

## 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 6 November 2019.
- 1.2 **91 Cranmore Lane, Aldershot** : Against the refusal of planning permission for: Erection of single storey side extension and alterations to detached garage to form store. This appeal is being dealt with by means of the written procedure.
- 1.3 **182 Lower Farnham Road, Aldershot** : Against the refusal of planning permission for: Erection of a two storey rear extension. This appeal is being dealt with by means of the written procedure.

### 2. Appeal decisions

#### 2.1 Willow House, 23 Grosvenor Road Aldershot

In August 2018 planning permission was refused (18/00251/FULPP) for: Demolition of existing building and erection of part 3, part 4 and part 5-storey building containing 23 flats (2 x studios, 13 x one bedroom and 8 x two bedroom) and 2 retail units, with associated bin and cycle storage on the following grounds:

- 1 *By virtue of its height, massing and design the proposed building does not respect the character and appearance of the local area and is also considered to adversely affect the setting of Wesley Chambers, a Grade II \* listed building located within the Aldershot West conservation area. As such the proposal is considered to conflict with policies CP1 and CP2 of the Rushmoor Core Strategy, "saved" local plan policies ENV16, ENV26, ENV34, ENV35 and ENV37 and paragraphs 127, 130, 192, 194, 195, 196 and 200 of the National Planning Policy Framework. Regard has also been had to policies HE1, HE3 and D1 of the Rushmoor Local Plan Draft Submission June 2017 as proposed to be amended.*
- 2 *By virtue of the proximity, footprint and height of the building the proposal is considered to result in an unacceptable loss of light and outlook and create an unacceptable sense of enclosure to residents of St Katherine Court. As such the proposal conflicts with policy CP2 of the Rushmoor Core Strategy and "saved" local plan policy ENV16.*

- 3 *It has not been satisfactorily demonstrated that the proposed dwellings would provide an acceptable internal residential environment or appropriate external amenity space for future residents. As such the proposal conflicts with policy CP2 of the Rushmoor Core Strategy and "saved" local plan policies ENV16 and H14. Regard has also been had to policies DE2 and DE3 of the Rushmoor Local Plan Draft Submission June 2017.*
- 4 *The development is unacceptable in highway terms in that no car parking has been provided. Moreover it has not been satisfactorily demonstrated that acceptable refuse collection arrangements and cycle storage facilities can be provided. The proposal conflicts with the objectives of policy CP16 of the Rushmoor Core Strategy and the Council's adopted Car and Cycle Parking Standards 2017. Regard has also been had to policy IN2 of the Rushmoor Local Plan Draft Submission June 2017.*
- 5 *Given the existing hardsurfacing within the site and the proposed footprint of building it has not been satisfactorily demonstrated that the proposal would make acceptable arrangements for the disposal surface water drainage and the provision of SUDs. As such the proposal conflicts with the objectives of policy CP4 of the Rushmoor Core Strategy and paragraph 165 of the National Planning Policy Framework. Regard has also been had to policy NE6 of the Rushmoor Local Plan Draft Submission 2017 as proposed to be amended.*
- 6 *The proposal fails to address the 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 Interim Avoidance and Mitigation Strategy and is therefore contrary to Policy CP13 of the Rushmoor Core Strategy, NRM6 of the South East Plan and paragraph 175 of the National Planning Policy Framework. Regard has been had to policies NE1 and NE4 of the Rushmoor Local Plan Draft Submission 2017 as proposed to be amended.*
- 7 *The proposed development would fail to make provision for open space contrary to the provisions of policy CP12 of the Rushmoor Core Strategy and "saved" policy OR4 of the Rushmoor Local Plan Review 1996-2011. Regard has also been had to policy DE6 of the Rushmoor Local Plan Draft Submission 2017.*

The Inspector considered the main issues are the effects of the proposed development on:

- a) the character and appearance of the area, including on the setting of the Grade II\* listed Wesley Chambers and other Grade II listed buildings and on the Aldershot West conservation area and its setting;
- b) the living conditions of residents of the adjoining property, St Katherine Court, regarding their light, outlook and sense of enclosure;

- c) the living conditions of future residents of the proposed flats, regarding the room sizes of the units and their external amenity space;
- d) parking and servicing of the site, in particular whether this would be satisfactory; and
- e) the integrity of the SPA.

The Inspector noted the requirement regarding the desirability of preserving LBs or their settings and the desirability of preserving or enhancing the character or appearance of conservation areas.

He considered the proposed design would fail to incorporate enough variation or rhythm in its elevations and to appear bland and pedestrian by comparison with its neighbours.

He felt that little consideration has been given in the building's design to the surrounding LBs within the CA.

