



Appeal Decision

Hearing Held on 12 November 2019

Site visit made on 12 November 2019

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2019

Appeal Ref: APP/P1750/W/19/3233290

206 Sycamore Road, Farnborough, GU14 6RH

- 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 R Patel against the decision of Rushmoor Borough Council.
 - The application Ref 19/00213/FULPP, dated 17 March 2019, was refused by notice dated 2 July 2019.
 - The development proposed is described as "*demolition of existing buildings and erection of a new building part 3 part 4 storey with a mix of 11 dwellings with associated parking, access, cycle and bin provision*".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A s106 agreement has been submitted that includes an off-site contribution towards open space provision. At the hearing, the appellant indicated that they no longer wished to challenge the necessity for this contribution, which is required by Policy DE6 of the Rushmoor Local Plan (2019). The s106 agreement would overcome the Council's seventh reason for refusal and I have therefore not considered this matter in any further detail.
3. Following the submission of the appeal, the Council commissioned an independent review of the appellant's Financial Viability Appraisal. This review concluded that the development could not support an affordable housing contribution. In light of this, the Council has indicated that it no longer wishes to defend its eighth reason for refusal. I see no reason to take a different view, and I have therefore not considered this matter further.
4. The sixth reason for refusal refers to a failure to provide details relating to surface water drainage. However, the Delegated Report states that this matter could have been addressed by a planning condition had the Council been minded to approve the development. At the hearing, it was confirmed that this remains the Council's position, and I see no reason to take a different view.

Main Issues

5. The main issues are:
 - (a) The effect of the development on the character and appearance of the area;

- (b) Whether the development would prejudice highway safety;
- (c) Whether the development would be served by adequate car parking;
- (d) Whether the development would result in adequate living conditions for future occupiers with regard to amenity space provision; and
- (e) The effect of the development on the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Character and appearance

6. The appeal site is positioned on the southern side of Sycamore Road, which is a residential street characterised by larger detached properties. It also adjoins a large car park to the west.
7. From along Sycamore Road, the appeal site is seen mainly in the context of the surrounding residential properties, which are predominantly 2 stories in height. In contrast, the development would introduce a part 3, part 4 storey building that would be significantly taller and bulkier than the surrounding properties. This difference in height would be readily apparent in views along the street and the development would appear excessively tall in comparison to neighbouring properties. This would be exacerbated by the fact that the houses opposite are set on lower ground than the appeal site. Whilst the proposed fourth storey element would be recessed from the front elevation, it would still be clearly visible, and this would not adequately mitigate the overall height of the development. Moreover, the proposed Georgian style would be dissimilar from any of the surrounding 2 storey properties. In my view, the development would be a dominant and discordant feature within the street that would visually jar with its surroundings. Whilst the appeal site is positioned on the edge of a residential area, and adjoins a car park to the west, that does not justify the introduction of a development with these shortcomings.
8. My attention has been drawn to Ardwick Court, which is a nearby apartment scheme further along Sycamore Road. However, that development has limited intervisibility with the appeal site. It also occupies a significantly wider plot and is of a more sympathetic design. In my view, it is not directly comparable to the appeal proposal and its presence does not lend support to it.
9. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policies DE1 and DE11 of the Rushmoor Local Plan (2019). These policies seek to ensure, amongst other things, that new development is of high quality design that respects the character of the local area.

Highway safety

10. The development would create a new access point onto Sycamore Road close to the boundary with No 204. In this regard, a diagram has been submitted that indicates a visibility splay of 2 metres by 10 metres would be achieved to the east. This compares to a recommended visibility splay of 2.4 metres by 25 metres for 20 mph roads, as set out in Manual for Streets ('MfS').
11. My attention has been drawn to research cited in Manual for Streets 2 ('MfS2'), which was unable to demonstrate a direct link between stopping sight distances and collision risk. Accordingly, MfS2 advises that a reduction in visibility below

recommended levels will not necessarily lead to a significant problem. In this case, however, the proposed visibility splay would provide less than half the Y distance recommended in MfS. Moreover, this distance relates to 20 mph roads, whereas Sycamore Road has a 30 mph speed limit. In this regard, whilst the narrow road width is likely to restrict speeds to around 20 mph, vehicles are not precluded from travelling faster than this.

