



Appeal Decision

Site visit made on 18 September 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2023

Appeal Ref: APP/H1705/W/23/3316388

Fernbank Hotel, 4 Fairfields Road, Basingstoke RG21 3DR

- 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 Fernbank Project LLP against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/03029/FUL, dated 23 September 2021, was refused by notice dated 12 August 2022.
 - The development proposed is change of use from C1 to 'sui generis' for a 21 resident HMO and demolition of existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from C1 to 'sui generis' for a 21 resident HMO and demolition of existing garage at Fernbank Hotel, Basingstoke RG21 3DR in accordance with the terms of the application, Ref 21/03029/FUL, dated 23 September 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue in this appeal is whether the proposal would make acceptable provision for on-site car parking or result in unacceptable demand for on-street car parking.

Reasons

3. The appeal site is a small hotel in a mainly residential area. There is an extant planning permission to change its use to a 14 resident house in multiple occupation (HMO) with 14 on-site resident car parking spaces¹. The building would be reconfigured internally as a 21 resident HMO with the same number of on-site car parking spaces. There is no room for more on-site car parking because spaces would not meet the dimensions in the Council's Parking Supplementary Planning Document, July 2018 (the SPD) thus be unusable.
4. Using 2011 average car ownership rates per 1-bedroom property in the borough (0.67), the appellant suggests that by this measure 14 on-site spaces would be sufficient. Provision of this parking could be secured by a condition. But this figure is out-of-date and even the equivalent 2029 forecast (0.71) suggests 15 spaces would be required. Either way though, the SPD rounds up to a nearest whole number, so in this case 1 on-site car parking space per resident and 21 spaces in total. On this basis there would be a significant shortfall of 7 spaces. However, the Council intends the SPD guidance to be responsive to local circumstances.

¹ Council's Ref 20/013569/FUL

5. Double yellow lines restrict parking in Fairfield's Road and other nearby roads except in marked bays. In some places exclusively for resident permit holders use between 0800 or 0900 to 1700 Monday to Friday. Non-permit holder parking in some bays is limited to 3 hours on these days with no return within 3 hours. So, without a permit these bays would not be convenient or practical for use by up to 7 car owning residents of the HMO for most of the week.
6. I saw that many of these bays were vacant but this snap-shot was during a working week day when, for example, some residents likely use cars to commute to work. Equally, though, many houses in Fairfield's Road and in nearby roads have off-street parking which reduces pressure for on-street parking. The appellant has not provided a parking capacity survey but does not rely on the availability of on-street parking. It is the Council that suggests there is 'already a high demand for *[on-street]* parking within the area'. However, it has not explained what 'area' means and has provided no objective evidence in this regard, such as about capacity (number of bays) relative to issued permits or about any latent demand for permits thus the scope, if any, to meet a demand from up to 7 residents of the HMO.
7. The Council issues the permits and it could ensure that on-street parking was not overloaded; there is no evidence that a permit would be issued to any or all 7 residents, especially if there was already insufficient capacity. But even if these permits were issued, there is no apparent reason why this additional on-street car parking would negatively impact on the local highway network because there is already a finite number of parking bays and no evidence that the Council could create more on-street car parking bays. Moreover, these bays exist for this purpose and could already be used to park cars, so there would be no additional adverse effect on the visual amenity of the area or views due to parked cars on the street.
8. There are large public car parks near the site but there is no evidence these allow overnight parking so they would not be convenient for residents of the HMO. However, the site is close to Basingstoke town centre, no more than 1300m from a wide range of facilities and services, public open space or, therefore, employment. This includes bus services (and stops) into the town centre and a train station, both with good service frequency as well as to destinations elsewhere. There are no bus services on Sundays but this would not render the site incapable of access by alternative (to the car) modes of travel for most of the week.
9. This distance is appreciably less than the 2000m maximum preferred walking distance set out in Manual for Streets. Accordingly, most daily and weekly living needs of all residents of the HMO, including those who could not park on or off the site, could conveniently be met by walking (up to about 15 minutes on pavements with dropped kerbs and crossing points) or cycling (less than a 4 minute ride) including some dedicated public rights of way or cycle routes. The proposal includes satisfactory provision for 21 secure cycle parking spaces to encourage this mode of transport. These could be provided by a condition.
10. The availability of on-site or on-street car parking would also be a factor in a decision by a prospective future resident of the HMO. A clear majority of residents would have the option of an on-site car parking space. Moreover, given the location of the site, not being able to park a car on-site or on-street

nearby is not likely to be a barrier to non-car owning residents. Not everyone wants or needs to own a car, especially in such an accessible location.

11. Taking all the above into account, I find that the proposal would make acceptable provision for on-site car parking and not result in an unacceptable demand for on-street car parking. Consequently, the proposal does not conflict with Policies EM10 or CN9 of the Basingstoke and Deane Local Plan, May 2016. These policies include that development should be well-connected, accessible to all, promote sustainable transport modes and choice, minimise the need to travel and provide appropriate parking provision.

