



Appeal Decision

Site visit made on 1 August 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2024

Appeal Ref: APP/P1750/W/24/3339614

Garages, Cold Harbour Lane, Farnborough GU14 9DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr R Trendall against the decision of Rushmoor Borough Council.
 - The application Ref is 23/00763/FULPP.
 - The development proposed is Demolition of 14 garages and erection of 2 light industrial units with parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address and description of development in the banner heading above is taken directly from the original planning application form.
3. The appellant submitted a Tree Survey and Arboricultural Assessment at the outset of the appeal. The document demonstrates that the proposal will not require the removal of any existing trees on or adjacent to the site, whilst subject to the use of precautionary measures during the development process, trees can be adequately protected. Accordingly, the Council has withdrawn its third reason for refusal which related to the effect of the development upon trees.
4. The Council's first reason for refusal on its decision notice, amongst other policies, references Policy PC1 of the Rushmoor Borough Council Local Plan (adopted 2019) (the Local Plan). This policy relates to economic growth and investment. It focuses on protecting strategic and locally important employment sites, as well as promoting the development of key sectors in identified locations. It does not though prevent investment in economic development proposals outside of these areas. From my reading of the policy, it therefore does not appear to be relevant in relation to the Council's reasons for refusal.

Main Issues

5. In light of the above, the main issues are the effect of the proposed development on: i) highway safety; ii) the living conditions of neighbouring occupiers; and iii) the character and appearance of the site and surrounding area.

Reasons

Highway Safety

6. The appeal site comprises an existing block of garages located adjacent to Cold Harbour Lane. This section of Cold Harbour Lane runs between Fernhill Road and Chapel Lane and largely consists of a rather informal (albeit adopted), single-width macadamised road. The road is lined by grass verges and whilst I understand that adopted highway extends to adjoin the appeal site, it is not hard-surfaced to the front of the appeal site but instead grassed.
7. Vehicular access to this part of Cold Harbour Lane and the appeal site is taken from Fernhill Road, albeit onward access through to Chapel Lane is restricted to pedestrians only. Fernhill Road appeared to be a busy main thoroughfare that was heavily trafficked. Cold Harbour Lane is set at a notably higher level than Fernhill Road, as such, there is a slight climb for vehicles entering the lane which also need to cross an existing pedestrian footway. The single-width nature of the carriageway on this section of Cold Harbour Lane, together with the presence of a mature tree on the corner of its junction with Fernhill Road, also results in the existing vehicular access being rather narrow and constrained.
8. At the time of my site visit, the lane on which the appeal site is accessed from appeared to be mainly utilised by pedestrians as opposed to motor vehicles. It seems that there are no restrictions on the use of the existing garages, which have been well established for a considerable period. Nonetheless, their dilapidated condition, alongside the individual unit sizes and existing access arrangements, is such that the garages are unlikely to be heavily utilised for the storage of vehicles or attract significant levels of vehicle movements. No robust evidence, for example, in the form of existing vehicle trip surveys has been submitted to convince me otherwise.
9. The proposed development would deliver two, relatively small industrial units (Use Class E(g)iii). The application appears to have been made on a speculative basis, with no specific details of the likely end users or the extent of their operations. As such, the frequency of vehicle movements to and from the proposed development, including from employees, visitors, deliveries, refuse vehicles is unclear. Furthermore, it is also unclear as to the size of the vehicles that the proposed development may attract.
10. The appellant has indicated that cars would be capable of either reverse into or out of the site thereby enabling them to exit Cold Harbour Lane (onto Fernhill Road) in forward gear. However, no vehicle tracking evidence has been submitted to verify this. Even if such manoeuvres were capable of being undertaken, it appears that they would be dependent on the car parking spaces serving the proposed units being free. In the absence of any robust details of probable employee or visitor numbers, the likelihood of the parking spaces being available for such manoeuvres is again uncertain. Furthermore, based on the submitted evidence, I am also not convinced that larger vehicles, such as delivery vehicles, could appropriately manoeuvre within the appeal site to ensure that they leave Cold Harbour Lane, onto the wider road network, in forward gear.
11. Additionally, no specific details have been provided to demonstrate whether relevant delivery or refuse vehicles could suitably manoeuvre into Cold Harbour

Lane from Fernhill Road, given the existing rather tight junction arrangements and the presence of a mature tree on this corner¹.

