

Appeals Progress Report

1. New Appeals

- 1.1 A new appeal has now started, relating to Unit 1 at 106 Hawley Lane Farnborough. The application for '*Variation of Conditions 2 (approved drawings) and 4 (materials storage heights) of 24/00460/FULPP for change of use of office/light industrial use to Builders Merchant with external display and storage areas and trade counter dated 27 September 2024 (Sui generis), to allow an increase in external building material storage heights to 5.5m*' was refused on 31 January 2025 as it was considered that the proposed height, siting and appearance of the building materials storage areas would result in a visually intrusive untidy form of development that would be out of keeping with the character of the area and be materially detrimental to the visual amenities of the site and surrounding area, contrary to Policy DE1 of the Rushmoor Local Plan. The Inspector has started the appeal and agreed with the 'Written Representations' procedure and the Council's Statement of Case is due by 28 May 2025. Council's planning reference is 25/0004/REFUSE. Inspectorate reference is APP/P1750/W/25/3364218.

2. Decided Appeals

- 2.1 Appeal against refusal of planning permission for "Erection of pair of semi-detached two-storey 3-bedroom houses" at **Car Park at Carmarthen Close, Farnborough**, 24/00240/FUL.
- 2.2 Planning permission was refused under delegated powers in June 2024 for the following reasons:-
1. *The proposed dwellings, due to their siting, design, and size, would appear alien, cramped and contrived within the street scene, adversely harming it character. The proposal would be therefore contrary to Policy DE1 of the Local Plan.*
 2. *The proposed dwellings, by reason of their proximity of windows to private gardens serving properties in 129 and 130 Caswell Close and 6 – 8 Heddon Walk would have a harmful overlooking impact on these spaces adversely harming neighbouring amenity, and would therefore be contrary to Policy DE1 of the Rushmoor Local Plan.*
 3. *In the absence of tracking diagrams to demonstrate otherwise, it cannot be ascertained whether the proposed parking area can accommodate the required parking provision; it cannot be ascertained that the proposal would not result in increased parking stress through the inability to park additional vehicles. This is likely to increase existing friction between neighbours and unauthorised and/or obstructive parking, to the detriment of highway safety and the amenity and*

convenience of the neighbours and the occupants of the existing and proposed dwellings, contrary to Policy IN2 of the Rushmoor Local Plan.

4. The proposal fails to either demonstrate that the loss of the car parking area would not result in an harmful level of parking stress or to make provision for off-road parking for the existing dwellings in accordance with the requirements of the Council's adopted standards, as set out in the Car & Cycle Parking Standards Supplementary Planning Document in an area of high parking stress, which is likely to increase existing friction between neighbours and unauthorised and/or obstructive parking, to the detriment of highway safety and the amenity and convenience of the neighbours and the occupants of the existing and proposed dwellings, contrary to Policy IN2 of the Rushmoor Local Plan.

5. The proposal fails to address the likely significant impact of the development on the Thames Basin Heaths Special Protection Area as required by the Habitats Regulations in accordance with the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy (2024), and is therefore contrary to Policy NE1 of the Rushmoor Local Plan and retained Policy NRM6 of the South East Plan.

6. The proposal fails to make adequate provision for the open space needs of the future occupiers contrary to the requirements of Rushmoor Policy DE6 of the Rushmoor Local Plan.

2.3 The Inspector considered that the main issues to be

- the effect of the proposal on the character and appearance of the area;
- the effect of the proposal on the living conditions of the occupiers of numbers 129 and 130 Caswell Close (Nos. 129 and 130), and numbers 6 to 8 Heddon Walk (Nos 6 to 8), with regard to privacy;
- the effect of the proposal on parking and highway safety; and
- whether the proposal would make adequate provision for public open space.

2.4 The Inspector agreed with all the reasons for refusal stated by the Council.

2.5 Consequently, the Inspector considered that the proposal would conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan.

2.6 The appeal was therefore **DISMISSED**.

3. Update on current Appeals

3.1 The Council have submitted their Statements of Case on the planning appeal and the enforcement notice appeal at Units 1-3, 14 Camp Road, Farnborough; for the unauthorised change of use from mixed use B8 storage and E Commercial use, to a vehicle repair premises and other matters; Council references 25/00001/REFUSE and 25/00003/ENFA. The Inspector for the enforcement

appeal has given the Council an opportunity to respond to the appellant's final comments, and third party representations, by 21 May 2025.

4. Recommendation

4.1 It is recommended that the report be **NOTED**.

Tim Mills

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