



Appeal Decisions

Site visit made on 16 May 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2023

Appeal A Ref: APP/P1750/W/22/3309374

6 East Station Road, Aldershot GU12 4LB

- 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 Andrew Alexander Vorobiev against the decision of Rushmoor Borough Council.
 - The application Ref 22/00125/FULPP, dated 25 February 2022, was refused by notice dated 20 April 2022.
 - The development proposed is described as a new detached three-storey 3-bedrooms 6-persons dwelling house with associated bin and cycle stores.
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Appeal B Ref: APP/P1750/W/22/3309376

6 East Station Road, Aldershot GU12 4LB

- 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 Andrew Alexander Vorobiev against the decision of Rushmoor Borough Council.
 - The application Ref 22/00126/FULPP, dated 24 February 2022, was refused by notice dated 20 April 2022.
 - The development proposed is described as a new detached two-storey 2-bedrooms 4-persons dwelling house with associated bin and cycle stores, and on-site parking space.
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Decision

Appeal A Ref: APP/P1750/W/22/3309374

1. The appeal is dismissed.

Appeal B Ref: APP/P1750/W/22/3309376

2. The appeal is dismissed.

Procedural Matters

3. As set out above there are 2 appeals on this site. They differ only in the size of the proposed dwelling and parking provision. However, the design of the dwelling in both appeals has not been contested, and both have been refused for the same reasons, with the main parties submitting similar evidence for each. As such I have dealt with each appeal on its individual merits but to avoid duplication, I have considered the proposals together in this decision. For ease of reference, I refer to the different cases as Appeal A and Appeal B, as set out in the headers.

Main Issues

4. The main issues are whether the proposed development would provide sufficient parking in the interests of the proper function of the area and highway safety; adequate provision for off-site public open space (POS) improvements; and the effect of the proposal on the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Parking

5. The appeal site currently provides 1 off-street parking space for the existing dwelling. Appeal A would not provide any off-street parking but would remove an existing pavement cross over allowing the creation of 1 additional on-street parking space. Appeal B would retain 1 off-street parking space.
6. Policy IN2 of the Rushmoor Local Plan (LP) requires parking to be provided in accordance with the Car and Cycle Parking Standards Supplementary Planning Document (SPD), amongst other things. The SPD would require 2 off-street parking spaces for both the new and existing dwelling in Appeal A and B. However, it is acknowledged that as the existing dwelling only benefits from 1 off-street parking space it would not be more harmful should this lower provision for one of the dwellings in Appeal A and B be retained. Considering the sustainable location of the appeal site and the proximity to the railway station, the SPD also makes provision for new build development to provide 1 off-street parking space per dwelling, subject to some limitations. Nonetheless, even with the minimum requirement of 1 space per dwelling both Appeal A and B would still be unable to provide adequate parking provision.
7. The only opportunity within the SPD to provide less than 1 off-street parking space per dwelling is when the proposal constitutes the retention and re-use of existing buildings within the defined town centre. This is not the case for either Appeal A or B as they both propose a new build dwelling and are outside of the defined town centre of Aldershot.
8. It is acknowledged that the SPD is around 6 years old and relies on car parking data from 2011 and 2012. However, its reasoning for prescribing residential parking provision is robust and considers the various parking issues within the borough including the impact of under providing parking in residential areas. There is, therefore, nothing before me to conclude that the SPD should not be followed.
9. Many homes in the area do not benefit from any off-street parking, with interested parties confirming they do not own cars due to the accessibility of the area. I also note that parking along East Station Road and the surrounding roads is heavily controlled with the majority only available for those with resident permits. To this effect, the appellant has stated they would be happy to enter into an agreement to prevent future occupants of either house from seeking a residential permit, thus removing the pressure for parking in the immediate area. Nevertheless, without any mechanism before me to secure such an obligation, as the unilateral agreement submitted is not complete, I cannot give this any weight.
10. Consequently, Appeals A and B are both unable to provide sufficient parking in the interests of the proper function of the area and highway safety. They both

fail to accord with the standards set out in the SPD, and so conflict with LP Policy IN2.

