



Appeal Decision

Site visit made on 24 October 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2023

Appeal Ref: APP/P1750/W/23/3314472

10 Mole Close, Farnborough, Hampshire, GU14 9NY

- 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 Ms T Turner against the decision of Rushmoor Borough Council.
 - The application Ref 22/00789/FULPP, dated 8 November 2022, was refused by notice dated 5 January 2023.
 - The development proposed is the erection of a 2 storey, 3 bedroom detached house, following demolition of existing detached garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area including the local street scene;
 - Whether the proposed house and garden would provide reasonable living conditions for the occupiers;
 - Whether the proposal makes reasonable provision for open space in the locality; and
 - The effect on the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Background

3. The appeal site comprises an end of terrace two storey house and its garden which lie at the end of a residential cul-de-sac of similar properties. The property has a double garage to the side of the house with parking in front and there is a garage court further to the right (east) and woodland alongside the M3 to the rear (north). It is proposed to demolish the double garage and erect a two storey 3 bedroom house which would also have a single storey extension to the side and rear.

Effect on character and appearance

4. On the face of it the new dwelling proposed would fit in with the street scene as there would be an adequate gap between Nos. 10 and 11 and the front of the new property would generally fit in with a building line between these two existing dwellings. However, the limited and tapered space available for a dwelling on this plot would not enable it to function properly. The layout plan

shows that the two parking spaces proposed would be so tight that car users would hardly be able to open the door to leave the vehicles if a path to the front door was retained. Moreover, the constrained nature of the site is also demonstrated by the layout where the two parking spaces for the host dwelling would be difficult to function properly in the angled manner shown.

5. I find that in practical and visual terms the house proposed would appear cramped in its setting and squeezed into the side space of the plot and this would be harmful to the street scene and the way in which the residential environment is seen to function. This would conflict with the provisions of Local Plan Policy DE6 as the development would not respect the character and appearance of the area. As the proposed house and its parking arrangement would not be likely to function well this would be at odds with the aims of achieving well-designed places as set out in section 12 of the National Planning Policy Framework (the Framework).

Effect on living conditions

6. This issue is concerned with the effect on the living conditions of the future occupiers in terms of the internal size of the dwelling put forward and for the external garden/amenity area. In relation to the internal sizes the Council refers to the standards set out in Policy DE2 which reflect technical housing standards adopted nationally.
7. Parts (b) and (c) of the policy indicate that a single bedroom should be at least 7.5 sq.m in floor area and a double room 11.5 sqm. The Council's evidence is that the three bedrooms proposed are below this standard with the single bedroom (No.1) significantly below. However the Appellant submits that taken as a whole the overall floorspace proposed for the property is 85 sqm and this exceeds the 4 person 2 storey standard of 84 sqm.
8. It appears to me on the evidence provided that both figures are correct but that the overall floorspace of the proposed house is greatly boosted by the large kitchen/diner space at ground floor and at the expense of very small bedrooms upstairs. This would not provide for reasonable basic facilities for health and well-being particularly for children.
9. In terms of outside garden area Policy DE3 requires a minimum area of 30 sqm for family housing which is met, however the Council takes issue with the quality of the space and the degree to which it would be overshadowed by trees. The Arboricultural Report undertaken by RCG Arboriculture and submitted with the application describes the trees which affect the site. Most lie outside of the application site but overhang it to some degree. Taking account of the arboricultural assessment of the trees that can and should be retained for their amenity value the effect on the trees is shown on the Tree Protection Plans in Appendix 2. Within this it is not clear whether the Tree Protection Barrier proposed across the garden is a temporary restriction recommended during a construction phase or a permanent solution for tree protection.
10. In its statement the Council has annotated the plan to show the limited usable area of garden but this appears to be based on the extent of tree roots rather than the canopies of the trees which have less site coverage. Even so from my observations at my visit I concluded that the majority of the proposed garden

would be overshadowed by the trees to a large extent and this would not provide a useable and good quality space as required by Policy DE3.

11. I conclude on this issue that the proposed house would not provide reasonable living conditions for the intended occupiers in terms of the small size of bedrooms proposed and there would also be inadequate useable and quality outdoor space for the occupiers to use, contrary to the Local Plan policies mentioned above.

Provision for open space

12. Local Plan policies DE6 and DE7 look to new residential development to make reasonable provision for open space for the benefit of the future residents. Where a development is too small to accommodate this on site it is established that a financial contribution for provision off-site would be appropriate. The appellant has indicated that she is happy to make such a contribution though a formal 106 Agreement although there is no formal mechanism before me now.
13. If all of the other aspects of this case had proved to be acceptable then it would have been reasonable to have given the appellant further time to resolve this matter but my conclusions on the other main issues have not been favourable. This matter remains unresolved.

Effect on the SPA

14. A similar position exists regarding the effects on the SPA. It is established that the Thames Basin Heaths SPA are in a poor ecological state and that further recreational pressure arising from new residential development would be likely to have a significant effect on the integrity of the habitat. Where such development is acceptable the agreed strategy requires mitigation measures which can include the delivery of new Suitable Alternative Natural Greenspace (SANG). For small scale development proposals this mitigation can take the form of a specified and proportionate financial payment towards provision elsewhere.
15. Again it appears that the appellant is happy to enter into a section 106 agreement to make this contribution but as yet there is no formal agreement in place. This issue therefore remains unresolved.

Other matters

16. A neighbour says that they will be overlooked by the proposed house and suffer from a loss of privacy. However, views would be at an angle and across the public realm of the space at the end of the cul-de-sac. In these circumstances I am satisfied that the overlooking that could take place would not be of a scale that warrants the rejection of the scheme on this ground alone.

Planning balance

17. On the main issues I have found that the space proposed for the dwelling would be too small to accommodate the proposal and the new house would appear cramped and 'squeezed in' and this would be harmful to the street scene. There is also inadequate space for the host property and new house to function properly with off-road parking facilities. This adds to my concerns about the development appearing cramped. The house proposed would not

provide sleeping accommodation of adequate standard nor sufficient useable outdoor garden space to ensure reasonable living conditions for the new occupiers. There also remains fundamental concerns over the lack of provision for off-site recreation facilities and the mitigation of the effects on the SPA. The proposal therefore conflicts with the relevant provisions of the development plan and national guidance as mentioned above.

18. These aspects have to be balanced with the benefits of development. I note that the appellant sought 'pre-application' advice from the Council which appears to have recommended against a proposal for a bungalow. Notwithstanding this no other factor put forward outweighs the harm that I have found that the proposal would cause. The conflict with the development plan when assessed as a whole is not outweighed by other considerations and this indicates that the appeal should not be allowed.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR