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## Appeal Decision

Site visit made on 24 February 2021

**by Rachael Pipkin BA (Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> March 2021**

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**Appeal Ref: APP/P1750/W/20/3262737**

**16 Churchill Avenue, Aldershot GU12 4JR**

- 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 Mrs Fahmida Mandozai against the decision of Rushmoor Borough Council.
  - The application Ref 20/00593/FULPP, dated 13 August 2020, was refused by notice dated 16 October 2020.
  - The development proposed is alterations and extensions to existing dwelling to form 2 three-bedroom semi-detached dwellings and 1 three bedroom detached dwelling house with parking and additional dropped kerb.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - the effect of the proposed development on the character and appearance of the area;
  - the effect of the proposed development on the living conditions of occupants of 10 Churchill Avenue, with particular regard to outlook, the potential to appear overbearing, light and privacy;
  - whether the proposed development would make adequate provision for surface water drainage; and
  - the effect of the proposed development on the integrity of the designated Thames Basin Heaths Special Protection Area (SPA).

### Reasons

#### *Character and appearance*

3. Churchill Avenue is a residential cul-de-sac. It is largely characterised by modestly sized two-storey semi-detached properties with a relatively uniform appearance. The southern side of the road is more varied with some detached properties of a less uniform design, including Number 16 Churchill Avenue (No 16) which sits centrally within an uncharacteristically large plot within the street. Properties are separated from each other by fairly narrow side passages, although the gaps between pairs of semi-detached houses and the

appeal property are much wider at the far end of Churchill Avenue around the circular turning head. This gives this part of the road a more spacious and open character.

4. The host property would be extended with a two-storey side extension on its north-western side and a two-storey front bay which would be subdivided to create a pair of semi-detached houses. An existing single-storey double garage would be demolished and a detached house, in a similar design, would be erected in its place on the south-eastern side of the host property.
5. The appearance of the proposed houses would be in keeping with the host property and compatible with the style and appearance of houses along the street. However, the proposed houses would have limited space around them. Whilst some properties along the street occupy much of the width of their plot with limited gaps separating them from their neighbour, at this far end of the cul-de-sac there is a more spacious arrangement of properties. In this context, the proposed layout would make the houses appear cramped within the plot and out of character.
6. The detached house would appear at odds with surrounding development being positioned between both the proposed and an existing pair of semi-detached houses at 18 and 20 Churchill Avenue. It would also occupy a significantly narrower plot than other detached properties within the street. The narrow plot size and its incongruous relationship with its neighbours, would make the proposed house appear shoehorned into the space. This odd arrangement and cramped layout would also be very prominent within the streetscene due to the elevated position of the appeal site from the road.
7. Each of the proposed houses would have two off-street parking spaces in the form of driveways with their own access onto the street. These would have substantial areas of hard surfacing which would dominate their frontages. However, this would not be uncharacteristic of the properties at the far end of Churchill Avenue, many of which have substantial hard surfaced areas for car parking. Furthermore, with the inclusion of an area of soft landscaping, the front parking area would not be out of keeping within the street.
8. Whilst the density of the development would be comparable to that of properties on the opposite side of Churchill Avenue, the proposed layout and the inclusion of an incongruous detached house between two pairs of semi-detached houses with limited space around them would be harmful to the character and appearance of the street scene and area. My attention has been drawn to a recent housing development off Church Lane East, however, this scheme appears to be in a backland location where it does not form part of an established streetscape character and it is not comparable nor does it provide justification for the scheme before me.
9. The appellant has suggested that the odd numbering of the road, which omits numbers 12 and 14, indicates that a higher density of development was expected along Churchill Avenue. Whilst this may be the case, this does not alter the harm that would arise from the development that I have identified. It therefore does not justify the proposal.
10. I conclude that the proposed development would significantly harm the character and appearance of the area. It would therefore conflict with Policies DE1 and DE11 of the Rushmoor Local Plan 2019 (Local Plan) which require new

development to make a positive contribution towards improving the quality of the built environment, to respect the character and appearance of the local area, to be compatible with the established pattern of development and to provide adequate spacing around buildings. It would also conflict with the National Planning Policy Framework (the Framework) which requires developments to be well designed and sympathetic to local character.

