



Appeal Decision

Site visit made on 2 March 2023

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2023

Appeal Ref: APP/N1730/W/22/3304883

Land to The Rear Of Ridgeway Parade, The Verne, Award Road, Church Crookham, Fleet GU52 6LP

- 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 Earthstone Developments Ltd against the decision of Hart District Council.
 - The application Ref 21/03075/FUL, dated 2 December 2021, was refused by notice dated 1 April 2022.
 - The development proposed is Erection of 6 no. dwellings (comprising 4 no. one bed apartments and 2 no. two bed apartments) together with associated access and parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a Sustainability & Energy Statement (SES) with the appeal. The Council states it would not have refused permission for reason No 4 on its decision notice were this to have been submitted with the application. However, in submitting the SES the appellant has used the appeal process to evolve the scheme, contrary to procedural guidance.
3. The SES proposes measures that would appear capable of integration with relatively minor changes to the construction of the development. There is no suggestion these change the description or materially change the external appearance. Having regard to the Wheatcroft Principles¹ and procedural guidance², the proposals in the SES constitute minor changes. The Council and interested parties have had the opportunity to comment upon the SES. I am satisfied they would not be prejudiced by my taking it into account.

Main Issues

4. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area;

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

² Planning Inspectorate Procedural Guide: Planning Appeals – England 2022

- the effect of the proposed development upon the local highway network and highway safety;
- whether or not the proposed development would ensure satisfactory living conditions for the occupiers of Nos 8, 15, 16 and 17 Ridgeway Parade with particular reference to outlook and privacy; and,
- whether or not the proposed development would be compliant with policies to address climate change.

Reasons

Character and appearance

5. The appeal site comprises a car parking area and some adjacent land rear of a three storey building of ground floor business units below dwellings, known as Ridgeway Parade. The parade building is not characteristic of much of the wider area which is primarily of a suburban residential character. Within the immediate vicinity the dwellings are a mix of architectural styles. However, the common use of brickwork, well-proportioned window openings, hipped and gable roof forms, generous garden spaces, and the verges, greenways and vegetation are common notable characteristics contributing positively to the character and appearance of the area.
6. The hard bound appearance of the car park of itself does not positively contribute to the character and appearance of the area. However, as it is relatively open, given the contrasting building heights to its east and west, and the presence and visibility of greenery including the appeal site tall shrubs and trees, and those to the rear, it provides an important visual break. This aspect of it contributes positively to the character and appearance of the area.
7. This appeal scheme differs from a scheme considered by the Inspector for Ref. APP/N1730/W/19/3242182 by virtue of amongst other things, its reduced height and amended design. While both parties have referred me to the previous Inspector's findings, which I have noted, I am not bound by them.
8. The proposed development would retain an appropriate visual break between the rear of the parade, and its height provides a suitable transition between the parade and No 94. However, the proposed development would enclose a significant proportion of the visual gap along Award Road. While red brick work is characteristic of buildings in the area, the lowest floor of the front elevation would appear as a blank featureless solid mass very close to the pavement. The relative absence of features on the lower part of the front, as well as a significant proportion of the depth of the long easterly flank elevation would result in an appearance of a large austere solid expanse of built development.
9. The proximity of the building to the pavement and access road edge, and the lack of any landscaped buffer, would compound its solid austere appearance. This arrangement together with the proximity of the new western flank boundary to the boundary with No 94 would appear unduly cramped. The loss of a number of the existing trees (T5 and G2) as set out in the Arboricultural Implications Assessment, would not fully mitigate this and would remove the positive amenity effects they currently provide.
10. Therefore, because of its siting, proximity to the boundary, its scale, massing and the elevational design, the proposed development would have a

significantly harmful effect upon the character and appearance of the area. This would be highly visible from the public domain on part of Award Road and to those using the proposed access road. In consequence, the proposal cannot be said to have fully addressed all the previous Inspector's findings.

11. While some aspects of the design are appropriate and policy compliant, the design as a whole, would not respond appropriately to its context, and it would not provide an overall betterment. There is scope to secure matters such as the materials and landscaping through suitably worded planning conditions. However, even with some fairly significant alterations, within the scope of this scheme, I am not satisfied it would overcome all the harm.
12. I was able to see Dudley Court. While higher than the appeal proposal, it is set within a significantly differing context, it is of a significantly different design, and includes landscaped areas at the street frontage. Therefore, it is not directly comparable to this appeal proposal which I have considered on its own merits, and its approval does not justify allowing this appeal.
13. For the reasons set out above the proposed development would be significantly harmful to the character and appearance of the area. It would conflict with Policy NBE9 of the Hart Local Plan (Strategy and Sites) (2020) (the SSLP) and Policy GEN1 of the Hart District Local Plan (the HDLP). These expect development should be a high quality design in keeping with and positively contributing to the overall character and appearance of the area, including in respect of design, massing and layout. It would also conflict with paragraphs 130, 131 and 134 of the National Planning Policy Framework (2021) (the Framework). These expect development to add to the overall quality of the area, be visually attractive as a result of good architecture, be sympathetic to local character, acknowledge the contribution of trees to local character, and the refusal of development that is not well designed.

Highways

14. The businesses at the parade have rear service entrances, storage areas, and rear refuse bin stationing off the car park. The appellant informs me that despite their presence in close proximity to off-highway parking providing direct access, the majority of deliveries to businesses take place from the front. However, it is not explained how this is evidenced, and it is at odds with what I saw and some interested party accounts (including one of a business unit occupier). This is highly suggestive the rear service areas of some units are well used, and that the trade waste bins are also collected from the rear.
15. Having regard to the approximately 50% occupancy found in the most recent³ parking surveys, and as a result of there being two ingress/egress points, many goods and other vehicles can enter, circulate and leave in a forward gear. Such vehicles can park in designated spaces for deliveries close to the rear of units. The current layout and two accesses means there would be a relatively free flow of vehicles and conflicts between users can generally be avoided or minimised.
16. The parking spaces in close proximity to some of the businesses would be lost. The new layout would result in the potential for multiple longer trips by delivery or collection staff across the car park and along the single access road for some

³ Enclosed in the submission by Highway Planning Ltd dated 18 March 2022.

distance. While the access is of a width in accordance with the Manual for Streets, the arrangement would be likely to result increased incidences of vehicles having to cross in the opposite lane of the access road to pass users. Servicing vehicles parked outside the units or operatives taking goods to or from the units, such as bin collection, may also result in cars having to cross into the opposite lane to pass. Therefore, the proposal significantly increases the potential for conflict between users. This would be prejudicial to the free flow of traffic and user safety.

17. The new layout would appear to make it difficult for many types of refuse collection and delivery vehicles servicing the units to circulate within the site to enter and leave in a forward gear. Larger vehicles would have to manoeuvre on Award Road reversing across the flow of traffic on Award Road as shown on the swept path plan. It is almost directly opposite the junction with Parsons Close and a short distance from a bus stop. It would significantly increase potential for conflicts between highway users and highway congestion. It has not been demonstrated the proposal is compliant with paragraph 111 of the Framework.
18. Given the occupancy rate and the types of businesses based at the parade potential conflicts and stopping of traffic could occur upon a number of occasions. The absence of an objection from the Highway Authority (HA) is noted. However, it is not clear to what extent the HA has considered internal operation of the new arrangement and the absence of an objection does not alleviate my concerns, which are based upon my observations and the submitted evidence before me.
19. It is not satisfactorily explained how the development could and would ensure the safe and satisfactory operation of the rear service and parking area, and I am of the view it would have a detrimental effect upon safety and the operation of the highway network. It is not demonstrated that conditions could mitigate the harm.
20. The Council raises no objection in respect of car and cycle parking provision and refuse storage and servicing arrangements for future residents. Based upon the evidence before me, I see no reason to disagree. The evidence suggests the existing residential wheelie bin storage is an informal use being allowed by the landowner. Were this to be the case, it does not appear it is incumbent upon the landowner to resolve this, if the informal use was lost. There is no substantive evidence that would lead me to doubt the findings of the updated parking surveys. Based upon these, I do not have concerns in respect of parking displacement or future pressure for on-street parking. However, this does not mitigate or overcome the other concerns I have set out.
21. For the reasons set out above, the proposed development would result in harmful effects upon the local highway network and highway safety. It would conflict with Policy INF3 of the SSLP and Policy GEN1 of the HDLP, which in combination, require that development provides safe, suitable and convenient access for and an on-site movement layout compatible with all potential users. It would also conflict with paragraphs 110 and 112 of the Framework, which have similar objectives.

Living conditions

22. The building height has been reduced by approximately 1.9m. Although it would be a sizeable deep building, a significant proportion of this would be below the floor level of the dwellings at Nos 8, 15, 16 and 17 Ridgeway Parade. The proportion of building above this would be of an approximately one storey height with a roof sloping away. Having regard to this and the distance from the rear facing windows and terrace areas, I am satisfied that this would ensure a sufficient amount of outlook. The proposed development would not therefore, be overbearing and could ensure satisfactory living conditions for the occupiers of Nos 8, 15, 16 and 17 with particular reference to outlook.
23. The terrace areas of Nos 8, 15, 16 and 17 did not appear to be fully private as these areas and the windows are visible to those accessing or leaving other residential properties on Ridgeway Parade. Based upon the submitted plans, the proposed new first level of accommodation would not be significantly higher than the terrace walls. Given the distance to the terraces and windows, the proposal would ensure satisfactory living conditions for the occupiers of existing dwellings in respect of privacy and overlooking from this level of accommodation.
24. The rooflights would have skyward outlook. The plans suggest they would be significantly further from the existing residential properties than quoted in the evidence. Based on the elevation plans before me, given, the height, distances and outlook from the new rooflights, I consider the degree of overlooking and intervisibility would provide satisfactory conditions in respect of privacy and overlooking to the terraces and windows for neighbouring occupiers. The Council has not referred to any adopted numerical standards to the contrary.
25. For the reasons set out above the proposed development would ensure satisfactory living conditions for the occupiers of Nos 8, 15, 16 and 17 Ridgeway Parade with particular reference to outlook and privacy. It would not conflict with Policy NBE9 of the SSLP and Policy GEN1 of the HDLP. In combination and amongst other things, these require that development should achieve a design that does not cause a material loss of amenity. It would also not conflict with paragraph 130f) of the Framework which expects development provides a high standard of amenity for existing and future users.