He concluded that the design of the proposed building is of insufficient quality and would fail to respect the character and appearance of the area. It would fail to respect the prominent corner settings of the LBs around it, as described above, and the character, appearance of the CA and its immediate setting.

In terms of the impact of the living conditions of residents of the adjoining property, St Katherine Court, he did not agree with the Council that the proposal would have an unacceptable impact of the amenity of adjoining residents in terms of its impact on bedroom windows in the adjacent light well.

He commented that the redevelopment of the appeal site is necessary in the interests of the efficient use of urban land and currently mars the character and appearance of the area and the settings of the nearby LBs.

In terms of the amenity of the residents of the proposed flats, the Inspector did not agree that the proposed balconies would be too noisy to provide useable amenity space as there were other such balconies in the vicinity.

He agreed that the proposed floor areas of the flats, substantially below the requirements of Policy DE2, would not result in a satisfactory living environment.

He did not agree with the Council's conclusions that suitable servicing was not available, nor did he accept the Council's position regarding the on-site shortfall in parking.

In terms of the impact upon the Thames Basin Heaths Special Protection Area, the Inspector noted the Appellants' proposal to provide mitigation by means of SANG land at the Queen Elizabeth Barracks site at Church Crookham, which is less than 5km from the site, to be secured by means of a suitably worded Grampian-style condition, and a SAMM contribution, to be secured by a

Unilateral Undertaking. He indicated that if permission were being granted, it would be necessary for him to carry out an Appropriate Assessment (AA) under the Habitats Regulations to determine whether the proposal would compromise the integrity of the SPA and that the above measures would be taken into account when making the AA. However, as he intended to dismiss the appeal for other reasons, it was not necessary for him to conduct an AA in this case.

In terms of the provision of public open space, the Inspector commented that the Unilateral Undertaking submitted with the appeal also provides for an open space contribution of £44,600 prior to commencement of development towards the provision or improvement of relevant local open space necessitated by the occupiers of the flats in the proposed scheme, in compliance with LP Policy DE6.

The Inspector concluded that whilst he disagreed with some of the Council's refusal reasons, for the reasons set out above I conclude that the appeal should be dismissed.

Following the receipt of the Appeal Decision letter, the Corporate Planning Manager wrote to the Planning Inspectorate raising concerns over the reasoning and lack of justification in the Inspectors decision letter for reaching the conclusion that zero parking would be appropriate for this location, given the substantial shortfall in parking provision, and that the proposal would accord with the thrust of Policy IN2 and the NPPF. The letter requested a response to several detailed points and indicated he Council's view at present is that the conclusion on parking grounds is flawed and should be afforded very little weight in the consideration of a further application to develop this, or any other site in the vicinity.

## **DECISION : APPEAL DISMISSED**

### **2.2 206 Sycamore Road, Farnborough**

The site comprises a detached house at the western end of Sycamore Road, adjoining the car park of Farnborough College of Technology. In July 2019, planning permission 19/00213/FULPP was refused for: Demolition of existing buildings and erection of a new building part 3 part 4 storey with a mix of 11 dwellings with associated parking, access, cycle and bin provision for the following grounds:

- 1 The proposed development, by reason of the scale and design of the building and its position within the plot, would result in an incongruous building that would be over dominant in the street scene, would be out-of-scale with the adjoining dwellings and which does not reflect the prevailing character of the area, to its detriment. The proposal also makes inadequate provision for the storage and removal of refuse. The proposal would therefore constitute an unacceptable overdevelopment of the site, contrary to Policies DE1 and DE11 of the Rushmoor Local Plan and the National Planning Policy Framework/Practice Guidance.*

- 2 *Having regard to the lack of private amenity space, the proposal would fail to meet the minimum Gross Internal Area for all of the flats and would not therefore provide a satisfactory living environment, contrary to Policies DE2 and DE3 of the adopted Rushmoor Local Plan. The proposal also fails to include details of a scheme to protect residents from aircraft noise in association with Farnborough Airport and is considered to be contrary to Policy DE10 of the adopted Rushmoor Local Plan.*
- 3 *The proposal fails to provide adequate car parking for residents and visitors in accordance with the requirements of the Council's adopted parking standards. The substantial shortfall in parking provision would be likely to result in indiscriminate car parking within the site, on the access road and on landscaped areas, to the detriment of residential amenity. The Proposal is contrary to Policy IN2 of the adopted Rushmoor Local Plan and Principles 6, 21 and 22 of the Car & Cycle Parking Standards Supplementary Planning Document.*
- 4 *The proposal would result in a significant increase in the number of vehicles exiting the site onto Sycamore Road and would fail to make adequate provision for visibility splays at the new exit point. The proposal would therefore be detrimental to the safety of motorists, pedestrians and cyclists, contrary to Policy IN2 of the adopted 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 biodiversity 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.*
- 6 *The proposals fail to provide details of appropriate surface water drainage for the development as required by adopted Rushmoor Local Plan Policy NE8.*
- 7 *The proposed development would fail to make provision for public open space contrary to the provisions of adopted Rushmoor Local Plan Policies DE6 and DE7.*
- 8 *The proposed development would fail to make provision for affordable housing, contrary to the provisions of adopted Rushmoor Local Plan Policies LN2.*