12. Given the narrowness of this section of Cold Harbour Lane, there is also potential for conflicts to arise should vehicle(s) entering the lane meet with another vehicle exiting the lane. This in turn could lead to vehicles reversing back onto Fernhill Road and/or causing an obstruction in the highway.
13. Turning to vehicle parking, the Council has an adopted Car and Cycle Parking Standards Supplementary Planning Document (adopted 2017) (the SPD). The parking standards established within the SPD pre-dated the 2020 amendments to the Use Classes Order, which introduced Use Class E. Nonetheless, I find the application of standards set for the former Use Class B1(c) to remain applicable in this instance. The proposed development although providing two parking spaces for each unit would not meet the relevant minimum width standards for these spaces. Of greater pertinence, no lorry or delivery spaces would be provided at the site, thus not meeting the SPD's expectation of two such spaces. Although the SPD's parking standards are guidelines and expressed as maximum standards, given the constraints of the site's access highlighted above, I consider there a need to meet the on-site provisions for lorry/delivery vehicles.
14. Due to the narrow nature of this section of Cold Harbour Lane and without appropriate parking and turning facilities for vehicles entering/egressing the appeal site, there is a risk that vehicles exiting (or approaching) the site will need to reverse out of Cold Harbour Lane and onto the busy main highway at Fernhill Road. Such manoeuvres would be detrimental to highway safety given the reduced visibility of the driver to see on-coming traffic at the junction with the main road.
15. I note the appellant's suggestion that future occupiers of the site would be aware of the parking/delivery arrangements when considering whether the site meets their business needs. However, this is not sufficient guarantee that highway safety would be maintained, especially as the precise nature or requirements of an occupier's business may evolve over time.
16. In reaching the above view, I recognise that the existing garages could be refurbished and brought into greater use without the benefit of planning permission, such that the existing use of the site could theoretically attract a significant level of vehicle movements. However, from my observations on site and the evidence before me, I am not convinced that there is a reasonable prospect of the garages being utilised in this manner. Notably, the garage's sizes appear unsuitable for many modern cars and therefore are more likely to be used for domestic storage purposes, which is likely to entail less vehicle movements. In any case, the proposed development also has greater potential to attract frequent movement of larger vehicles (i.e. delivery vehicles).
17. Overall, based on the submitted details, I cannot satisfactorily conclude that the proposal would not lead to severe harm to highway safety. Accordingly, I find the proposal to conflict with the aims of Policy IN2 of the Local Plan. The policy amongst other matters requires development not to have a severe impact on the operation of, or safety of the local or strategic road network. The proposal would also not adhere to the aims of the Council's Car and Cycle

¹ Outside of the appeal site and submitted tree survey/arboricultural assessment.

Parking Standards Supplementary Planning Document, in respect of providing a suitable level of vehicle parking.

Living Conditions

18. Several residential properties lie to the south of the appeal site, with the site backing onto their gardens. Despite their proximity there is an extensive band of mature trees set between the appeal site and the neighbouring dwellinghouses to the south, while from the evidence before me (subject to the imposition of suitable conditions) the proposals would not entail the loss of any trees.
19. A significant number of residential properties are also in close proximity directly opposite the appeal site, across Cold Harbour Way. The appeal site is therefore located in a primarily residential area. However, there is already a degree of commercial activity in the area, with existing commercial uses located very nearby on Chapel Lane, including a convenience store and public house.
20. The proposed industrial units would be limited in scale. Furthermore, the appellant has indicated a willingness to restrict the proposal to Use Class E(g)(iii) through the use of a planning condition. Use Class E(g)(iii) is identified under the Town and Country Planning (Use Classes) Order 1987 (as amended), as being any industrial process, which can be carried out in any residential area without causing detriment to the amenity of that area. Additionally, I consider that appropriate conditions on the grant of any permission could be used to restrict operational and delivery hours to ensure that the living conditions of neighbouring residents are suitably maintained.
21. As such, despite the relationship of the proposed development to existing dwellings, subject to relevant conditions, I am satisfied that the appeal scheme would not give rise to unacceptable impacts on the living conditions of neighbouring residents. Accordingly, in respect of this main issue, I find that the appeal scheme would comply with Policy DE1 of the Local Plan. Amongst other matters the policy seeks to ensure that development does not harm the living conditions of existing adjacent users.

Character and Appearance

22. This section of Cold Harbour Lane is essentially a backland lane, situated between residential properties of varying appearance and scale and provides a pedestrian link from Fernhill Road through to Chapel Lane. The site has a residential context given the adjacent residential uses, whilst the presence of the garage block reinforces this. The current dilapidated condition of the garages is not a positive feature of the area. Still, this part of Cold Harbour Lane, has a rather verdant and informal character, stemming from the mature vegetation, presence of grass verges, alongside the narrow nature of the highway and its lack of pavements.
23. The proposed commercial units would have an overall smaller footprint than the existing garage block they would replace, whilst the proposed building would be finished in neutral colours. Additionally, the mono-pitched roof is of modest overall height, being only marginally higher than the existing garages. The location of the proposed development is also relatively inconspicuous, being located to the rear of existing residential properties, whilst also being well screened by mature trees to the south.

24. The proposed development would have a commercial appearance, compared to the more domesticated form of the existing garage block to be replaced. However, as previously indicated there are existing commercial uses in very close proximity to the east, that can be accessed by pedestrians from this section of Cold Harbour Lane. As such, the commercial nature of the development would not be at odds with the general character of the area.
25. Together I find that the modest scale alongside the siting and design of the proposed units would not lead to any detrimental impacts on the character or appearance of the area. Likewise, the use of the units for commercial purposes also would not adversely affect the character of the area, given the nearby presence of existing commercial properties. Consequently, the proposal does not conflict with Local Plan Policy DE1. The Policy, amongst other matters, seeks for new developments to positively contribute to the quality of the built environment, including through respecting the character and appearance of the local area.

Other Matters

26. The appeal scheme would provide socio-economic benefits through the delivery of light industrial units in a sustainable location, however, such benefits have not been quantified by the appellant. Given the scale and (seemingly speculative) nature of the appeal proposal they are likely to be somewhat limited and I do not consider that they would outweigh the identified harm to highway safety.

Conclusion

27. Whilst I have not found that the proposal would not harm the character or appearance of the area or living conditions of neighbouring residents, due to its potential impacts upon highway safety it would remain in conflict with the development plan taken as a whole. There are no material considerations worthy of sufficient weight that justify a decision other than in accordance with the development plan. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR