



Appeal Decision

Site visit made on 17 November 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2020

Appeal Ref: APP/H1705/W/20/3255767

Phoenix 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 Mr D Faulkner (Faulkner West and Co Ltd) against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 18/00897/FUL, dated 26 March 2018, was refused by notice dated 24 January 2020.
 - The development proposed is erection of 4 no. one bed dwellings, with associated landscaping and parking, following demolition of existing buildings.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 4 no. one bed dwellings, with associated landscaping and parking, following demolition of existing buildings at Phoenix Court, Alexandra Road, Basingstoke, Hampshire RG21 7RQ, in accordance with the terms of the application, Ref 18/00897/FUL, dated 26 March 2018, subject to the conditions set out in the attached schedule.

Main Issue

2. The Council's conclusion in paragraph 5.1 of its statement of case confirms that the Council's reason for refusal in respect of overdevelopment and cramped layout relates to highway safety, having regard to Paragraphs 109 and 110 of the *National Planning Policy Framework 2019* (the Framework).
3. Accordingly, the main issue is the effect of the appeal scheme on highway safety, with particular reference to vehicle turning and manoeuvring and the provision for the on-site storage and collection of refuse and recycling.

Reasons

4. The appeal site is located in a backland position within a residential area, and is surrounded by dwellings on all sides. To the north and east are high density Victorian terraced dwellings which lie within the Brookvale West Conservation Area (BWCA). To the south and west are more recent mid-war semi-detached houses. The site is occupied by one to two storey business units, arranged within a courtyard layout with hard surfacing to the front. Vehicular access is from Alexandra Road, via an undercroft between 2 terraced houses leading to a further hard surfaced area outside the gated and walled courtyard. The access and hard surfacing lie within the BWCA. To the rear of 39 Alexandra Road is a garage which abuts the site and shares the same access.

5. The appeal scheme would replace the existing business units and comprises an amended scheme to that for 4 no. one bedroom dwellings which was the subject of a dismissed appeal¹ in June 2017. This is a material consideration to which I apportion appropriate weight in my consideration of the appeal proposal.
6. The proposed layout of parking and refuse and recycling storage and collection is very similar to that of the dismissed appeal scheme. The appeal Inspector raised no objection to the proposed parking arrangement, and considered the layout of development to be acceptably spacious.
7. There is no dispute between the parties in respect of the proposed amount of on-site car and cycle parking spaces, and the Council has raised no objection in respect of the suitability of the site access, impact on street parking and traffic generation arising from the scheme on the road network. As such, the dispute between the parties in respect of the issue of highway safety is limited to within the appeal site.
8. The proposed parking spaces are larger in size than those of the previous appeal scheme, having regard to the increased size standards contained within the *Parking Supplementary Planning Document* (2018) (the Parking SPD), which was adopted since the previous appeal decision. Also, the appellant has provided Swept Path Analysis diagrams to demonstrate that occupants of the site can access and egress the site in forward gear, turn and manoeuvre within the site, and access each of the parking spaces in respect of large saloon cars. This has also been demonstrated in respect of access to the adjacent garage at 39 Alexandra Road by a 4.4m medium sized car.
9. Although tight, I find that, on the basis of the evidence before me, on-site turning and manoeuvring would be acceptable having regard to highway safety. The Swept Path diagrams are based on movements of large saloon cars for the on-site parking and a 4.4 medium car in respect of the adjacent garage. Due to the small one bedroom nature of the dwellings, and the fact that future purchasers or occupiers would be aware of the on-site parking provision prior to occupation, I find that there is a strong likelihood that occupants' cars would be smaller than the size of a large saloon. Moreover, the small size of the adjacent garage at no.39 places a restriction on the size of car that can be parked within it to smaller than that on which the tracking diagrams are based.
10. Modern car technology often incorporates features such as parking sensors and cameras which aid parking and manoeuvring. Furthermore, the fact that the parking and access is confined to a small tight-knit residential development, with no additional visitor parking, would mean that occupants would be likely to be familiar with the parking arrangement and their neighbours, and this would be conducive to careful and considerate parking behaviours.
11. Parking spaces 3 and 4 should be 3m wide instead of the 2.7m proposed, in order to allow sufficient room for door opening adjacent to the boundary wall and fence, in accordance with the Parking SPD. However, I do not consider that this would unacceptably impact on the on-site vehicle turning and manoeuvring, having regard to the above paragraphs. Also, passengers could be dropped off prior to parking, and cars could be parked in these spaces after turning on site, to avoid the driver door opening towards the site boundary.