12. Sycamore Road has relatively low levels of vehicular traffic and it is effectively a cul-de-sac. However, it is well used by pedestrians and cyclists as a cut-through to the town centre, college campus, and Council offices. Vehicles emerging from the proposed access would therefore be likely to encounter cyclists and pedestrians on a frequent basis, as well as cars and other vehicles. The visibility splay to the east would significantly impair the ability of drivers to see these road users, and in my view it would unacceptably increase the risk of collisions. Whilst the appellant stated that no accidents have been recorded along this part of Sycamore Road during the last 5 years, that does not justify introducing a new access point with these shortcomings. Moreover, given the width of the site frontage, it does not appear to be necessary for a new access into the site to have such restricted visibility.
13. My attention has been drawn to an appeal decision from the London Borough of Richmond-upon-Thames¹, which found a visibility splay of 16.2 metres to be acceptable. The full details of that case are not before me. However, I note that it related to a much smaller development (for only one dwelling) than is proposed here. Moreover, the proposed visibility splay in this case is significantly less than 16.2 metres. I have therefore come to my own view on this matter rather than relying on the approach taken by my colleague in different circumstances.
14. For the above reasons, I conclude that the development would be prejudicial to highway safety. It would therefore be contrary to the relevant sections of Policy IN2 of the Rushmoor Local Plan (2019), which requires new development to provide a safe, suitable, and convenient access.

Car parking

15. Policy IN2 of the Rushmoor Local Plan requires that car parking is provided in accordance with the Car and Cycle Parking Standards Supplementary Planning Document (SPD). The SPD states that 2 car parking spaces should be provided per 2-3 bedroom dwelling, plus a visitor parking allowance, equating to a total requirement for 24 spaces in this case. However, only 12 car parking spaces are proposed.
16. Standard 11a of the SPD states that where a new build development is within the defined town centre, consideration will be given to a minimum parking standard of one space per dwelling. However, Paragraph 5.10 clarifies that a lower requirement will be considered where a development contributes to the regeneration of the town centre, and/or has significant social value. Whilst the appeal site is close to (but outside of) the defined town centre, it is not clear that it would contribute to its regeneration. Moreover, it would not have significant social value over and above that which would be provided by any new market housing development.

¹ Appeal Ref: APP/L5810/W/15/3019501, dated 22 September 2015

17. Appendix F of the appellant's Transport Statement identifies that apartments within Knellwood Ward have an average of 0.93 vehicles per dwelling. However, that calculation appears to have equated '2+ vehicles' with exactly 2 vehicles, which is not necessarily the case. In any event, the proposed 3-bedroom apartments are larger family units that may not reflect average car ownership rates for apartments in the area.
18. Sycamore Road is relatively narrow and is subject to parking restrictions along much of its length. Any shortage of parking is therefore likely to result in increased pressure on the very limited number of on-street spaces that are available, leading to nuisance parking in the surrounding streets. Moreover, given the narrow width of Sycamore Road and the lack of a dedicated footway, additional on-street parking outside of controlled hours would result in restricted visibility for drivers exiting these properties, and a significant narrowing of the carriageway. This could increase the risk of collisions at these times.
19. Whilst I acknowledge that the site is in a highly accessible location, I do not consider that such a significant departure from the parking standards set out in the SPD is justified in this case. I note that the Highway Authority did not object to the development on these grounds, however, I have come to my own view on this matter based on the evidence before me.
20. Separately, it is argued that the proposed parking arrangements could lead to vehicles being parked on landscaped areas within the development. In response, the appellant has highlighted a number of potential landscaping solutions that could prevent this. Such measures could be secured by condition. However, that does not alter my other concerns regarding the proposed parking arrangements, as set out above.
21. For the above reasons, I conclude that the development would not be served by adequate car parking. It would therefore be contrary to the relevant sections of Policy IN2 of the Rushmoor Local Plan (2019), and the Car and Cycle Parking Standards SPD (2017).

