

Appeals Progress Report

1. New Appeals

- 1.1 **14 Church Circle, Farnborough.** Appeal against an enforcement notice requiring removal of unauthorised uPVC windows installed in a building converted to flats in a Conservation Area. This appeal is to be dealt with by means of the written procedure.
- 1.2 **36 Mayfield Road, Farnborough.** Appeal against an enforcement notice requiring the owner to cease using any part of the land for the storage and sale of motor vehicles, and remove from the land all vehicles other than those owned by the residential occupiers of the land, which are stored in connection with and ancillary to the residential use of the land. This appeal is to be dealt with by means of the written procedure.

2. Appeal Decisions

- 2.1 **77 Fernhill Road Farnborough.** Against the refusal of planning permission for the demolition of existing dwelling and garage and erection of two detached three-bedroomed houses with associated amenity space and parking (17/00710/FULPP).

Planning Permission was refused for the following reasons:

- "1 The siting of the proposed house at the rear of the site would as a consequence of the sub division of the existing curtilage and the resultant tandem layout, the introduction of a new access drive and the provision of car parking on what is currently largely landscaped garden are at odds with the established character of the area to its detriment. Vehicle movements associated with the use of the proposed access drive and parking spaces are also likely to result in a loss of amenity to adjoining residents by virtue of increased levels of disturbance and activity. The proposal would therefore constitute an unacceptable overdevelopment of the site contrary to the provisions of Rushmoor Core Strategy Policies CP1 and CP2 and "saved" Local Plan Policy ENV17; the Council's adopted "Housing Density and Design" and "Sustainable Design and Construction" Supplementary Planning Documents, April 2006 and the National Planning Policy Framework/Practice Guidance. Regard has also been had to policy DE11 of the Rushmoor Local Plan Draft Submission 2017.

- 2 It has not been satisfactorily demonstrated that the proposal would not result in pressure to remove or significantly trim the adjoining Beech trees subject to Tree Preservation Order 197 or other landscape features to the detriment of the landscape character of the area. As such the proposal conflicts with the objectives of "saved" Local Plan Policy ENV13 and policy CP2 of the Rushmoor Core Strategy
 - 3 The proposal fails to provide mitigation for the impact of the development on the Thames Basin Heaths Special Protection Area in accordance with the Council's Thames Basin Heaths Special Protection Area Interim Avoidance and Mitigation Strategy and is therefore contrary to Policy CP13 of the Rushmoor Core Strategy”
- 2.2 The Inspector concluded that whilst the proposed dwelling would have a similar building line to that of 1 and 2 Heathlands Close, in contrast to these dwellings, the proposed dwelling at the rear of the site would be orientated toward, and would be entered from, Fernhill Road. The general pattern of residential development in the locality is one of dwellings that front onto highways with rear gardens. Tandem development is not prevalent. Whilst accepting that there would be sufficient space at the appeal site to accommodate the proposed dwelling, the introduction of a dwelling toward the end of the rear garden would be out of keeping with the prevailing pattern of residential development in the area.
 - 2.3 The proposal would introduce a long access drive leading to a parking area at the rear of the appeal site. This would create vehicle movements between the road frontage dwelling and 75 Fernhill Road. This would be adjacent to the private rear gardens of both these dwellings. The proposed parking area would introduce vehicular movements adjacent to the dwelling and private rear garden of 2 Heathlands Close. The proposed access and parking area would be used more intensively throughout the day and into the evening. The Inspector considered that the vehicle noise along with associated emissions and light disturbance, would impinge on the quiet and peaceful enjoyment of the adjoining occupiers to an unacceptable degree and concluded that the proposed development would be harmful to the living conditions of adjoining occupiers.
 - 2.4 With regard to the impact on the two Beech trees subject to tree preservation order (TPO) , the Inspector was of the view that their amenity value to the setting of the rear garden is considerable and they contribute to the verdant feel of the area. Given the proximity of these trees to the proposed dwelling their canopies would shadow front facing windows of the proposed dwelling. She concluded that it would be likely that the trees would be subject to increased pressure from future occupiers of the proposed dwelling for reduction of canopies or removal. On this issue the Inspector concluded that the proposed development would be harmful to the two TPO trees and their loss of significant crown reduction would be harmful to the character and appearance of the area.
 - 2.5 The Inspector noted that if the scheme had been acceptable in all other

respects an allocation of SANG mitigation could be available which would potentially overcome the third reason for refusal. Had this been the case the Inspector recorded that she would have sought to explore the implications of the judgement of the Court of Justice of the European Union : People over Wind, Peter Sweetman v Coillte Teoranta and the necessity for undertaking an Appropriate Assessment.

DECISION : APPEAL DISMISSED

3 Recommendation

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

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