



Appeal Decision

Site visit made on 16 May 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/H1705/W/17/3169592

Pheonix Court, Alexandra Road, Basingstoke, Hampshire, RG21 7RQ

- 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 Faulkner and West Co. Ltd. against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 16/00441/FUL, dated 7 February 2016, was refused by notice dated 17 August 2016.
 - The development proposed is erection of four 1 bed dwellings, with associated landscaping and parking, following demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: **first**, the effect of the proposed development on the character and appearance of the surrounding area including the adjoining Brookvale West Conservation Area; **second**, its effect on the living conditions of surrounding residents with special reference to visual impact; and **third**, whether the proposal would result in the undesirable loss of employment floor space.

Reasons

Character and appearance

3. The appeal site is in an attractive residential area of Basingstoke not far from the town centre. It is one of the older areas in the town containing a number of streets of terraced Victorian/Edwardian style properties and some 1930s semi-detached houses. The area of Victorian/Edwardian housing is contained within the Brookvale West Conservation Area. The appraisal of this area refers to its essential appearance comprising 2-storey brick buildings arranged in a cohesive and ordered layout of rectilinear streets. The appraisal goes on to add that the planned street layout and fact that the majority of buildings are constructed of an orange/red brick with grey slate roofs creates an overall visual cohesion that characterises the area.
4. The appeal site is a small backland site. It lies directly to the rear of 2 of the terraced streets within the Conservation Area, Alexandra Road and George Street. It abuts the Conservation Area boundary on 2 sides. The other 2 boundaries of the site abut the gardens of Nos. 11 and 12 Highfield Chase, a

pair of 1930s style semi-detached detached houses in the residential area lying just beyond the Conservation Area boundary. Vehicular access to the appeal site is from Alexandra Road through an undercroft between 2 of the terraced houses. On the site there is a small range of commercial buildings that appear to date from the 1960s/1970s. They are predominantly brick built and with tiled roofs and have a traditional appearance. Although of no architectural merit they sit unassumingly on the site and are buildings of a type not uncommonly found in areas such as this.

5. The proposed development would be a notable contrast to what currently exists in the area. It would comprise 3 ground flat roofed first floor units with a second floor building above in a pod like format. The materials used for the walls would be of predominantly vertical timber facing and zinc. In itself I find this an attractive design and it is one that makes good use of an awkwardly sized and located site. However, it would be wholly out of keeping with the character and appearance of the surrounding area including the Conservation Area. In some circumstances development of a contrary appearance to its surroundings may be quite acceptable. In this case, though, given a particular merit of the Conservation Area being its particularly cohesive order and pattern, and the general regularity in use of materials, this would not be so.
6. In this background location the proposed development would be seen in only limited views from surrounding streets. It would, however, be clearly seen from the back gardens and rear elevations of many of the houses bordering the site. Seen from these viewpoints the proposal would appear quite alien and have an adverse effect upon the Conservation Area. Although in a backland location this is not a site on which development would solely create its own sense of identity and space.
7. I do not agree with the Council's contention that the proposal would be an over development of the site. The layout and design of the buildings and parking areas would be such as to provide an acceptable degree of spaciousness. However, lack of harm in this respect does not make the proposal more acceptable on this issue given the other harm found.
8. It is concluded that there would be harm to the character and appearance of the surrounding area including the adjoining Brookvale West Conservation Area arising from the proposed development. The degree of harm would be described as less than substantial in the terms of the Planning Policy Guidance (PPG) on Conserving and enhancing the historic environment. However, the bar to be reached for such harm is such that it may not arise in many cases. The harm that would arise would be such as to be detrimental to the character and appearance of the area. There would thus be a failure to meet the statutory duty to preserve or enhance the character or appearance of the Conservation Area and conflict with Policy EM1 of the Basingstoke and Deane Local Plan (LP) 2011-29 in so far that it requires new development to have due regard to the appearance, materials and history of the surrounding area. I conclude accordingly on this issue.

Living conditions with special reference to visual impact

9. The single-storey elements of the proposed development would be hard up against the boundaries of neighbouring houses. However, they would be sufficiently distant from the neighbouring houses themselves as not to appear over domineering. This would be all the more so because they would, in the

main, replace buildings which are slightly taller due to having pitched roofs. The first-floor element of the proposed development would run parallel with the rear garden boundaries of houses in George Street. It would be set back reasonably well from the boundary and as such would not appear unduly overpowering in views from these adjoining houses and gardens. The first-floor element would also be sufficiently distant from any other houses in the vicinity as to cause no harm through over dominance.

10. The proposed development would cause no unacceptable harm to the living conditions of surrounding residents with special reference to visual impact. There would be no conflict with LP Policy EM10 in so far that it seeks to ensure new development protects neighbours' amenities.