¹ APP/H1705/W/17/3169592

12. The proposal potentially offers more room for access to the garage at no.39 than the existing situation, whereby there is no restriction on commercial vehicle parking on the site in terms of hours, numbers of vehicles or layout, which could include echelon parking opposite the garage.
13. I also note that there would be no requirement for Fire Service vehicles to enter the site, as the fire appliance hoses would be able to reach the new dwellings from the road.
14. There is no disagreement between the parties in respect of the proposed facilities for the storage of refuse and recycling on the site of each new dwelling. However, the proposed weekly collection point would not be large enough to accommodate the 4 refuse bins, 4 recycling bins and 4 glass recycling boxes that are required to be provided in accordance with the *Design and Sustainability Supplementary Planning Document* (2018) (the Design SPD), and which would all need to be put out fortnightly in accordance with the Council's weekly collection of refuse and fortnightly collection of recycling.
15. I am not persuaded by the Council's contention that this would result in the inevitable overspill of bin storage into the courtyard and road which would impact on vehicle turning and manoeuvrability to the extent that it would harm highway safety. The proposed bin collection area could accommodate 4 recycling boxes plus either 4 refuse bins or 4 recycling bins. As such, the issue of inadequate storage for collection would be limited to once a fortnight on collection day. Furthermore, there is a strong possibility that due to the amount of refuse and recycling arising from the small households associated with the one bedroom dwellings, that not all of the refuse and recycling bins would be put out for collection each fortnight.
16. Given the limited occurrence of bin collection events, the fact that parking and vehicle movements on the site would be mainly by occupants of the appeal scheme during these occasions, I am satisfied that this matter can be dealt with by means of a planning condition. In coming to this view, I have also taken into account the potential for future residents to arrange for a waste management company to collect the recycling waste on a different day to that of the Council's refuse collection.
17. For the above reasons, I therefore conclude that the appeal scheme would not materially harm highway safety, having particular regard to on-site vehicle turning and manoeuvring and the provision of on-site storage and collection of refuse and recycling. The development therefore accords with the objectives of Policies EM10 and CN9 of the *Basingstoke and Deane Local Plan 2011-2029* (2016) (the Local Plan), the Parking SPD and the Design SPD, in so much as they seek to ensure that development proposals provide an on-site movement layout compatible for all potential users with appropriate parking and servicing provision, provide appropriate waste and recycling storage areas and accessible collection points for refuse vehicles, and do not compromise highway safety.
18. This is generally consistent with Paragraph 109 of the Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

19. Part of the site lies within the BWCA, and part is immediately adjacent to it. I therefore have a statutory duty to consider the effect of the proposal on this designated heritage asset. Notwithstanding that the Council considers the proposed density of development to be too high in comparison with the surrounding locality, it has confirmed that it considers the design of the appeal scheme to be appropriate, and has not found any harm to the character and appearance of the BWCA as a result of the proposed development. Neither do I, subject to the planning conditions in the attached appendix, which include materials, design detailing, soft landscaping and tree protection requirements, and the removal of certain permitted development rights.
20. The appeal scheme has retained the development density and building footprints and layout of the previously dismissed scheme, to which the appeal Inspector raised no objection and considered to provide an acceptable degree of spaciousness. Notwithstanding the adoption of the Design SPD since the appeal decision, which requires the density of development to be responsive to its context, I concur with the view of the previous Inspector in this matter.
21. I also find that the change in the proposed appearance of the scheme, from that of a contemporary modular design to a more traditional pitched roof design and materials, to be in keeping with the surrounding development, including that within the BWCA, whose houses are identified for their group value and whose significance largely derives from its cohesive appearance and range of materials. Whilst the pitched roofs would add extra mass to the buildings, their positioning and design would be such that this would not result in the development appearing unduly cramped.
22. I have had regard to third party objections in respect to impacts on neighbouring living conditions. I am satisfied that material harm would not arise in respect of these impacts, having regard to the design of the appeal scheme and the juxtaposition and separation distances between the proposed development and neighbouring properties. This is subject to a number of planning conditions, which include controls during the construction process, and restrictions in respect of the detailed design of the development and removal of certain permitted development rights.
23. I acknowledge the third party concerns in relation to the impact of the scheme on parking in the area. The Council has not objected to the quantum of proposed parking, having regard to the nature of the proposal, the availability of unrestricted on-street parking within the site vicinity, and the accessible location of the site. On the basis of the evidence before me, I do not disagree, and a planning condition will ensure the provision of cycle parking facilities to promote an alternative to car use.
24. Some other matters raised by third parties, including water supply pressure, neighbouring property devaluation and maintenance responsibilities, are not determining factors in the consideration of this appeal.

