

Appeals Progress Report

1. New Appeals

- 1.1 **Asda, Westmead, Farnborough:** Appeal against non-determination of application for : “ Proposed Click and Collect facility, construction of new access and exit routes, landscaping and associated works - 23/00442/FULPP. This appeal is to be considered under the Written Representations procedure. (Officer Note – The Council did not determine the application because it considered the application because it was considered to be Invalid. The Inspector is expected to make a ruling on this in their Appeal Decision.)
- 1.2 **33 Ashley Road F, Aldershot:** Appeal against refusal of a TPO application for “Remove one Beech (T1 of TPO 477A)” This appeal is to be considered by the Fast Track method.

2. Decided Appeals

- 2.1 Appeal against refusal of planning permission for “Demolition of existing outbuildings and erection of single storey ancillary accommodation annex at **14 Fleet Road**; 22/00746/FULPP. This appeal was considered under the Householder Appeals Service.
- 2.2 Planning permission was refused under delegated powers in September 2023 for the following reasons:-
- 1 The proposed annex, by reason of its large size relative to the size of the original dwellinghouse and the narrow width of the plot, its comparability to an independent dwelling meeting the Nationally Described Space Standards and including facilities that would support independent occupation, is considered to be tantamount to a new dwellinghouse, and due to its prominent location at the junction of Minley Road and West Heath Roundabout, would represent a visually intrusive, cramped and incongruous form of development that does not respect the pattern of development in the area and therefore fails to provide high quality design, contrary to Policies DE1 and DE11 of the Rushmoor Local Plan.
 - 2 The proposed annex would generate additional parking demand that is equivalent to that created by a one-bedroom dwellinghouse and would also remove the opportunity to park within the site at the rear. Since no parking provision for the annex would be made within the site, the proposal would encourage parking on the adjacent verge and vehicle crossing, to the detriment of highway safety and visual amenity, contrary to Policy IN2 of the Rushmoor Local Plan.

- 3 The proposed annex would be located with 5km of the Thames Basin Heaths Special Protection Area and, by reason of its proposed Gross Internal Area and degree of self-containment, is considered to be tantamount to a one-bedroom dwellinghouse, and without mitigation by means of the Thames Basin Heaths Special Area Avoidance and Mitigation Strategy or equivalent, would have a similar in-combination impact upon the integrity of the Thames Basin Heaths Special Protection Area, contrary to Policy NE1 of the Rushmoor Local Plan and saved Policy NRM6 of the South East Plan.
- 2.3 The Inspector identified the main determining issues for the appeal to be effect of the proposed development on the character and appearance of the area and highway safety, with particular regard to parking. The Inspector noted that The Council considered that the proposed development could be capable of independent use, given its size and the facilities it would contain. Nonetheless, they have considered the proposal on the basis of the description of development for which the Appellant applied since, if the appeal were to be allowed, it would be this for which planning permission was granted.
- 2.4 The Inspector noted that the character of the wider area is predominantly residential, comprising properties of varying age and appearance. Number 14 Fleet Road is one of a group of properties which front onto Fleet Road but have relatively long and narrow rear gardens which extend towards Minley Road to the north. The northern end of those gardens abut the edge of Minley Road and contribute to the open character close to its junction with the roundabout.
- 2.5 The Inspector commented that this group of gardens are bound to the west by a group of tall conifer trees and they appear as typical residential gardens, over which the rear elevations of properties on Fleet Road can be seen from Minley Road. They include areas of hard surfacing for parking of vehicles as well as a number of low-level structures such as sheds and car ports including those on the appeal site. However, these do not rise significantly higher than the surrounding boundary treatments, have limited visibility from the surrounding area and appear typical of a garden setting.
- 2.6 The Inspector stated by contrast, the proposed building would be substantially larger in both its footprint and height than other structures which exist within this group of gardens. Its eaves level would sit consistently above the height of the surrounding fencing and its building materials would be akin to those of the main house rather than a garden structure. When considered in combination, these factors would result in the development appearing visually prominent in views from Minley Road and around the junction, and heavily at odds with the character of this group of gardens and the surrounding pattern of development.
- 2.7 For these reasons the Inspector concluded that the proposal would have an unacceptable effect on the character and appearance of the area. It would conflict with policies DE1 and DE11 of the Rushmoor Local Plan 2019 (the LP) which require among other things, that development respects the character and appearance of the local area and is not harmful to the character of the area in terms of relationships and integration with existing buildings and spaces and impact on the street scene.

- 2.8 With regard to parking provision, while the Inspector acknowledged that the introduction of further sleeping accommodation within the proposal could potentially increase car ownership and use at the site, he considered that off-road parking would be provided in accordance with the Council's adopted parking standards although they mistakenly referred to the standards for residential properties as maximum rather than minimum standards.
- 2.9 The Inspector noted that the Council's third reason for refusal relates to the effect of the proposal on the Thames Basin Heaths Special Protection Area (SPA), which is designated for its importance to bird populations. The appeal site is within 5km of this SPA, which is an area where residential development has been identified as having potential effects on its ecological integrity, and Policy NE1 of the LP relates to the effects of net new dwellings. Notwithstanding this, Regulation 63(1) of the Habitats Regulations¹ indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal was to be dismissed on other grounds it is not therefore necessary to address this in any further detail.
- 2.10 The Inspector DISMISSED the Appeal.