Other Matters

Fairfields Conservation Area (the CA)

12. The site is in the CA. The significance of the CA includes the largely intact appearance and layout of Victorian or Edwardian dwellings in regimented rows; such as the notable semi-detached houses along the opposite side of Fairfields Road to the site, as well as the detached appeal building (No.4, formerly a house) and the two detached houses either side of it². In my view, these buildings are non-designated heritage assets. As such, they make a positive contribution to the character and appearance of the CA.
13. There would be no external alteration of No.4 and the rear of this plot is already a car park. The modern garage building is of no heritage significance and its demolition has already been approved by the Council in a previous planning permission³. As explained earlier above, there would be no additional parking of cars in Fairfields Road or nearby roads beyond that which is already possible. Consequently, the proposal would not detract from how these buildings and this part of the CA was experienced or appreciated in public views from these roads. This neutral effect would therefore preserve the character and appearance of this part of the CA and the CA overall.

Other interested party comments

14. Some local residents had other concerns, including about the size and number of rooms, adequacy of future occupiers living conditions and the precise use of the HMO and who would live in it. Also, about an alleged imbalance in the number of HMOs in the area, inadequate refuse storage or collection and noise and disturbance impacting on the living conditions of existing occupiers of nearby dwellings. However, and subject to a condition to ensure satisfactory bin storage, the Council did not object to the proposal for any of these reasons which are largely anecdotal or speculative in nature. The Council has powers to control statutory nuisance and crime or antisocial behaviour would be a matter for the Police. While any person could live in the HMO, material use of this property other than as a HMO in the terms set out in the description of development, such as for resident's health or care, would require planning permission. The Council has planning enforcement powers.

Conditions

15. The appellant did not object to the conditions suggested by the Council if the appeal was allowed and has given written agreement to pre-commencement of

² Council's Fairfields Conservation Area Appraisal, October 2004 and Plan, January 2004

³ Council's Ref 19/003391/FUL

development conditions. These relate to the protection of trees to be retained on or next to the site and to hours of working. These would be important aspects of the development, respectively, in the interests of the visual amenity of the area and because some houses are close to the site. There would, therefore, be a clear justification to establish these details before any development commenced.

16. Where required, I have considered modified wording of the suggested conditions in the interests of clarity and have had regard to the relevant tests in the National Planning Policy Framework and advice in Planning Practice Guidance, including to keep conditions to a minimum.
17. As well as the standard 3-year time limit for commencing development, a condition would be necessary to specify the approved plans in the interests of certainty. In addition to the conditions referred to above and earlier, a condition is necessary to ensure that communal facilities within the building are provided before any residents occupy it, then maintained thereafter to ensure satisfactory living conditions. The Council suggested a condition that surfacing materials in the development should match the details shown in the approved plans but this would already be achieved by condition No.2.

Planning Balance and Conclusion

18. The proposal accords with the development plan taken as a whole. There are no other material considerations which override this finding.
19. Consequently, for the reasons given above and subject to conditions the proposal is acceptable and the appeal therefore succeeds.

Robin Buchanan

INSPECTOR

Schedule of Conditions (6)

- 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:

L.401	location plan
B.401	block plan
P.401	proposed site layout
P.404 Rev D	proposed plans
P.405	proposed elevations
P.406 Rev B	proposed kitchen layouts
P.407	proposed cycle store
P.408	proposed refuse store
P.409	landscaping plan

- 3) The development hereby permitted, including works of demolition, site clearance, ground preparation, materials storage or construction, shall not commence on site until a Tree Protection Plan (TPP) prepared in accordance with BS5837:2012 "Trees in relation to design, demolition and construction" has been submitted to and approved in writing by the local planning authority. The TPP shall include the specification and positioning of temporary tree protective fencing and ground protection where required. The approved tree protection measures shall be carried out prior to any of the above site activity commencing and be maintained until the development is complete. No development or other operations shall take place on the site other than in accordance with the approved TPP.
- 4) No works relating to the construction of the development hereby permitted, including demolition or preparation prior to operations, deliveries of construction materials, plant or machinery, site preparation, groundworks or removal of spoil shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or on recognised public holidays.
- 5) The development hereby permitted shall not be occupied or the use commence, whichever is sooner, until provision for 14 car parking spaces and a 21 space cycle parking store and a refuse store has been made on the site in accordance with the approved plans. These parking and refuse arrangements shall thereafter be retained. Except for collection days, no refuse shall be stored at the refuse collection point or anywhere else at the front of the site, including in front of the building.
- 6) The development hereby permitted shall not be occupied or the use commence, whichever is sooner, until the communal circulation space, stores, kitchens, living and dining area (as shown on approved drawing number P.404 Rev D) have been provided and made available as communal areas for residents. These areas shall thereafter be retained for the lifetime of the development as communal areas for these uses.