Living conditions – future occupiers

22. Policy DE3 of the Rushmoor Local Plan states that the minimum requirement for private outdoor space is a 5 square metre balcony within flatted development. However, in exceptional circumstances, additional internal living space can be provided in lieu of this.
23. The development does not include any balconies, and equivalent additional internal living space is not provided to compensate for this. Instead, significant areas of open space are proposed within the site which, it is asserted, would meet the general thrust of Policy DE3. However, much of the proposed open space would not be sufficiently large to be used for anything other than landscaping. The areas at the front of the proposed building would also have little privacy, being positioned next to the road, and would have direct views into living areas and bedrooms to the ground floor apartments. Similarly, the areas of open space immediately to the rear of the building would also have direct views into the ground floor apartments windows. The only usable area of open space would be at the rear of the site next to the parking area. However, this would be relatively narrow in shape and would immediately adjoin parked cars, which would limit its attractiveness and usability. It would

also be fairly remote from the apartment building itself. In my view, this would not adequately compensate for the failure to provide private outdoor space as required by Policy DE3.

24. Policy DE3 refers to the Homes and Communities Agency's legacy Housing Quality Indicators (Version 4, 2007) and the Code for Sustainable Homes Technical Guide (2009). In this regard, it is asserted that the evidence underpinning Policy DE3 is out of date. However, the Rushmoor Local Plan was only adopted in February 2019, and the examining Inspector must therefore have considered this evidence to still be relevant in order for the policy to have been found sound. Moreover, there is nothing before me to suggest that there has been any significant change in circumstances since then.
25. My attention has been drawn to the nearby apartment development at Ardwick Court, which does not have any external balconies. However, that development was consented in 2005, before the current Local Plan was adopted, and it was therefore assessed against a different set of planning policies.
26. A diagram has been provided that illustrates positions where balconies could be located on the development. It is suggested that these could be secured by condition were I to consider it necessary to do so. However, in the absence of further details, it is unclear whether these would have an acceptable effect on the design and appearance of the building.
27. For the above reasons, I conclude that the development would not provide adequate living conditions for future occupiers with regard to amenity space provision. It would therefore be contrary to Policy DE3 of the Rushmoor Local Plan (2019).

Thames Basin Heaths Special Protection Area (SPA)

28. The appeal site is located within 5 km of the Thames Basin Heaths SPA, and it is common ground that the impact of the development upon the SPA requires mitigation. In this regard, a draft Unilateral Undertaking (UU) has been submitted that would make a contribution towards a Suitable Alternative Natural Greenspace (SANG). However, at the hearing it emerged that this SANG is within the neighbouring District of Hart. Whilst the Council state that SANG capacity in Hart has been allocated to developments in Rushmoor, it clarified that any contribution would need to be paid directly to that District. There is currently no mechanism before me to deliver this, nor any indication that such a contribution would be accepted by Hart District Council. Various approaches to resolving this matter were discussed at the hearing. However, as I am dismissing the appeal on other grounds, this matter is not decisive in this case.

Other Matters

29. The properties on the other side of the road are set back within their plots, and the proposed access point would not be directly opposite any domestic windows. The development would also not generate a large number of vehicle movements. I am therefore satisfied that the living conditions of neighbouring residents would not be significantly harmed by headlamp glare from vehicles entering/exiting the development.

Conclusion

30. For the reasons set out above, I conclude that the development would significantly harm the character and appearance of the area, would prejudice highway safety, and would result in inadequate parking and living conditions for future occupiers. Whilst it would provide new housing within the existing urban area, in an accessible location, and would generate some modest economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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A Osbourn BSc Hons, PG Dip, CMILT, FCIHT, FIHE	Kronen Ltd

FOR THE LOCAL PLANNING AUTHORITY:

D Stevens BSc, MSc, MRTPI	Rushmoor Borough Council
C Jones	Rushmoor Borough Council
L Davies	Rushmoor Borough Council
J Thorne	Rushmoor Borough Council
S Coleman	Hampshire County Council

INTERESTED PERSONS:

C Lambert
P Henley
C West
N Welsh
P Welsh
P Whiteman
T Hodgson