Blandford House And Malta Barracks Development Site, Shoe Lane, Aldershot

- 2.11 Appeal against non-determination of PART APPROVAL OF RESERVED MATTERS: for the erection of 71 dwellings (RMA 4 - Phases 4, 5 and 6), including access from Shoe Lane and Forge Lane, internal access roads, public open space, parking, lighting and associated infrastructure, following demolition of existing buildings and hardstanding, pursuant to Condition 3 (1-24) of Hybrid Outline Planning Permission 17/00914/OUTPP dated 15th May 2020. (Ref: 22/00340/REMPP). This appeal was considered at a Hearing.
- 2.12 At the Development Management Committee of 22/05/2024 Members resolved that had the application been determined by the Council, it would have been refused for the following reason:-
- 1 The proposed development due to the quantum, tenure, layout and distribution of the affordable housing within the reserved matters area and when taken with the approved and the remaining phase of the development, would fail to provide a satisfactory layout and distribution of affordable housing within the reserved matters area and across the wider residential development. The development would therefore fail to support the creation of an integrated, mixed and balanced community, contrary to Local Plan Policies SP10 (Blandford House and Malta Barracks), LN1 (Housing Mix) and LN2 (Affordable Housing) and contrary to the approved 'Land at Blandford House and Malta Barracks Affordable Housing Strategy' (May 2022).

- 2.13 The Inspector identified the main determining issues for the appeal as whether the proposal would make adequate provision for the need for affordable housing, in particular in regard to the quantum, tenure, layout and distribution of the affordable housing within the reserved matters area and across the wider development.
- 2.14 The Inspector noted to date 3 other reserved matters applications (RMAs) have been approved. RMA1 for 9 dwellings and RMA3 for 11 dwellings. No affordable homes (AH) were granted as part of these sites as they were 'small development zones', as supported by the 'special circumstances' set out by the AH Strategy. The largest approved reserved matters application RMA2 comprises 76 units in total, with 33 units being AH. This equates to 43% of units being delivered as AH and makes up for the absence of AH on RMA's 1 and 2. The Appeal proposal for the erection of 71 dwellings. It would deliver 12 AH, which equates to only 17% within this RMA.
- 2.15 Contrary to the Appellant's position that the affordable housing would be tenure blind and share the same access's and integration within the development, the Inspector noted that both 'clusters' of AH would be located at the end of turning heads, one at the most southern tip of RMA4 and one at the most eastern point. Consequently, none of the future occupants of the market dwellings would have to travel past the AH units, highlighting the unacceptable periphery positioning of the AH units. Therefore, whilst the appearance of the dwellings may be considered 'tenure blind', the distribution and layout of the AH within the reserved matters area, on the edges of RMA4, would fail to successfully integrate the AH with the market housing.
- 2.16 The Inspector agreed with the Council that it was relevant to consider RMA4 in the context of the wider development and recently refused RMA5 scheme, noting that a consequence of the Appeal decision which could determine where the outstanding 8 AH units would be located within the development i.e. 'Phase 7' of the approved Phasing Plan. (If the Appeal was allowed the residual balance from the overall figure of 180 dwellings would be 13 units, which would include the final 8 AH units.).
- 2.17 The Inspector noted that one consequence of the appeal decision if allowed would be that the remaining 8 affordable housing units would be pushed into RMA5 and would result in approximately 77% of the AH being located in the north/northeast of the wider development site.
- 2.18 In this regard, the Inspector stated given the limited size of both RMA5 and the wider 'Phase 7' site, as well as taking in to account the setting of the locally listed building on site (Blandford House), which is likely to constrain the siting of new dwellings, rather than there being 'sufficient flexibility' as alleged by the Appellant, there would be very limited scope for them to be arranged or positioned elsewhere.
- 2.19 The Appellant was unable to convince the Inspector that there was an acceptable solution for 8 AHs to be accommodated on either RMA5 or the wider Phase 7 site. The inspector noted that without the final 8 AHs being delivered

on RMA5, the wider development would only achieve 26% AH across the development as a whole. Contrary to the Appellants view, the Inspector was not therefore confident that the site wide requirement of 30% AH would be met across the development.

- 2.20 The Inspector commented that it cannot be said with any confidence that the current delivery of AH would achieve a successful integration of AH with market housing, nor would the concentration ensure that affordable and market dwellings would be indistinguishable across the different tenures.
- 2.21 The Inspector stated that the Appellant has given no robust reason why the AH units could not be sited elsewhere, or why the quantum of AH units accommodated in RMA4 could not be higher so as to create mixed communities and a more integrated approach to the delivery of the AH.
- 2.22 For the reasons discussed above the Inspector concluded that the proposal would fail to make adequate provision for the need for affordable housing, in particular in regard to the quantum, tenure, layout and distribution of the affordable housing within both the reserved matters area and across the wider residential development. This would be contrary to Policies SP10, LN1 and LN2 of the Local Plan, as well as the approved AH Strategy.
- 2.23 The Inspector DISMISSED the Appeal.

3. Recommendation

- 3.1 It is recommended that the report be **NOTED**.

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