

Appeals Progress Report

1. New Appeals

- 1.1 Two new appeals have been received and 'started' by the Planning Inspectorate since the last Committee meeting on 29 May 2019. The appeals received in this respect are:-
- 1.2 **Pinehurst House, 117 Farnborough Road, Farnborough** : Against the refusal of planning permission for: Erection of extensions and alterations to existing office building (Use Class B1) to facilitate conversion and change of use to residential use (Use Class C3) to provide 113 flats (comprising 7 X studio, 52 X 1-bedroom, 52 X 2-bedroom and 2 X 3-bedroom units); retention/provision of 199 on-site parking spaces and use of existing vehicular access to Farnborough Road; and landscaping including creation of new landscaped podium amenity courtyard. This appeal is being dealt with by means of the written procedure.
- 1.3 **165 North Lane, Aldershot** : Against the refusal of planning permission for: Change of use from A1 Retail to A5 Hot Food Takeaway (Rooster Shack). This appeal is being dealt with by means of the written procedure.

2. Appeal decisions

2.1 Land to the rear of Nos.26-30 and 42-54 Cove Road, Farnborough

In October 2018 the Development Management Committee refused planning permission (18/00580/FULPP) for: Re-development of land involving erection of 7 houses (comprising 1 x 2 bed and 6 x 3 bed dwellings) divided between two terraced blocks and associated works following demolition of existing buildings on the following grounds:-

1. *The proposed development, by reason of the ad hoc, piecemeal and constrained nature of the application land and the poorly-contrived design of the proposed development would be an incongruous form of development which would relate poorly and unsympathetically to its surroundings. Furthermore, the proposed development would be likely to prejudice the possible future development of adjoining land together with the application land in a more satisfactory and comprehensive manner. As such, allowing the current proposals to proceed would not be in the interests of the proper planning of the vicinity nor make the most efficient use of land. The proposed development is thereby contrary to adopted Rushmoor Core Strategy Policies CP1 and CP2, and emerging New Rushmoor Local Plan (2014-2032) Policies DE1 and SS1.*

2. *It has not been demonstrated that the application land is suitable for residential re-development having regard to potential ground contamination. The proposals are thereby contrary to saved Local Plan Policy ENV49 and emerging New Rushmoor Local Plan (2014-2032) Policy DE10.*
3. *The proposals would result in the loss of a tree worthy of retention. The proposals also fail to provide adequate justification for the removal of a substantial boundary screen hedge and has failed to consider the impact of the proposed development on a tree in the rear garden of No.24 Cove Road near the proposed Plot 7 house. The proposals are contrary to saved Local Plan Policies ENV13 and ENV20, and emerging New Rushmoor Local Plan (2014-2032) Policy NE3.*
4. *Inadequate consideration has been given to the relationships of the proposed development with existing immediately adjoining and nearby residential properties, the occupiers of which would suffer a material loss of privacy due to undue direct overlooking and/or loss of amenity due to noise, disturbance and activity arising from the use of the parking courtyards. The proposals are thereby unacceptable and contrary to adopted Rushmoor Core Strategy Policy CP2, saved Local Plan Policy ENV17 and emerging New Rushmoor Local Plan (2014-2032) Policy DE1.*
5. *The proposed development would provide a poorly contrived and inadequate living environment for potential future occupiers by reason of the potential for undue overlooking of proposed dwelling units from existing neighbouring properties and/or the likely noise, disturbance and cooking odours arising from the operation of nearby commercial uses. The proposals are thereby contrary to Rushmoor Core Strategy Policies CP1 and CP2, saved Local Plan Policy ENV17, and emerging New Rushmoor Local Plan (2014-2032) Policy DE1.*
6. *The proposed development makes no provision to address the likely significant impact of additional residential units on the objectives and nature conservation interests of the Thames Basin Heaths Special Protection Area. The proposals are thereby contrary to the requirements of retained South East Plan Policy NRM6, Rushmoor Core Strategy Policies CP13 and CP15, and emerging New Rushmoor Local Plan (2014-2032) Policies NE1 and NE4.*
7. *The proposal has failed to demonstrate, through adequate ecological surveys of the application land, that there would be no adverse impact on protected wildlife species having regard to the requirements of adopted Rushmoor Core Strategy Policy CP15 and emerging New Rushmoor Local Plan (2014-2032) NE4.*
8. *The proposals, would be likely to have a severe impact on the safety and convenience of highway users, including users of the adjoining pedestrian pavement due to:-*

- (a) *the failure to propose improvements to the means of vehicular access to and from the site and the proposed intensification in the use of existing sub-standard and unsatisfactory driveways with poor pedestrian and vehicular sight-lines;*
- (b) *the failure to provide adequate on-site parking to meet the functional parking needs of the proposed development and the existing continuing requirements to provide parking for occupiers of adjoining properties outside the application land in an area with significant demand for very limited on-street parking; with the consequent likelihood of significant indiscriminate overspill parking and additional demand on already limited on-street parking in the vicinity;*
- (c) *inadequate on-site vehicle manoeuvring space; and*
- (d) *the failure to consider the impact of the proposed development upon refuse collection arrangements;*

the proposal would therefore be contrary to adopted Rushmoor Core Strategy Policies CP2 and CP16, saved Local Plan Policy TR10, emerging New Rushmoor Local Plan Policy IN2, and the Council's adopted Parking Standards SPD (November 2017).