POS

11. LP Policies DE6 and DE7, amongst other things, require new residential development to make appropriate provision for open space and playing fields, which provide an important role in the health, well-being, and quality of life of the local community. The policies both set out a variety of ways that this could be provided either on-site or by contribution to off-site provision or improvement of existing facilities. In this case both parties agree that an obligation requiring financial contribution would be most appropriate and the amount is not in dispute. However, there is nothing before me to secure such a contribution for either Appeal A or B.
12. As I intend to dismiss the appeal for other reasons, I have not pursued this matter further with the main parties. Nonetheless, a section 106 agreement could have made adequate provision for the contribution to off-site POS, for the level of residential development proposed in both Appeals, and this would have ensured compliance with LP Policies DE6 and DE7.

SPA

13. The SPA is a network of heathland that provides habitat for 3 internationally important bird species; woodlark, nightjar, and Dartford warbler. These birds' nest on or near the ground and as a result, are very susceptible to predation by animals, and to disturbance from recreational use, especially walking and dog walking.
14. The appeal site is within 5km of the SPA and both Appeal A and B would create a new residential dwelling. Any increase in population could lead to an increase in visitor and recreational pressure within the SPA. Given the susceptibility of the SPA to additional pressures, it cannot, therefore, be concluded that the development would not adversely affect the integrity of the protected site in combination with other projects.
15. The Council's SPA Avoidance and Mitigation Strategy (AMS) provides for contributions to the Council's Suitable Alternative Natural Greenspaces (SANG) and Strategic Access Management and Monitoring (SAMM) to mitigate the effect of development on the SPA. Adherence to the AMS was required by Natural England when consulted during the application process for both Appeal A and B.
16. The Council require a section 106 agreement to secure the appropriate contributions for the SANG and SAMM. One has not been submitted, but the appellant has proposed the installation of bird and bat boxes in both Appeal schemes as well as agreed to the principle of a financial contribution. It is appreciated the bird and bat boxes could be conditioned to improve the ecology of the appeal site itself, but this would not mitigate the adverse effect Appeal A and B would have on the SPA. Therefore, a financial contribution in accordance with the AMS would also be necessary.
17. Again, as with the POS contribution, there is nothing before me to secure such a financial contribution, and as I intend to dismiss both Appeals for other reasons, I have not pursued this matter further. However, had a fully executed section 106 agreement been submitted which provided for an appropriate SPA

contribution, it would have ensured compliance with LP Policy NE1 and South East Plan Policy NRM6 insofar as they seek to protect the SPA as a priority habitat.

Other Matters

18. Both parties agree that matters relating to surface water drainage detail could be dealt with by condition. Considering the appeal site is within flood zone 1, and no other objections relating to flooding have been made, I agree a condition to secure such detail would be appropriate.
19. The Council has not found harm in relation to the design or size of the new dwelling proposed in Appeal A and B, nor the impact of either scheme on the surrounding area both visually, and in terms of the living conditions of neighbouring occupants. However, along with the suitability of a condition to control surface water drainage, these would constitute neutral factors which do not weigh for or against Appeal A or B.

Planning Balance and Conclusion

20. The National Planning Policy Framework (the Framework) seeks to boost the supply of homes and make more efficient use of land in accessible locations. Both Appeal A and B would provide a net increase of 1 home in an accessible location. The appellant states in both Appeals that there is a need for 2 and 3 bedroomed family homes, however there is nothing before me evidencing this. Therefore, along with the associated economic and social benefits, this contribution to the windfall element of the Council's 5-year housing land supply would attract only limited weight, based on the number of houses involved.
21. However, both Appeal A and B would fail to secure appropriate parking provision to the detriment of the function and highway safety of the area; and fail to provide a suitable mechanism to secure contributions to both POS and the SPA. Consequently, when weighed against the policies in the Framework taken as a whole, I find that the adverse impacts of granting planning permission would outweigh the proposed benefits.
22. For the reasons given above, both proposals would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. Appeal A and Appeal B are, therefore, dismissed.

RJ Redford

INSPECTOR