Conditions

25. I have considered the Council's suggested conditions in accordance with Paragraph 55 of the Framework and the National Planning Practice Guidance and, where necessary, I have modified them and deleted conditions. In

addition to the standard implementation condition, it is necessary to define the plans for certainty (1, 2). In the interests of highway safety and to protect the living conditions of neighbouring occupiers it is necessary to ensure that construction of the development takes place in accordance with an approved Construction Method Statement (3) and that no gates are erected across the approved access (4). In the interests of environmental protection and to protect the living conditions of neighbouring occupiers, conditions are necessary to ensure that the development is carried out in accordance with an approved Construction Environmental Management Plan, that construction works and related deliveries only take place during restricted times, and that any potential site contamination arising from the builder's yard use of the site, is properly remediated (5, 6, 7 and 8).

26. In order to protect the character and appearance of the area, conditions are necessary to ensure the protection of trees worthy of retention (9), the provision of an appropriate landscaping scheme (10), and appropriate materials, roofing and fenestration details (11 and 12).
27. In the interests of sustainable construction, conditions are necessary to ensure a proportion of the dwellings are built to accessible and adaptable standards (13), and to ensure each dwelling meets a water efficiency standard (14). To ensure that the development provides opportunities for sustainable transport modes, conditions are necessary to ensure that the development provides a scheme for Electric Vehicle Charging (15) and secure cycle parking provision (16).
28. In the interests of the living conditions of neighbouring occupants having regard to privacy, conditions are necessary to ensure appropriate screening for the first floor terrace of Unit 3 (17), an appropriate window design for the first floor bathroom window of Unit 3 (18), and the prevention of further first floor windows on the north, south and west elevations of the buildings (19).
29. To protect the character and appearance of the area and the living conditions of neighbour occupiers a condition is necessary to remove specified permitted development rights (20). In the interests the living conditions of future occupiers of the development, a condition is necessary to ensure the provision of a scheme for the storage and collection of refuse and recycling (21).
30. In the interests of ensuring net biodiversity gain, a condition is necessary to ensure the provision of biodiversity enhancements within the development (22). Having regard to the location of the site within the Basingstoke Upstream Critical Drainage Area, and to ensure that the development does not increase flood risk on or off site, a condition is necessary to ensure the implementation of the development in accordance with the submitted Flood Risk Assessment (23).

Conclusion

31. For the reasons given above, I conclude that the appeal should be allowed.

S Leonard

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: 223-001; 223-003; 223-010c; 223-011i; 223-012h; 223-013f; 223-014j; 223-015g; 223-018 PL01; 223-023a and 001.
- 3) No development (including site clearance, demolition or ground works) shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The CMS shall provide for:
 - i. the means of access to the site from the adjoining maintainable public highway, including traffic management arrangements;
 - ii. the parking of vehicles of site operatives and visitors;
 - iii. loading and unloading of plant and materials;
 - iv. storage of plant and materials used in constructing the development;
 - v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi. wheel washing facilities;
 - vii. measures to control the emission of dust and dirt during construction; and
 - viii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

The development hereby permitted shall be carried out in accordance with the approved CMS.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification) no gates shall be erected across the approved access.
- 5) No development (including site clearance, demolition or ground works) shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The CEMP shall provide for:
 - i. Procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - ii. Arrangements for liaison with the Council's Environmental Protection Team;
 - iii. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the local planning authority, shall be carried out only between the following hours: 0730 to 1800 on Mondays to Fridays, 0800 to

1300 on Saturdays, and at no time on Sundays, Public and Bank Holidays;

- iv. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- v. Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- vi. Procedures for emergency deviation of the agreed working hours;
- vii. Control measures for dust and other air-borne pollutants;
- viii. Measures for controlling the use of site lighting whether required for safe working or for security purposes.

The development hereby permitted shall be carried out in accordance with the approved CEMP.