- 9. *The proposals fail to provide details of appropriate surface water drainage for the development as required by adopted Rushmoor Core Strategy Policy CP4 and emerging New Rushmoor Local Plan Policy NE8.*
- 10. *The proposals fail to provide details of sustainable energy performance measures as required by adopted Rushmoor Core Strategy Policy CP3 and emerging New Rushmoor Local Plan Policy DE1.*

In dismissing the appeal the Inspector considered the main issues to be the effect of the proposals on:-

- The character and appearance of the area, including the impact on trees and hedgerows;
- Whether it makes efficient use of the land;
- Whether the site is suitable for new housing development having regard to the potential for land contamination;
- The living conditions of nearby residents, with particular reference to privacy and noise from the parking arrangements;
- The living conditions of future residents, with particular reference to privacy, noise and odours from nearby commercial units;
- Highway safety;
- Bats;
- Drainage, and;
- The Thames Basin Heaths Special Protection Area.

The decision included the following comments:

Character & Appearance : The section of Cove Road closest to the appeal site was noted to be a busy road lined with mixed use properties providing a vibrant frontage. However, by contrast, the nearby roads at Elmsleigh Road and Gables Close are predominantly in residential use and have a quieter pleasant suburban character. The proposal would introduce 7 dwellings in two terraces which would sit either side of the separate piece of land associated with 42-44 Cove Road, thereby resulting in a fragmented layout of development with an awkward shape and disjointed appearance and would also necessitate the retention of two access points for what is a relatively small scale development.

The principal elevations of the two terraced blocks would face directly onto parking areas. The proposed development would share little in common with the surrounding development and would adversely affect the character and appearance of the area.

The development would result in the removal of most of the existing boundary hedgerow, there would be a notable reduction in the overall tree and hedgerow provision that would result in further harm to the character and appearance of the area.

Efficient Use of Land : The Inspector considered that the development would not provide a suitable efficient use of the land, although there was limited evidence to support the Council's concern that the proposed development would prevent a wider comprehensive development coming forward in the future.

Land Contamination : Since the proposal would introduce residents onto land that is potentially contaminated, the Inspector was not assured that appropriate measures and mitigation could be taken to make the risk acceptable.

Impact on Neighbours : The Inspector identified a number of unacceptable adverse impacts of the proposed development on adjoining neighbours from a parking court which would directly abut the boundary with the rear garden of 24 Cove Road, and from the orientation and proximity of upper floor windows which would allow for intrusive views, reducing the privacy of garden areas to an unacceptable degree. The increased use of the western access point would result in noise from an increase in vehicle movements in the confined space.

Living Conditions for Future Residents : The noted that the parking courts located immediately to the front of the 7 proposed dwellings would, in addition to serving the development, also make provision for parking by specified commercial occupiers and properties in Cove Road. The Inspector therefore considered that the proximity of the lounge and bedrooms located at the front of the proposed houses, coupled with the potential traffic movements associated with both users, would lead to unacceptable disturbance to the future occupants by way of noise, vehicle lights and activity.

Highway Safety : The Inspector noted that both site entrances are narrow and have restricted visibility. The Inspector considered the proposed arrangement would not constitute safe, suitable or convenient accesses for all users.

Given the complexity of the planning history of the appeal property, the Inspector could not be certain that parking previously or currently required to use the appeal site remained necessary and would be displaced by the proposed development. Further,

whether, despite the significant parking restrictions in the locality, displaced parking would be appropriately provided for elsewhere.

Protected Species : A Bat Survey of the buildings at the appeal site was submitted with the appeal and confirmed that there was no evidence of any bats being present at the site.

Drainage : Similarly in respect of Reason for Refusal No.9, a Drainage Report was submitted with the appeal that the Inspector considered addressed this matter.

Special Protection Area : The Inspector was not satisfied that the s106 Unilateral Undertaking submitted by the appellants with the appeal was sufficient to secure the necessary SPA financial contributions.

DECISION : APPEAL DISMISSED

2.2 38 Southampton Street, Farnborough

Planning permission was refused in October 2018 (18/00639/REVPP) for a single storey rear extension and creation of a doorway into the existing garage to this property for the following reasons:-

- 1. The mass and bulk of the proposed extension close to the boundary with 38a Southampton Street, would give rise to an oppressive and unneighbourly impact. The proposal therefore conflicts with Policies ENV 17 and H15 of the Rushmoor Local Plan Review (1996 - 2011) and Rushmoor Local Plan emerging policy DE5*
- 2. The proposed would be incompatible with the existing property and the character and appearance of the South Farnborough Conservation Area contrary to policy ENV 34 of the Rushmoor Local Plan and Rushmoor Local Plan emerging policy HE3.*

The property is one of six houses dating from a 1989 planning permission which removed permitted development rights in the interest of protecting the amenities of the South Farnborough Conservation Area.

The Inspector did not share the Council's view regarding the impact of the extension on neighbouring amenity, nor did she accept that, given its limited visibility, the extension would harm the character or appearance of the conservation area

DECISION : APPEAL ALLOWED

3. Recommendation

3.1 It is recommended that the report be NOTED.

Tim Mills
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