
Appeal Decision

Hearing held on 23 February 2017

Site visit made on 23 February 2017

by B Bowker Mplan MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 March 2017

Appeal Ref: APP/N1730/W/16/3155965

329 - 331 Fleet Road, Fleet, Hampshire GU31 3BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Zibdawn Associates against the decision of Hart District Council.
 - The application Ref 15/02915/FUL, dated 30 November 2015, was refused by notice dated 27 May 2016.
 - The development proposed is demolition of Nos.329-331 Fleet Road and erection of four storey hotel containing 71 bedrooms with parking for 39 cars.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The living conditions of neighbouring occupants with particular reference to outlook and day/sunlight; and,
 - The character and appearance of the surrounding area and significance of a non-designated heritage asset.

Procedural Matter

3. The address above is taken from the appeal form to reflect the fact that the site also encompasses 331 Fleet Road.

Reasons

Living conditions

4. The appeal site comprises Nos 329 and 331 Fleet Road and land to the rear that reaches across to Albert Street. The site is located in Fleet Town Centre comprising typical restaurant and retail uses. Upper floors of adjoining properties are in residential use and detached and semi-detached dwellings at Albert Street form part of the site's boundary.
 5. The Council's concern regarding the living conditions of occupants at 325 and 327 Fleet Road relates to outlook and day/sunlight. To supplement their concerns regarding neighbours at these properties, a training document relating to the 25 degree and 45 degree guideline was submitted at the hearing. The 25 and 45 degree line rule is a familiar guiding tool used to help
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assess the effect of development on the day/sunlight of neighbouring occupants. However, the document has not been adopted by the Council as formal guidance nor has it been subject to public consultation. Consequently, this document can be afforded limited weight only.

6. During my site visit, I observed that the existing outlook from the bedroom windows in the side elevation of No 325 comprises an open yard and the large scale side elevation of No 333. However, indirect views to the south east across the car park combined with the distance from No 333 would ensure an element of outlook for occupants of No 325 from both bedroom windows.
7. Although the side elevation of the hotel would be set in at first floor level and above, the proposed four storey height would extend across both bedroom windows at No 325. Furthermore, the four storey scale of the hotel would continue beyond the both windows to the south east. The resultant effect would be a significant sense of enclosure for occupants from both bedroom windows. I accept that the skylight windows would ensure that an adequate level of sun and daylight would reach both bedrooms. However, the sense of enclosure described above would remain.
8. During my site visit, I viewed the appeal site from the kitchen and living room at 325 Fleet Road which contains two windows and a glazed door. The windows and door face towards the appeal site and currently provide an open outlook across a car parking area. The window closest to No 323 would retain a direct and open outlook across the proposed car park. The outlook from the second window would remain open roughly for only one third of its width. However, as the room is served by both windows, I am satisfied that an adequate outlook would remain for occupants at No 325 from this room.
9. The kitchen and living room windows at No 325 have a south east orientation and the scale of No 323 ensures that adequate sunlight reaches the windows. Consequently, despite the proximity and scale of the proposal, the window closest to No 323 would retain adequate levels of sunlight. The extent of openness to the rear of properties beyond No 323 would also ensure adequate levels of daylight reach this window.
10. Despite the adjoining two storey projection at No 325, the first floor rear window of No 327 currently has an open outlook across the car park. This window serves a room that has been used for storage purposes for some time. However, based on the site's planning history, the Council have a reasonable basis to consider that the room could be used for habitable purposes in the future. In this respect, the proximity and width of the four storey hotel would have a significantly harmful impact on the outlook from this window. Taking into account the height difference between the hotel and the south west orientation of the first floor rear window at No 327, the level of day and sunlight reaching this window would be limited.
11. The rear elevation of No 333 Fleet Road contains four windows each serving a respective bedroom. During my site visit, I saw that these windows currently provide an outlook across a flat roof with plant machinery. Whilst No 333 is within the ownership of the appellant and has been used by restaurant staff for some time, future separate and permanent residential use cannot be ruled out. However, based on my site visit observations, a satisfactory outlook for occupants at No 333 would remain.

12. During the hearing, the Council explained that satisfactory landscaping along the site's boundary with adjoining properties at Albert Street could help overcome its concern regarding the outlook of these neighbours. Based on the staggered scale of the hotel, the slight change in topography and the separation distances involved, I am satisfied that a landscape condition would prevent harm in this respect.
13. In summary, as outlined in my reasoning above, the proposal would not harm the living conditions of neighbours at No 333 Fleet Road or Nos 152 to 156 Albert Street. In addition, taking into account the separation distances and building orientations involved, the proposal would not harm the living conditions of neighbours in the wider area, including at Woodman Court. However the absence of harm to these neighbours would not prevent or outweigh the harm identified to the living conditions of neighbours at Nos 325 and 327.
14. Therefore I conclude that the proposal would harm the living conditions of neighbouring occupants at Nos 325 and 327 Fleet Road with reference to outlook, and day/sunlight. Consequently the proposal would not meet the requirements of saved LP Policy GEN 1 or paragraph 17 bullet point four of the National Planning Policy Framework (the Framework). Combined, these policies seek to ensure that development secures a good standard of amenity for all existing occupants of buildings.