- 6) Construction works, including demolition and works of site clearance and ground preparation, and deliveries to and from the site, shall not take place other than between 0730 and 1800 Monday-Friday, 0800 and 1300 on Saturdays and at no time on Sundays or on Bank or Public holidays.
- 7) No development (including site clearance, demolition or ground works) shall take place until there has been submitted to and approved in writing by the local planning authority:
 - (a) a desk top study carried out by a competent person documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001;
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2001- Investigation of Potentially Contaminated Sites - Code of Practice;
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary proposals for future maintenance and monitoring.

If during any works contamination is encountered which has not been previously identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed in writing with the local planning authority.

The development hereby permitted shall be carried out in accordance with any approved remedial works, and proposals for maintenance and monitoring.

- 8) The development hereby permitted shall not be occupied until there has been submitted to the local planning authority verification by the competent person approved under the provisions of condition 7(c) that any remediation scheme required and approved under the provisions of condition 7(c) has been implemented fully in accordance with the approved details. Such verification shall comprise;
- as built drawings of the implemented scheme;
 - photographs of the remediation works in progress;
 - certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 7(c).

- 9) No development (including site clearance, demolition or ground works) shall take place until a Tree Protection Plan has been submitted to, and approved in writing by, the local planning authority. The approved tree protection shall be erected prior to any site activity commencing, and shall be maintained until completion of the development. No development or other operations shall take place other than in complete accordance with the Tree Protection Plan.

- 10) No development shall take place above slab level until a scheme of hard and soft landscaping has been submitted to, and approved in writing by, the local planning authority. The landscape scheme shall include planting plans, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/ densities where appropriate, the design, type, position and scale of boundary treatments, hard surfacing materials and an implementation programme.

The approved hard and soft landscaping shall be carried out in accordance with the approved details and implementation programme, with the soft landscaping scheme to be carried out in the first planting and seeding seasons following the first occupation of the development. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved.

- 11) Notwithstanding the submitted details, no development shall take place above slab level until details of the following have been submitted to, and approved in writing by, the local planning authority: all external facing materials; mortar colour; brickwork bonding and coursing; roof valleys, hips, ridges, gables, eaves and verges; and rainwater goods material, size, profile and finish. The development hereby permitted shall be carried out and thereafter maintained in accordance with the approved details.

- 12) No development shall take place above slab level until full working details of all new windows, rooflights and external doors to be incorporated in the scheme have been submitted to, and approved in writing by, the local planning authority. Details shall include annotated elevations, sections and

plans, which are referenced to the approved plans. These details shall illustrate the nature of materials and finishes, framing members, glazing, glazing units, glazing bars and methods of opening. Details shall be at a minimum scale of 1:20 and 1:5. The development hereby permitted shall be carried out and thereafter maintained in accordance with the approved details.

- 13) A minimum of 15% of the properties shall be built to accessible and adaptable standards to enable people to stay in their homes as their needs change. No development shall take place above ground floor slab level until details of which properties are to be built to such standards are submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved details.
- 14) No development shall take place above slab level until a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day (unless otherwise agreed in writing with the local planning authority through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds) shall be submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall be carried out in accordance with the approved details.
- 15) No development shall take place above slab level until a scheme for the provision of Electric Vehicle Charging has been submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall be carried out in accordance with the approved details.
- 16) Notwithstanding the approved drawings, no development shall take place above slab level until details of secure cycle parking facilities have been submitted to, and approved in writing by, the local planning authority. The approved cycle parking shall be fully implemented before first occupation of the development hereby permitted and shall thereafter be retained.
- 17) Notwithstanding the approved drawings, no development shall take place above slab level until details of a scheme for the screening of the northern and eastern elevation of the first floor terrace of Unit 3, have been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented before first occupation of Unit 3, and shall thereafter be retained.
- 18) The bathroom window at first floor level on the northern elevation of Unit 3 shall be glazed with obscured glass, to at least the equivalent of Pilkington level 4 standard and no part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The window shall be thereafter retained in that condition.
- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional first floor openings

shall be inserted on the northern, southern and western elevations of the buildings.

- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as defined within Part 1 of Schedule 2, Classes A, B, C, D and E of that Order, shall be constructed on the site.
- 21) No development shall take place above slab level until a scheme for the storage and collection of refuse and recycling has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be provided prior to the first occupation of the development hereby permitted and shall thereafter be retained.
- 22) No development shall take place above slab level until details of biodiversity enhancements, including bird nesting and bat roosting boxes and swift bricks, have been submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall be carried out in accordance with the approved details.
- 23) The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment submitted on the 6 January 2020 and shall thereafter be maintained as such.

*****End of Conditions*****