

Appeals Progress Report

1. Appeal decisions

1.1 Land adjacent to 1 Pickford Street, Aldershot

Appeal against refusal of planning permission for “Erection of a five-storey building to comprise 14 two-bedroom flats with associated parking for 1 Pickford Street, Enterprise House, 84-86 Victoria Road and the proposed development” (19/00759/FULPP). Permission was refused for the following reasons:

1. *“By reason of the height, depth and proximity of the proposed building to adjacent existing buildings, the proposed development is unable to give appropriate and acceptable consideration to:-*
 - a) *The relationship of the proposed development with residential properties in the eastern elevation of 1 Pickford Street, the occupiers of which would suffer an unacceptable material loss of amenity and sense of enclosure due to materials loss of outlook and daylight; and*
 - b) *Bin storage and collection arrangements*

The proposal is thereby considered to demonstrate symptoms of being an unacceptable poorly contrived overdevelopment of the site and, as such, to be unacceptable having regard to Policy DE1 of the adopted New Rushmoor Local Plan (2014-2032) and the relevant guidance contained in the National Planning Policy Framework (2019).

2. *The development is unacceptable in highway terms in that it fails to meet the requirements of the Council’s adopted parking standards (2017) and as such does not comply with Policy IN2 of the New Rushmoor Local Plan (2014-2032) or the Rushmoor Parking Standards SPD (2017).*
3. *The proposals fail to make provision for an appropriate Special Protection Area Mitigation and Avoidance contributions towards suitable alternative natural green space, and strategic access management measures in order to address the impact of the proposed development upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area. The proposal is thereby contrary to the requirements of the Habitats Regulations, Policy NE1 of the adopted New Rushmoor Local Plan (2014-2032) and saved Policy NRM6 of the South East Plan.*
4. *The proposal does not make provision for public open space in accordance with the requirements of Policy DE6 of the adopted New Rushmoor Local Plan (2014-2032).*
5. *The proposal does not make provision for affordable housing in accordance with the requirements of Policy LN2 of the adopted New Rushmoor Local Plan*

(2014-2032).

- 1.2 In determining the appeal, the Inspector considered the main issues to be i) the effect of the proposed development on the living conditions of the existing occupiers of flats 5 and flat 8 of No. 1 Pickford Street, having regard to outlook and daylight ii) whether the scheme would provide sufficient on-site car parking, iii) whether it would make satisfactory provision for refuse collection and storage, iv) its effect on the Thames Basin Heaths Special Protection Area and v) whether it would make satisfactory provision for public open space.
- 1.3 The Inspector considered the proposed development would cause an unacceptable reduction in outlook from, and natural daylight to, the windows of Flats 5 and 8 of No 1 Pickford Street, caused by the combination of height, depth and proximity of the proposed building to the adjoining property and in this regard, agreed with the Council's reason for refusal.
- 1.4 The Inspector supported the Council's reason for refusal regarding a shortfall in the provision of off-road parking spaces, stating it resulted in 'a substantial under provision' of on-site residents car parking of 50% and visitor car parking of 100%, that would be to the detriment of future occupiers and would conflict not only with Policy IN2(d) of the Local Plan, but also paragraphs 102, 124 and 127 of the NPPF (2019), which indicate that parking considerations should be integral to the design of schemes so they contribute to making high quality places. The Inspector acknowledged that the site was located in proximity to, but outside, the Town Centre boundary and examined the provisions of the Parking SPD in this light, concluding that the scheme was a new-build development outside the town centre boundary that therefore could not benefit from allowances for a reduction in on-site spaces, particularly given the yellow line kerbside restrictions in the location.
- 1.5 The Inspector supported the Council's reason for refusal regarding the inappropriate location of communal refuse and recycling bins stating they would cause harm to the amenity of future occupiers by impeding pedestrian movement and vehicles.
- 1.6 The Inspector noted the site was within 5km of the Thames Basin Heaths Special Protection Area and that the Council had determined that additional residential development would have a significant effect on these protected sites through increased recreational pressure. He acknowledged that although the appellant indicated they were willing to enter into a legal agreement to secure mitigation no planning obligation was before him and he could not therefore conclude the proposal would not adversely affect the SPA and in this regard agreed with the Council's reason for refusal citing failure to comply with Policy NE1 of the Rushmoor Local Plan.
- 1.7 The Inspector similarly acknowledged that although the appellant indicated they were willing to enter into a legal agreement to secure public open space contributions no planning obligation was before him and the proposal therefore conflicts with Policy DE6.

- 1.8 Although the appellants submitted a Viability Assessment to the Inspectorate subsequent to the Council issuing the Decision Notice, the Inspector did not consider this matter further given the other substantive issues.

DECISION: APPEAL DISMISSED

2. Appeal decision

2.1 The Chestnuts 34 Church Circle Farnborough

Appeal against refusal of planning permission for “The construction of a dormer window in the roof space above the existing garage” (20/00502/FUL)

Permission was refused for the following reason:

- 2.2 *The proposed dormer window due to its size and position would be out of scale with the roof of the existing garage and would result in an obtrusive and overbearing development within the street scene, harmful to the character and appearance of the Conservation Area. The proposal therefore conflicts with Local Plan Policy DE1 (Design in the Built Environment), HE3 (Development within/adjoining Conservation Areas) and Supplementary Planning Document 'Home Improvements and Extensions' February 2020.*
- 2.3 In determining the appeal, the Inspector considered the main issues to be whether the proposal would preserve or enhance the character or appearance of the Church Circle Conservation Area (CA)
- 2.4 The Inspector did not support the Council’s reason for refusal. He was satisfied that the addition would complement the variety found within the roofscape of the area.
- 2.5 The Inspector concluded that that the proposal would preserve the character and appearance of the CA and would therefore comply with Policies DE1 and HE3 of the Rushmoor Local Plan (2019) as well as guidance contained within the ‘Home Improvements and Extensions’ Supplementary Planning Document subject to conditions:
- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan 1; Plan 2; Plan 3; Plan 4; Plan 5; Plan 5a; Plan 6; and Plan 7.
 - 4) The existing trees on and adjoining the site which are to be retained shall be protected from damage during site clearance and works in accordance with the following: no building materials, plant or equipment shall be stored during the site clearance and construction period within the rooting zone of any trees or hedges on or adjoining the site.

DECISION: APPEAL ALLOWED

3. Recommendation

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

Tim Mills

Head of Economy, Planning and Strategic Housing