Climate change

26. The SES proposes measures such as solar gain, energy efficient building fabric, ventilation, efficient lighting and heating controls, and air source heat pumps. It would result in a CO2 reduction of 41.64% of the total Target Dwelling Rate. There would be water efficiency measures to ensure a water use target of 110 litres per person per day is achieved. I see no reason why the proposed measures would not achieve the energy and resource efficiency set out, could not be designed satisfactorily into the proposed development, or that they could not be secured by the Council's suggested planning conditions.
27. Therefore, for the reasons set out above, the proposed development is compliant with policies to address climate change. It does not conflict with Policy NBE9 of the LP, which amongst other things requires that development reduces energy consumption through sustainable approaches to building design and layout, and incorporates renewable or low carbon energy technologies where appropriate. It is also compliant with the aims of paragraphs 152, 154

and 157 of the Framework which aim to shape places in ways that contribute to radical reductions in greenhouse gas emissions, and expect development to support renewable and low carbon energy.

Other Matters

28. The appeal site is within 5km of the Bourley and Long Valley Site of Special Scientific Interest, which forms part of the Thames Basin Heaths Special Protection Area (the SPA). I have been provided with a number of appeal decision letters⁴ and extracts by the appellant seeking to advocate that a pre-commencement planning condition is an acceptable approach having regard to relevant policies, including the tests for such conditions in the Framework and advice in the Planning Practice Guidance.
29. Had the proposal been otherwise acceptable, it would have been necessary for me to undertake an Appropriate Assessment as the competent authority. However, as I have concluded the proposal is unacceptable for other substantive reasons, and as it is not put to me this proposal would secure overall benefits in this regard weighing in favour of the scheme, it is not necessary to look at this matter in detail, including whether the suggested approach would adhere to the Conservation of Habitats and Species Regulations 2017 (as amended).
30. The Flood Risk Assessment suggests a limited part of the site might be at risk of surface water flooding. The Council's Drainage Engineer has objected given perceived contradictions in the drainage evidence and that further calculations are required to demonstrate flood risk is not increased elsewhere. Thames Water has identified an inability of the existing surface water network to accommodate the needs of the proposal, such that its requirements are addressed before the development is complete. As I am dismissing this appeal for other substantive reasons, I have not assessed these matters in detail.

Planning Balance

31. Although not a ceiling, based upon the evidence before me, the Council is able to demonstrate an approximately 10.9 year housing land supply, and there is no substantive evidence that would lead me to the view this figure is inaccurate. The proposal would result in a moderate temporary economic benefit and employment during design and construction and once complete a moderate on-going spend in the local economy, resulting in employment opportunities, CIL contributions, Council tax, as well some contribution to the vitality of local communities and services. As a small to medium sized development, it might be built out relatively quickly.
32. It would result in the more efficient use of previously developed land within a settlement. However, in-light of the harm and the policy conflicts I have identified, it has not been demonstrated it constitutes a suitable site. There might be some modest benefit associated with providing some degree of active frontages. Even if HLS were significantly lower than set out by the Council, the contribution from 6 dwellings to supply would be a moderate benefit.
33. Were I to be of the view it is demonstrated overall landscape and on-site biodiversity benefits could be secured, there is no substantive evidence to

⁴ APP/Y3615/W/19/3240781; APP/D3640/W/15/3028247; APP/Y3615/A/13/2200458; APP/B1740/W/17/3190270; APP/B1740/W/16/3162691; APP/B1740/W/17/3186659; APP/B1740/W/17/3181718.

demonstrate these would be anything other than small benefits. Through the imposition of suitably worded planning conditions the proposal might result in some small drainage betterment. However, it has not been demonstrated that this would be anything other than a limited benefit. Overall, the benefits of the development attract moderate weight in favour of the scheme.

34. If I were I to agree the development is or could be made acceptable with the imposition of suitably worded planning conditions, in respect of matters such as the living conditions of neighbouring and future occupiers, design requirements in respect of matters such as materials, construction management, contaminated land, refuse storage and collection, lighting, protected species, accessibility, sustainable transport and highway standards, the location of development, and the SPA, these would all be neutral matters in the planning balance. The evidence does not suggest there would be any overall net resource or sustainable energy generation benefits, therefore compliance with such policies is more of a neutral matter.
35. While this scheme seeks to address the reasons the Inspector dismissed a previous appeal, I have found this development would be harmful to the character and appearance of the area, and I have concluded it would be harmful to the operation of the local highway network and highway safety. The policy conflicts and the harm are such that these attract significant weight against the scheme. Therefore, the harm from the proposed development outweighs the policy compliance and benefits of the development.

Conclusion

36. The proposed development conflicts with the development plan and the Framework taken as a whole. There are no material considerations, including the policies of the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR