



Appeal Decision

Site visit made on 1 March 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/P1750/W/21/3279293

81 Blackthorn Crescent, FARNBOROUGH, GU14 9AL

- 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 Cem Kalen against the decision of Rushmoor Borough Council.
 - The application Ref 21/00276/FULPP, dated 7 April 2021, was refused by notice dated 2 June 2021.
 - The development proposed is the creation of a new one-bed dwelling house at the adjacent land of 81 Blackthorn Crescent, Farnborough, Hampshire, GU14 9AL with designated parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, after the Council made its decision, the Government published its revised National Planning Policy Framework (the Framework). I have given opportunity for the main parties to provide further comment on this matter, and have taken into account any comments received. All references to the Framework within my decision are to the 2021 version.

Main Issues

3. The main issues are:
 - a) The effect of the proposal on the character and appearance of the area,
 - b) Whether the proposed parking would be adequate, and
 - c) The method for securing off-site public open space improvements.

Reasons

Character and appearance

4. The appeal site is within a well established residential area, comprising mainly two storey dwellings arranged in pairs or short terraces. Dwellings are mostly set back from the road at the front. Road junctions are mainly marked by buildings set back significantly behind wide areas of side gardens and highway verges. These factors give the area a spacious character, particularly at the junction adjacent to the appeal site, and comparable junctions where nearby roads connect to Blackthorn Crescent.

5. The existing building is prominently located and has already been extended towards the adjacent road junction. The proposal would see it extended again in a manner that would match the original building. The combined width of the existing extension and proposed extension would match the width of the original dwelling. It would extend significantly lessen the area of garden to the side, which is a positive contributor to the spacious character of the road junction.
6. The remaining area would be used for the parking of cars. Many areas to the fronts of nearby dwellings are used for parking; however, unlike other corner plots, all the area to the front and side of the two dwellings would be used for such purposes. The appellant suggests that the existing vegetation here could be retained, a surface finish could be used other than block paving, and further planting could be added to soften this impact. However, the space for such planting would be limited to the edges of the site and would not be sufficient to mitigate against the harmful visual impact of the proposed parking areas or the manner by which the proposed extension would intrude into the open area associated with the road junction.
7. In summary, the proposal would harm the character and appearance of the area. It would not accord with Policies DE1 or DE11 of the Rushmoor Local Plan 2014-2032 (LP), which together seek to ensure that development proposals respect the character and appearance of the local area including the established pattern of development.

Parking

8. The plans indicate that a parking space would be provided in front of the retained dwelling and the space to the side of the proposed dwelling would be sufficient for the parking of two cars. However, on the basis of the information before me and my observations on site, I have considerable doubt that these spaces are sufficiently sized for such purposes. The cars shown on the submitted plan appear to be smaller than an average car and the space to the front of the retained dwelling is narrow. Although it would appear that the area at the front is wide enough to park a car, it would be difficult to manoeuvre a car into this space easily, and it would also be difficult to get in or out of a car owing to the limited distance between the front porch and the boundary wall.
9. It would appear to be equally difficult to manoeuvre cars into the space to the side of the proposed dwelling. Furthermore, one of the spaces here would be for the retained dwelling, which would not appear to be at all practical, as occupiers of the existing dwelling would need to move through an area that would be more akin to a private side garden than a shared parking space, passing by large living room windows. There is also the potential for conflict between the users of this area, as access to it would be tight.
10. Moving a vehicle into or out of either parking area would require a driver to reverse in one direction, close to the main entrances at the front of the two dwellings. This would not create an environment that would be safe for the occupiers of either dwelling.
11. The appellant likens this to the arrangement of a shared parking area for a block of flats. However, the area would be shared by only two dwellings in a location where most dwellings have their own private parking area. It would also be within an area that would have the appearance of a private side

garden, and could be attractive for occupiers of the proposed dwelling to use as garden space given the very small area of usable garden that would be provided at the rear.

12. Policy IN2 of the LP establishes that parking provision should accord with the Car and Cycle Parking Standards Supplementary Planning Document 2017 (SPD). The appellant suggests that the requirement is excessive as the two bedroom dwelling would only be for three persons and government focus is on promoting modes of transport other than the private car. The dwelling would be in a location that would appear to have good access to services by means other than a private car. However, the Council's Policy position is clear, and the SPD advises that inadequate parking provision can increase demand to park on-street, which can prejudice the safety of highway users. The SPD is based on local evidence, and refers to and accords with paragraph 107 of the Framework. I am thus satisfied that this Policy and the supporting SPD should attract full weight.
13. In summary, the proposal would not secure adequate parking provision. It would be contrary to Policy IN2 of the LP, which seeks to provide appropriate parking provision in terms of amount, design and layout, in accordance with the SPD.

Open Space

14. The parties agree that a contribution towards nearby schemes of public open space, which would be of benefit to the future occupiers of the proposed dwelling, would be appropriate. The appellant suggests that this could be secured through a condition.
15. The Planning Practice Guidance states that no payment of money can be positively required when granting planning permission. It further advises that a negatively worded condition to prohibit development until an agreement has been entered into requiring the necessary payment should only be used in exceptional circumstances where there is clear evidence that the delivery of the development would otherwise be at serious risk¹, which may apply in the case of particularly complex development schemes. The proposal is not complex, and I have already found harm in relation to the first two main issues. I am therefore of the view that securing a financial contribution through a condition would not be appropriate in this case.
16. In summary, without the provision of a suitable legal agreement the proposal would fail to contribute to nearby schemes of public open space. This would be contrary to Policies DE6 and DE7 of the LP, which together seek to ensure that development proposals support the provision of high quality and accessible open space and facilities.

Other Matters

17. The Council's fifth refusal reason refers to the proposal's failure to provide details of appropriate surface water drainage, with reference to Policy NE8 of the LP. In its statement the Council confirms that it would be happy for a condition to be imposed in the event that the appeal is allowed, to require the submission of details of a sustainable drainage system or equivalent, and that this would be sufficient to overcome this refusal reason. I can see no reason

¹ Paragraph: 021 Reference ID: 21a-005-20190723 and Paragraph: 010 Reference ID: 21a-010-20190723

why I should take a contrary view, and I am thus satisfied that this need not be a main issue of the appeal.

18. The proposal would deliver a new dwelling in a location with good access to local services and facilities. This is a matter that weighs in favour of the proposal, however it is not sufficient to outweigh the harm I have found in relation to the main issues.
19. The appeal site is within 5km of the Thames Basin Heaths Special Protection Area. The addition of a residential dwelling within this area would be likely to have a significant effect on the internationally important interests and features of this site. This matter forms the basis of the Council's forth refusal reason. The parties disagree over how mitigation measures could be secured in the event that the appeal is allowed. However, as I am dismissing the appeal for other reasons, the likely significant effect will not occur in any event, and this matter does not therefore need to be considered further.

Conclusion

20. In conclusion, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR