

Appeals Progress Report

1. Appeal decision

1.1 Land at 16 Churchill Avenue, Aldershot

Appeal against refusal of planning permission for “Alterations and extensions to existing dwelling to form 2 three-bedroom semi-detached dwellings and 1 three bedroom detached dwelling house with parking and additional dropped kerb” (20/00593/FULPP). Permission was refused at the Development Management Committee on 14 October 2020 for the following reasons:

- 1 The proposed development, by reason of the number and design of dwellings proposed, the lack of spacing around the buildings, their position within the plot, and with a frontage dominated by parking, would result in an incongruous development that would be over dominant in the street scene and which does not reflect the prevailing character of the area, to its detriment. 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 The proposal, by reason of the bulk and mass of building alongside the boundary with the adjoining property to the north-west, would have unacceptable impact upon the light, outlook and amenity of the occupiers of that property, contrary to Policies DE1 and DE11 of the Rushmoor Local Plan.
- 3 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 bio-diversity 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.
- 4 The proposals fail to provide details of appropriate surface water drainage for the development as required by adopted Rushmoor Local Plan Policy NE8.

- 1.2 In determining the appeal, the Inspector considered 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 proposed development on the living conditions of occupants of 10 Churchill Avenue, with particular regard to outlook, the potential to appear overbearing, light and privacy; iii) whether the proposed development would make adequate provision for surface water drainage; and iv) the effect of

the proposed development on the integrity of the designated Thames Basin Heaths Special Protection Area (SPA).

- 1.3 The Inspector agreed with the Council's reason for refusal regarding the impact of the development on the character and amenity of the area; and that the proposal would be contrary to National and Local Plan Policies.
- 1.4 The Inspector also agreed with the Council that the proposed development would significantly harm the living conditions of the occupiers of No 10 with particular regard to outlook, its potential to appear overbearing and loss of light. It would therefore conflict with Policies DE1 and DE11 of the Local Plan which require new development to have no adverse impact on the amenity of neighbours in terms of loss of light and outlook
- 1.5 The Inspector agreed with the Council that due to a combination of the sloping nature of the land and the likely impermeable sub-surface geology, it was not possible to ascertain whether the proposed permeable paving would meet the requirements of Policy NE8 to ensure that surface water runoff from the site will not exceed greenfield run-off rates. Accordingly, the Inspector considered that the Appeal should be dismissed as the proposal was contrary to Policy NE8.
- 1.6 The Inspector noted that the site was located within 5km of the Thames Basin Heaths Special Protection Area and that the Council had determined that additional residential development would, in combination with other plans and projects, have a significant effect on these protected sites through increased recreational pressures. She also noted that while the Appellant was aware of this, they were not able to provide mitigation by means of the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy as their request for an allocation of mitigation capacity had been rejected on the grounds that the Council considered that the proposal was not planning policy compliant. The Inspector concluded that, notwithstanding the Council's findings in respect of this, as the competent authority, she is required to carry out an appropriate assessment of the effect of the proposed development. However, as she had found that the scheme is unacceptable for other reasons, she did not need to pursue this matter further.

DECISION: APPEAL DISMISSED

2. Recommendation

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

Tim Mills
Head of Economy, Planning and Strategic Housing