
Appeal Decisions

Site visit made on 4 August 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2020

Appeal A Ref: APP/N1730/W/20/3251492 **141-145 Clarence Road, Fleet GU51 3RR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Shah of Clarence Fleet Ltd against the decision of Hart District Council.
 - The application Ref 20/00511/OUT, dated 21 February 2020, was refused by notice dated 21 April 2020.
 - The development proposed is outline planning permission for the demolition of the existing former Red Cross building and garage and erection of three detached buildings comprising 6x2 bedroom flats with associated car and cycle parking and bins provision.
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Appeal B Ref: APP/N1730/W/20/3251493 **141-145 Clarence Road, Fleet GU51 3RR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Shah of Clarence Fleet Ltd against the decision of Hart District Council.
 - The application Ref 20/00544/OUT, dated 25 February 2020, was refused by notice dated 24 April 2020.
 - The development proposed is outline planning permission for the demolition of the existing former Red Cross buildings and the erection of two detached buildings comprising 6x2 bedroom self-contained flats with associated parking, cycles and bins (landscaping reserved).
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Decision

1. Appeal A is dismissed, and Appeal B is dismissed.

Preliminary Matters

2. My attention has been drawn to the adoption of the Hart Local Plan (Strategy & Sites) 2032 (HLP32) on 30 April 2020, which is after both appeals were determined by the Council. HLP32 replaces a number of policies contained within the Hart Local Plan (Replacement) 1996-2006 (HLP06).
3. With regards to the policies referred to in reason for refusal one, Policy GEN1 remains a 'saved' policy, but Policy GEN4 has been superseded by Policy NBE9 of the HLP32. Policy URB12 has been superseded by HLP32 Policy H1. In reason for refusal two, Policy CON1 has been superseded by HLP32 Policy NBE3 and Policy CON2 has been superseded by HLP32 Policy NBE4. Policies in the HLP32 now form part of the development plan, and I have determined these appeals on this basis.

Main Issues

4. The main issues are:

- The effect of the proposed development upon the character and appearance of the area; and
- The effect of the proposed development on the integrity of the Thames Basin Heath Special Protection Area (the SPA).

Reasons

Character and appearance

5. The appeals site lies within a predominately residential area, in close proximity to Fleet town centre. Clarence Road is a straight and relatively long road and, as identified by previous Inspectors, the design, scale and mass of buildings along it varies. Those at the Kings Road end are generally larger in scale, with the properties around the appeals site and to the south of Upper Street, being more modest.
6. The existing buildings on the appeals site are broadly similar in scale and height to nearby properties. As a result, the existing buildings on the site are not overly visible within the street scene. Surrounding development comprises a mix of detached, semi-detached and terrace properties, generally set within relatively narrow plots. Buildings are predominately located close to the road. The age of the surrounding properties and therefore their architectural styles are varied, although a number of the semi-detached and terraces do display some similarities in design. Car parking is generally provided via on-street, although some properties have off-street parking provision, either to the front or side.
7. Both appeal proposals would provide 6x 2 bed flats. Appeal A would provide this in three detached buildings, whereas Appeal B includes two detached units. Car parking would be provided to the front in both proposals, with cycle parking to the rear.
8. The design of both proposals includes two storey buildings, with a brick finish and some elements of traditional detailing. In both proposals, the buildings would extend across the full width of the appeals site, with the units having a larger footprint than surrounding dwellings. In the case of Appeal B, the semi-detached element would be significantly larger than those of the surroundings. In both schemes, the proposals would also be of a greater height than the adjoining dwellings and would be positioned some distance behind the existing residential building line. It is submitted that this set back would enable the provision of off-street car parking, and ensure that the existing protected tree, which is located to the front of the site, would be retained. Whilst this may be the case, in any event, due to the height, scale, mass and position of the buildings proposed in both schemes, the proposed developments would be poorly related to the adjoining residential properties and would appear as discordant and overly dominant features within the street scene. As a result, both proposals would be out of keeping with the relatively modest scale of development that is a characteristic of this part of Clarence Road.
9. I acknowledge that through the design and orientation of the buildings and the provision of open gaps between them, attempts have been made to minimise the overall bulk of the development. Whilst these features serve to reduce the

amount of development on site, they are not considered to reduce the overall impact of the scheme to such a degree as to overcome the harm that would be caused by the proposals.