The Appeal was determined following a hearing on the 12<sup>th</sup> of November 2019. The Hearing was attended by representatives of the Council, Hampshire

Highways, the Appellant and a number of residents. The Inspector's decision letter was received 18<sup>th</sup> November.

The Inspector considered that the main issues were:

- (a) The effect of the development on the character and appearance of the area;
- (b) Whether the development would prejudice highway safety;
- (c) Whether the development would be served by adequate car parking;
- (d) Whether the development would result in adequate living conditions for future occupiers with regard to amenity space provision; and
- (e) The effect of the development on the Thames Basin Heaths Special Protection Area (SPA)

The Inspector agreed that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policies DE1 and DE11 of the Rushmoor Local Plan (2019)

The Inspector concluded that the development would be prejudicial to highway safety, contrary to the relevant sections of Policy IN2 of the Rushmoor Local Plan (2019), which requires new development to provide safe, suitable, and convenient access.

The Inspector concluded that whilst that the site is in a highly accessible location, the proposed parking arrangement was not justified in this case, The development would not be served by adequate car parking contrary to the relevant sections of Policy IN2 of the Rushmoor Local Plan (2019), and the Car and Cycle Parking Standards SPD (2017).

The Inspector agreed with the Council that insufficient usable amenity space would be provided. He noted that Policy DE3 of the Rushmoor Local Plan states that the minimum requirement for private outdoor space is a 5 square metre balcony within flat developments.

In terms of the impact upon the Thames Basin Heaths Special Protection Area (SPA), the Inspector noted that the appeal site is located within 5 km of the Thames Basin Heaths SPA, and that it was common ground that the impact of the development upon the SPA requires mitigation. In this regard, he noted that a draft Unilateral Undertaking (UU) had been submitted that would make a contribution towards a Suitable Alternative Natural Greenspace (SANG). However, he noted that this SANG is within the neighbouring District of Hart. Whilst the Council had stated that SANG capacity in Hart has been allocated to developments in Rushmoor, it had clarified that any contribution would need to be paid directly to that District. The Inspector noted that there was no mechanism before him to deliver this, nor any indication that such a contribution would be accepted by Hart District Council.

In respect of the Council's other reasons for refusal, the Inspector noted that, following the receipt of notice of the Appeal, the Council had undertaken its own independent review of the appellant's Financial Viability Appraisal. This review concluded that the development could not support an affordable housing contribution. In light of this, the Council had indicated that it no longer wishes to defend its eighth reason for refusal and he did not need to consider this issue further.

In terms of the provision of Public Open Space, the draft Unilateral Undertaking submitted by the appellant included the necessary financial contribution to comply with Policy DE6 of the Rushmoor Local Plan (2019). The s106 agreement would overcome the Council's seventh reason for refusal and the Inspector did not consider this matter in any further detail.

He noted that the Council's sixth reason for refusal refers to a failure to provide details relating to surface water drainage. However, this is a matter which could be addressed by a planning condition had the Council been minded to approve the development. At the hearing, it was confirmed that this remains the Council's position, and he saw no reason to take a different view.

In summary, the Inspector concluded that the development would significantly harm the character and appearance of the area, would prejudice highway safety, and would result in inadequate parking and living conditions for future occupiers. Whilst it would provide new housing within the existing urban area, in an accessible location, and would generate some modest economic benefits, that did not alter his view that the appeal should be dismissed.

## **DECISION : APPEAL DISMISSED**

### **2.3 28 Randolph Drive, Farnborough**

The appeal was in respect of refusal of consent to fell a preserved oak tree at the rear of nos. 26 and 28 Randolph Drive.

The Inspector found the tree to be well formed, in good health and contributing high amenity value to the character and appearance of the locality. Given that the Council had agreed a scheme of works to reduce the canopy she concluded that the reasons put forward by the appellants relating to its health, impact on the amenity of gardens or on the health of surrounding woodland did not amount to a justification for its felling.

## **DECISION : APPEAL DISMISSED**

### **3. Recommendation**

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

Tim Mills  
Head of Economy, Planning and Strategic Housing