Character and appearance

15. As Nos 329 and 331 are part of wider group of locally listed buildings, the Council consider them to be non-designated heritage assets as defined in paragraph 135 of the Framework. I appreciate the townscape value of Nos 315 and 337 identified by the Council and I acknowledge the comments made by the North East Hampshire Design Review Panel. Whilst the appellants highlight that the designation has not been subject to a recent review, there are no compelling grounds before me to disregard the non-designated heritage asset designation of the buildings.
16. Paragraph 135 of the Framework advises that applications that affect non-designated heritage assets require a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. During the hearing, the Council confirmed that they do not object to the principle of demolishing Nos 329 and 331 providing they are replaced by a high quality design that accounts for its surroundings. I have no reason to disagree with the Council's view on this matter.
17. Nos 315 and 337 are seen as part of a wider area that has a mixed character. The siting of building frontages in relation to Fleet Road are inconsistent, roof forms are varied, and building heights range from two to four storeys. The appellant identifies nearby buildings with different designs and heights that adjoin one another and my site visit confirmed this juxtaposition is not an uncommon sight along Fleet Road.
18. The use of brick and a stepped scale design would respect adjoining buildings and prevent the proposal appearing cramped. The proposed modern design would tie the building into more recent additions along the street scene. In addition, the mass of the hotel would be well articulated by its layout and

insteps at upper floors. To my mind, these features would ensure the proposal is of a high quality design.

19. Views of the proposal from Fleet Road would be restricted to the immediate vicinity and from Gurkha Square. However, when viewed from these vantage points, the stepped design would ensure the four storey scale of the hotel would not be readily noticeable. Wider views of the proposal from Fleet Road would be limited and when made, would include larger buildings such as Richmond Court.
20. Albert Street has a more residential character and the scale of buildings on its northern side tends to be larger than those on its south. Whilst the two storey scale of 150 to 158 Albert Street breaks this general trend, these properties are viewed alongside larger buildings such as Richmond Court and Osbourne Court. Furthermore, taking into account the distance of the proposed hotel from Albert Street, glimpsed views between Nos 150- 158 would not lead to the contrast in scale as suggested by the Council.
21. Views of Richmond Court between 146 and 148 Albert Street illustrate the mitigating effect distance can have on the perceived difference in scale. Such circumstances would apply to the proposal. In addition, I saw that views of the proposal from Reading North Road would be limited and when made would also involve views of larger buildings including the backdrop of Richmond Court.
22. Therefore I conclude that the proposal would not have a harmful effect on the character and appearance of the surrounding area nor on the significance of the non-designated heritage asset. Consequently the proposal would meet the requirements of saved Local Plan Policy GEN 1 and Paragraphs 17 (bullet point four) and 135 of the Framework. Combined, these policies seek to ensure development is of a high quality design that takes into account the significance of non-designated heritage assets, and is in keeping with the local character by virtue of scale, design, massing, height, prominence, materials, layout siting and density.

Other matters

23. I have considered the economic benefits associated with the proposal, including its support to the viability and vitality of the town centre. These economic benefits are in part illustrated by the letters of support from local restaurant operators. I also note that the Framework considers hotels as a main town centre use and that the proposal would involve a sustainably located brownfield site and that No 329 has had occupancy difficulties over the last 10 years. However, the absence of harm in relation to the second main issue is a neutral factor in my consideration of the appeal. Nonetheless, combined, the noted benefits are afforded some weight in favour of the appeal.
24. However, the above benefits would be outweighed by the harm identified to the living conditions of neighbouring occupants. Moreover, the Framework is clear that economic, social and environmental objectives must be sought jointly and achieved simultaneously for proposals to be considered as sustainable development.

Conclusion

25. For the reasons given above, and taking all raised matters into account, I conclude that the appeal should be dismissed.

B Bowker

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Kevin Goodwin BTP MRTPI

CgMs Limited

Abdul Chowdhury

Zibdawn Associates

A Mojid

We Restaurant

FOR THE LOCAL PLANNING AUTHORITY

Peter J Lee Dip Geog, BA (Hons), MRTPI

Principal Planning Officer, Hart District
Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Fact Sheet 1: 25 and 45 degree rules of thumb, Right of Light Consulting.
2. Email from the Council's Tourism Manager.
3. North Hampshire Farnborough/Aldershot/Fleet Hotel Market Fact File.
4. Hampshire Hotel Trends 2010-2012 Final Report, Hampshire County Council.
5. Pre-application comments from the North East Hampshire Design Review Panel.