Loss of employment floorspace

11. LP Policy EP2 says that on sites in employment use within settlement policy boundaries, but as with this site outside Strategic Employment Areas, the redevelopment of employment land will be permitted subject to certain considerations. The considerations in this case are that it must be shown that: there are no strong economic reasons why the proposed development would be unacceptable; and that market signals indicate that the premises are unlikely to come back into employment use; and/or that present or future employment uses on the site would be of significant detriment to the environment or amenity of the area.
12. Explanatory text to the Policy outlines what needs to be taken into account on the first consideration. Having regard to this I note that the location of the site is such that the proposed development would not undermine the function of a wider employment area. Nor is there any evidence that the proposal would harm the business currently on site or that the site contributes towards meeting the needs for employment land identified in the Employment Land Review.
13. On the second consideration the explanatory text says that the data the Council would use to determine market signals include the findings of the current Employment Land Review and annual monitoring data on employment and vacancy rates. No information has been provided by the Council on these matters. Nor has any evidence been given to show how items in the footnote to the text would assist in identifying market signals. The Council has recently produced a Marketing Guidance Note on what should be taken into account in assessing market signals. This refers to the need for a marketing exercise, which the Council criticises the appellant for not having undertaken. However, although this guidance is cross-referenced to the development plan there is no indication as to whether it has been consulted upon or formally adopted. Moreover the Council's statement suggests that it applies where a site is vacant, which is not the case here. Accordingly I attach little weight to this document and the absence of a marketing exercise.
14. I now turn to the final consideration in the Policy. The site is bounded by housing. However, it is described as a B1 site. Such uses are defined in the Town and Country Planning (Use Classes) Order as a "use which can be carried out in a residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash or grit". Accordingly I see no reason why the site could not continue to be in employment use

without detriment to residential amenity. In this regard also I note that there is no evidence of any recent concerns on the operation of the premises.

15. Given my finding on the final consideration there would be some conflict with Policy EP2. However, with no economic or market signals standing against the scheme I consider that, even with this partial conflict with Policy, the proposed development would not result in the unacceptable loss of employment land. I conclude accordingly on this issue.

Other matters

Other matters raised against the proposal

16. Turning to key local concerns the proposed dwellings would be sufficiently removed from neighbouring properties for no unacceptable loss of light to be caused to adjoining houses or gardens. In the main windows in the proposed development would not look onto neighbouring properties and where they would do so they would either be sufficiently removed from them as to cause no harm through overlooking or measures are proposed, or could be conditioned, to ensure no unacceptable loss of privacy. From a development of this size traffic movements would be sufficiently modest as to be able to be readily accommodated on neighbouring roads and there should be no unacceptable pressure in relation to on street parking. Traffic movements to and from the site would not be that great and in the context of other traffic movement in the area should cause no undue harm through noise and disturbance. Concerns on drainage and mains water supply are not supported by technical evidence.

Other matters raised for proposal

17. Factors raised for the proposed development are that it would constitute the redevelopment of previously developed brownfield land, for which there is Government support. It would provide additional housing, particularly for small residential units, on a site well located to facilities in Basingstoke town centre. However, these potentially weighty matters are tempered by the small size of the proposed development and the limited additional housing benefit that would arise.
18. The site is so small that additional planting proposed would offer no substantial benefit in biodiversity terms. There would be little benefit in removing the existing buildings from the site in terms of minimising their visual impact on adjoining residents as they are not unduly harmful in that respect. I acknowledge the potential full-back position of the site remaining in commercial use and the appellant's observation that it could be used more intensively and for longer hours thereby giving rise to harm to living conditions. However, as I have already identified as the use of the land has been described as B1 the site could only lawfully be occupied by users that would not cause unacceptable harm to residential amenity. This limits the weight to attach to the stated fallback position. Moreover, no indication has been given that the proposed form of residential development is the only one that could be undertaken on the site.

The planning balance

19. I have found no harm on the second and third issues and on some of the other matters raised against the proposal. However, weighed against this must be

the harm found on the first issue and in particular with the conflict on the requirement on the desirability of preserving or enhancing the character or appearance of Conservation Areas. Special attention must be paid to this harm and I thus attach great weight to it. Thus harm on the first issue I find to be decisive.

20. The National Planning Policy Framework (the Framework) says that there is a presumption in favour of sustainable development. The Framework says that there are 3 dimensions to such development, economic, social and environmental. The proposed development would clearly be of some economic and social benefit. However, that is outweighed by the environmental harm identified. Seen in the round the proposal would not be sustainable development.
21. As indicated above some of the Policies of the development plan would be met and some would not. However, seen in the round the proposal would be contrary to the development plan when read as a whole.
22. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR