

Appeal Decision

Site visit made on 20 March 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/N1730/W/16/3166130

Land at 33 Basingbourne Road, Fleet, Hampshire, GU52 6TG

- 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 Mr John Keogh of Kona Developments Ltd against the decision of Hart District Council.
 - The application Ref 16/00968/FUL, dated 15 April 2016, was refused by notice dated 20 December 2016.
 - The development proposed is the erection of two three-bedroom dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two three-bedroom dwellings at land at 33 Basingbourne Road, Fleet, Hampshire, GU52 6TG in accordance with the terms of the application, Ref 16/00968/FUL, dated 15 April 2016, subject to the conditions set out in the schedule to this decision letter.

Application for Costs

2. An application for costs was made by Mr John Keogh of Kona Developments Ltd against Hart District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the development on highway safety and on the character and appearance of the area.

Reasons

Highway safety

4. The appeal site is located largely to the rear of 29-31 Basingbourne Road and is accessed down a driveway which serves Nos 31, 31a, 33, 35, 35a and 37 Basingbourne Road.
 5. The Council's principal concern relates to the location of the additional bins which the development would generate on collection day and their impact on pedestrian safety. From the evidence before me, on bin collection day, there are a number of bins which are positioned in proximity to the access driveway.
 6. The bins required for the additional dwellings would clearly add to the existing situation. However, given the amount of available pavement space in the vicinity of the access, including the area shown on the submitted drawing, the
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additional bins would not create any significant obstruction or hazard to pedestrians.

7. For the above reasons, the proposed dwellings would not result in any harm to highway or pedestrian safety. Therefore the development would accord with saved Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 (LP) which seeks, amongst other matters, to ensure that development does not cause a material detriment to highway safety.

Character and appearance

8. The site is surrounded by other residential development including other backland style dwellings accessed off the same driveway as the appeal proposal.
9. The size of the dwellings and their plots do not appear to be that dissimilar in size to other development in the surrounding area. It is also significant to note that each plot provides a sufficient amount of amenity provision for the future occupants together with a suitable level of parking provision on site. In the absence of any evidence to the contrary, I consider that the dwellings would not represent an overdevelopment of the site nor would they be out of character with the prevailing development in the vicinity.
10. For the above reasons, the proposed dwellings would not result in any harm to the character and appearance of the area. Therefore, the development would accord with saved Policies GEN1, GEN4 and URB12 of the LP which seek, amongst other matters, to ensure that development has a high quality design which respects the character and appearance of the area.

Other matters

11. From the evidence before me the Thames Basin Heaths Special Protection Area (TBHSPA) lies within 5km from the appeal site and thus within the 5km zone of influence. Policy NRM6 of the South East Plan (2009) (SEP) and Policies CON1 and CON2 of the Hart District Local Plan (Replacement) 1996-2006 (LP) outlines that mitigation is required for new residential development within the 5km influence zone, which this site lies within. The need for mitigation is not disputed by the Appellant.
12. With that in mind, the Appellant has submitted an agreement, dated 28 February 2017, pursuant to Section 111 of the Local Government Act (1972). Following clarification from the Council that the monies referred to in that agreement has been paid by the Appellant, and that the money received would be utilised for the Hawley Meadows SANG I am satisfied that suitable mitigation has been secured.

Conditions

13. Other than the standard time limit condition, it is also necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. Conditions relating to the external materials and details (and implementation) of a landscaping scheme are appropriate in the interest of the character of the area.
14. I also agree that a condition is necessary to ensure that the side facing bathroom window is obscurely glazed to protect the privacy of the occupiers of

- No 35. However, I do not consider it necessary to impose a condition relating to the en-suite rear facing window.
15. A condition relating to the provision of parking spaces for each dwelling is also necessary to ensure that adequate off street parking is provided in the interests of highway safety.
 16. It is not necessary for any of these to be pre-commencement conditions and I have therefore amended the wording of some of the conditions to reflect this.
 17. The Council have also recommended conditions relating to bat and swift bricks in the fabric of the building and in relation to no additional windows or doors in the new dwellings.
 18. In relation to bat/swift bricks, the ecology report found no evidence of protected species, and Council's ecologist raised no objection on the basis that there are no records of protected species on site. Also, the development would not affect any designated site of nature conservation value. Given the above, I consider that a condition to secure bat/swift bricks is not necessary to make the development acceptable in planning terms.
 19. In relation to the restriction of permitted development rights for the insertion of additional windows or doors, I do not find there to be any exceptional circumstances that would justify the removal of this element of permitted development rights.

Conclusion

20. Taking all matters into consideration, for the reasons given above I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans - Location Plan, 1506-033/05, 1506-HT01-400.1-P2, 1506-HT01-200.1-P3, 1506-HT02-400.1-P2, 1506-HT02-200.1-P3 and 1506-450-P2.
3. Prior to the commencement of the construction of the external surfaces of each dwelling details and samples of the materials to be used in the external surfaces of each building hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. Prior to the first occupation of the dwelling, or the completion of the development (whichever is the sooner) full details of both hard and soft landscape works (including a timetable of when they will be planted/laid

out) shall be submitted to and approved in writing by the local planning authority. Hard landscape details shall include, as appropriate, proposed finished levels and/or contours, means of enclosure of unbuilt open areas, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and any artefacts and structures. Soft landscape details shall include planting plans, written specifications (including cultivation and other operations associated with plant establishment), schedules of plants (noting species and sizes) and proposed densities where appropriate. The approved landscaping shall be implemented in accordance with the submitted timetable.

5. The first floor side facing bathroom window on the proposed chalet style bungalow hereby approved shall be fitted with obscure glazing and shall thereafter be retained as such for the life of the development.
6. Prior to the first occupation of each dwelling, the parking spaces for that property shall have been laid out and constructed in accordance with the approved drawings and made available for use and these facilities shall thereafter be maintained as such for their intended purpose. Additionally, prior to the first occupation of either of the two new dwellings, the replacement parking spaces for the existing dwelling shall also be laid out and constructed in accordance with the approved drawings and made available for use.