10. Concern has been expressed with regards to the uniformity of the design and that this is uncharacteristic of the locality. There are however a number of instances along the street where buildings, rows of terrace properties for example, have been designed to present a uniform and regular appearance. Therefore, whilst the architectural style along the street is varied, which is mainly influenced by the type and age of the buildings, the use of a uniform design approach would not be entirely out of keeping with the surrounding character of the area and, on its own, would not be sufficient to justify the withholding of planning permission.
11. For the reasons outlined above, I therefore conclude that the development proposed by both Appeal A and Appeal B would be harmful to the character and appearance of the area and would therefore conflict with Saved Policy GEN (i), of the Hart District Local Plan, Policy 10 of the Fleet Neighbourhood Plan, Policies NBE9 and H1 of the HLP32 and Paragraph 127 of the National Planning Policy Framework (the Framework). These policies, amongst other things, seek to ensure that proposed developments are in keeping with surrounding local character by virtue of their scale, layout, massing and height.

The SPA

12. The SPA is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). The appeals site is not within the SPA, however given its proximity, the main parties agree that the proposed development would be likely to have significant effects on the features of interest of the SPA, due to the increased recreational use arising from the appeals development in combination with other development. I have found no reason to disagree. In these circumstances, the Habitats Regulations require that an Appropriate Assessment is carried out.
13. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the SPA. Due to the nature of the proposed development and the constraints of the appeals site, there appears to be no scope for the provision for on-site mitigation. To mitigate the impact of the scheme upon the SPA, the appellant has confirmed measures in the form of the provision of a financial contribution to the Thames Basin Heaths Strategic Access Management and Monitoring (SAMM) project. Were they to be secured, these measures would appear to provide appropriate mitigation in this regard for the proposed development.
14. However, delivery of these mitigation measures requires the completion of a S106 Agreement. There is no such S106 Agreement before me. Therefore, without a suitable mechanism in place I cannot be satisfied that the scheme would deliver adequate measures to avoid or mitigate potential adverse effects on the integrity of the SPA. As such, there can be no guarantee that these mitigation measures would be provided or retained and therefore they carry very little weight. I have also considered the potential for attaching a planning condition to cover the matter, however I do not consider that the matter can be adequately addressed via a planning condition.

15. For these reasons, the proposed development would harm the integrity of the SPA and, in this respect is contrary to Policies NBE3 and Policy NBE4 of the HLP32, Policy 17 of the Fleet Neighbourhood Plan and Saved Policy NRM6 of the South East Plan and the Framework. These Policies, amongst other things seek to ensure development respects the integrity of the SPA and that appropriate mitigation measures are delivered.

Other Matters

16. Residents of neighbouring properties have raised concerns associated with their living conditions, noise and highway issues. However, these matters do not alter the main issues which have been identified as the basis for the determination of these appeals.
17. My attention has been drawn to other considerations which are said to weigh in favour of the proposals. These include the lack of impact upon the living conditions of surrounding residents, the acceptability of the proposal in relation to highway and flood risk issues, and the provision of new dwellings to support the Council's housing targets. The appellant also points out that the site is a brownfield site, within an accessible and sustainable location. I have taken these points into account; however, they do not outweigh the harm I have found in respect of the impact of the scheme on the character and appearance of the area and upon the integrity of the SPA.
18. In reaching my decision, I am aware of the previous proposals and appeal decisions that relate to the site, along with the design changes made by the appellant. I have however come to my decision based on the appeal proposals alone and not by way of comparison as to whether it is preferred to the earlier proposals.

Conclusion

19. For the above reasons, I conclude that both Appeal A and Appeal B should be dismissed.

Adrian Hunter

INSPECTOR