the objectives and nature conservation interests of the Thames Basin Heaths Special Protection Area. The proposal does not include any information to demonstrate how the development will enhance bio-diversity within the site to produce a net gain in biodiversity. The proposals are thereby contrary to the requirements of retained South East Plan Policy NRM6 and Policies NE1 and NE4 of the Rushmoor Local Plan.

The Inspector considered that the main issues for the appeal were whether the proposal:

- a) is acceptable in relation to flood risk;
- b) the effect of the proposal on the character and appearance of the area;
- c) the effect of the proposal on highway safety, including car parking, cycle parking and refuse storage; and
- d) whether off site public open space improvements are necessary and suitably provided.

On the topic of flood risk and the application of sequential test under Paragraph 168 of the National Planning Policy Framework, the Inspector supported the Council's approach and concluded that the proposal fails to satisfy the sequential test and would not be in an acceptable location for housing in relation to flood risk. It would therefore conflict with Policy NE6 of the Rushmoor Local Plan 2019 and Paragraph 162 of the Framework and the Inspector dismissed the appeal on this ground. Key points in the Inspector's decision letter were that: "Paragraph 162 of the Framework is clear that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source." Additionally, "Development should not be permitted if there are reasonably available sites appropriate for the proposal in areas with a lower risk of flooding. Guidance is also clear that the aim should be to keep development out of flood zones with a medium or high probability of flooding." The Inspector also confirmed that unimplemented planning permissions for residential development in areas of lower flood risk did not need to be precisely equivalent to an application proposal in order to be considered in the sequential test, and that it was reasonable for the Council to include schemes for flats, residential conversions and replacement dwellings as they would be broadly comparable for the purposes of being treated as alternative sites. The Inspector stated: "it is clear that a number of alternative sites were reasonably available at the time of the original application, whilst alternative site6 were also reasonably available at the time of the appeal."

On the topic of impact upon character and appearance, the Inspector noted that the site “is in a prominent location next to a highway junction. Consequently, developing the site would have a more noticeable impact on the character and appearance of the street scene. Whilst the general principle and design of the proposal is not in dispute, it is clear that the amount of off street parking spaces required would lead to the erosion of existing landscaping and the cramped layout would limit opportunities for compensatory landscaping. Consequently, the frontage of the site would take on a starker appearance within the street scene, which would be prominent due to the nature of the location. Without landscaping to soften the built form of the dwellings and the hardstanding of the off street parking spaces there would be unmitigated harm from the predominance of built form and parked vehicles.” The Inspector added that “Whilst it is sometimes possible to secure landscaping, cycle parking and refuse storage by planning condition, it is not clear that the size of the site and scale of the proposal would enable these aspects of the proposal to be realised, whilst also maintaining the required dimensions and standards associated with other aspects of the proposal.” The Inspector concluded that: “Overall, the proposal would harm the character and appearance of the area and conflict with Policies DE1 and DE11 of the Rushmoor Local Plan 2019” and dismissed the Appeal on this ground also.

On the topic of Highway Safety, the Inspector agreed with the Council that the proposed parking arrangements and pedestrian access routes failed to meet the minimum dimensions as set out the Car & Cycle Parking Standards and that this could lead to an increase in on street parking demand and harm to highway safety and obstruction to access routes within the site. The Inspector concluded that the proposal would harm highway safety and conflict with Policy IN2 of the Rushmoor Local Plan 2019 and Car & Cycle Parking Standards Supplementary Planning Document 2017, and dismissed the appeal on this ground.

With respect to Public Open Space, the Inspector accepted that a financial contribution towards off-site public open space works, to be secured by a planning obligation would be required and, in the absence of such, the proposal would conflict with Policies DE6 and DE7 of the Rushmoor Local Plan 2019, and dismissed the appeal on this ground.

Under the heading of Other Matters, the Inspector noted that while the site is within the zone of influence of the Thames Basin Heaths Special Protection Area, since they were dismissing the appeal for other reasons it is not necessary for them to make a finding on the likely significant effects of the proposal. Additionally, while the Council had suggested that the lack of biodiversity enhancements could be addressed by planning condition, since they were dismissing the appeal for other reasons, and there is no evidence that such enhancement would outweigh the identified cumulative harm under the main issues, it has not been necessary to deal with this matter further.

**Tim Mills**  
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