

Appeals Progress Report

1. Appeal decisions

1.1 14 Hilder Gardens Farnborough

Appeal against refusal of planning permission for “Demolition of existing garage at 15 Hilder Gardens and erection two new detached dwellings to the rear with ancillary parking and access road” in December 2019. Planning application 19/00482/FULPP was refused under delegated powers for the following reasons:-

1. *The siting of the proposed houses at the rear of the site would as a consequence of the sub division of the existing curtilages 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. The location of the proposed dwellings in relation to the adjoining properties would result in a loss of outlook, amenity and privacy. 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 Policies DE1 and DE11 of the Rushmoor Local Plan and the National Planning Policy Framework/Practice Guidance.*
2. *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 and Policies NE1 and NE4 of the Rushmoor Local Plan.*
3. *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 Local Plan Policy NE4.*
4. *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.*

The appeal was considered under the Written Representations procedure. In determining the appeal, the Inspector noted that the Council had confirmed that its fourth reason for refusal could be dealt with by a planning condition, were he minded to allow the appeal and therefore considered that the main issues to be (i) The effect of the proposed development on the character and appearance of the area, (ii) the

effect of the proposal on the living conditions of neighbouring occupiers especially in regard to outlook, privacy and general disturbance, (iii) whether the proposal would affect the integrity of the Thames Basin Heaths Special Protection Area (TBHSPA), and (iv) the effect of the proposal on protected wildlife species.

The Council's reasons for refusal were supported in respect of the adverse impact upon the character of the area, the decision notes that the landscaped gardens provide a strong sense of spaciousness and contribute to the open character at the rear, making a positive contribution to established character and appearance. The proposal was found not in accordance with the pattern of local development and to undermine the sense of spaciousness. For these reasons the proposal would result in a form of development that would be uncharacteristic and contrary to those parts of Policies DE1 and DE11 of the Rushmoor Local Plan that relate to character.

The Inspector agreed the proposal would have an adverse impact on adjoining properties, in particular 8 The Sycamores and 15 Hilder Gardens, which would have its garden substantially reduced and which would be overlooked. The conclusion was that the proposal would contravene the parts of policies DE1 and DE11 of the LP which protect existing neighbours from loss of privacy and outlook. However, while he acknowledged that the use would result in some noise disturbance and would include new illumination in an otherwise dark area, such activity would be limited and unlikely to result in sustained disturbance. Furthermore, with mitigating landscaping and by serving only two dwellings, he considered that this would not amount to a substantive impact and would therefore not warrant a finding of harm in regard to noise and disturbance.

The Inspector agreed with the Council that bats are likely to be present on the site, and that, in the absence of a bat survey to demonstrate otherwise, the Council was correct to refuse planning permission on the basis that the proposal has the capability to cause significant harm to a protected wildlife species contrary to policy NE4 of the LP.

The Inspector noted that the appellants have not provided a financial contribution pursuant to the Council's TBHSPA Interim Avoidance and Mitigation Strategy or provided any other legal mechanism towards mitigating the effects of the proposal on the SPA. Had he been minded to allow the Appeal, he advised that it would have been necessary for him to seek additional information from the parties and consult Natural England in order to undertake an Appropriate Assessment under the Habitat Regulations. However, as he was dismissing the appeal for other reasons, it was not necessary to consider the matter further as it would not change the outcome.

DECISION : APPEAL DISMISSED

2. Recommendation

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

Tim Mills
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