### *Living conditions*

11. Due to its set back position from the road, the front elevation of No 16 is positioned slightly forward of the rear elevation of the adjacent property at 10 Churchill Avenue (No 10) to the north-west of the appeal site. However, because of the gap between Nos 10 and 16, which is set in some distance from the common boundary, this existing relationship has a limited impact on the living conditions of occupiers of No 10.
12. The flank wall of the proposed two-storey side and single-storey rear extensions would extend along a significant stretch of the common boundary, from which it would be set in by around a metre. The increased bulk and height of the building more closely positioned to No 10 would result in a visually intrusive and dominant form of development. This would reduce the outlook from several windows in this neighbouring property.
13. The height and proximity of the extension would also make the proposed development appear overbearing and oppressive when viewed from No 10. The effect of this would be exacerbated by the elevated position of the appeal property in relation to No 10, which is positioned around 1.2 metres lower. The proposed development would therefore adversely affect these neighbours. The hipped roof design, single-storey extension and set in from the common boundary would not be sufficient to overcome these harms.
14. The Council has submitted drawings indicating that the 45 degree line has been breached in respect of ground floor windows in the rear elevation including to a kitchen and a living room. This indicates that there would be some impact on daylight to this property. In addition, due to the position of the proposed building to the south-east of No 10, it would be likely to adversely affect sunlight to some of the rear windows and the rear garden of this property. In the absence of evidence to demonstrate that this would not occur, I am not satisfied that the living conditions of these neighbours in respect of daylight and sunlight would not be harmed.
15. Within the flank wall of the proposed extension, there would be a first floor window serving a staircase and landing and two ground floor windows facing towards No 10. This could give rise to additional overlooking of No 10. However, the appellant has indicated she would be willing to provide a higher boundary fence which would overcome any overlooking from the ground floor windows. Alternatively, these windows and the upper floor window could be obscurely glazed to prevent any overlooking which could be secured through a condition. As such, the proposal would not cause an unacceptable loss of privacy to these adjoining neighbours.
16. I conclude that the proposed development would significantly harm the living conditions of the occupiers of No 10 with particular regard to outlook, its potential to appear overbearing and light. It would therefore conflict with Policies DE1 and DE11 of the Local Plan which require new development to

have no adverse impact on the amenity of neighbours in terms of loss of light and outlook.

#### *Drainage*

17. In accordance with the Framework, the appeal site, as a residential garden within a built-up area, would be considered as a greenfield site. Policy NE8 of the Local Plan requires the implementation of integrated and maintainable Sustainable Urban Drainage Systems in all flood zones for both brownfield and greenfield sites. For greenfield developments, the policy requires the peak run-off rate/volume from the development to any drain, sewer or surface water body for the 1-in-1 year and 1-in-100 year rainfall event must not exceed the greenfield run-off rate for the same event.
18. The submitted drawings indicate that each of the proposed houses would have permeable paving and utilise a soakaway to the front and rear and a driveway drainage channel to the front boundary of the site.
19. Both parties acknowledge that the underlying geology of the area, which is generally impermeable clay, may make infiltration methods of controlling surface water runoff ineffective. However, no details of infiltration measurements or runoff calculations have been provided and it is not therefore possible to confirm what the effect of the proposed development would be and whether a system based on infiltration would be effective.
20. The appeal site slopes down towards the road and is likely to have ground conditions which do not lend themselves to an infiltration method of controlling surface water runoff. In these circumstances, it is appropriate for the Council to require details in order to assess whether drainage matters could be suitably addressed or mitigated. Although a condition could potentially be used to secure mitigation measures, the feasibility of such measures has not been demonstrated.
21. This leads me to conclude that the proposed development would not make adequate provision for surface water drainage. It would therefore conflict with Policy NE8 of the Local Plan as referred to above.

#### *Thames Basin Heath SPA*

22. The appeal site lies within the 400 metres and 5 kilometres zone of influence of the Thames Basin Heaths SPA. This area is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. Regulation 63 prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the site. I am the competent authority for the purposes of this appeal.
23. The Council has determined that additional residential development would, in combination with other plans and projects, have a significant effect on these protected sites through increased recreational pressures. In these circumstances, the Council considers that appropriate mitigation would be required. This is set out in the adopted Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy 2020. This provides a framework whereby applicants can provide mitigation if capacity is available in one of its Suitable Alternative Natural Green Space (SANG) projects within the borough along with contributions to Strategic Access Management and Monitoring (SAMM).

24. The appellant has accepted the need to provide a contribution towards both SANGS and SAMM. However, on the basis that the Council considered the proposal not to be policy compliant, it has not made an allocation to the SANG. As such the appellant has not been able to submit an appropriate section 106 legal agreement to confirm this contribution.
25. Notwithstanding the Council's findings in respect of this, as the competent authority, I am required to carry out an appropriate assessment of the effect of the proposed development. However, as I have found that the scheme is unacceptable for other reasons, I do not need to pursue this matter further.

### **Conclusion**

26. For the reasons set out above, I conclude the appeal should be dismissed.

*Rachael Pipkin*

INSPECTOR