
Appeal Decision

Site visit made on 16 August 2024

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 27th December 2024

Appeal Ref: APP/N1730/W/24/3345743

166 Fleet Road, Fleet, Hampshire GU51 4BE

- 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 P. S Rahal and K. K Rahal against the decision of Hart District Council.
 - The application Ref 23/01946/FUL, dated 25 August 2023, was refused by notice dated 8 December 2023.
 - The development proposed is the erection of a four storey building following demolition of existing two storey building, with ground floor commercial unit and undercroft car parking and servicing area and 26 residential apartments at first, second and third floors (14 x 1 bedrooms, 12 x 2 bedrooms).
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 25 November 2024.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by P. S Rahal and K. K Rahal against Hart District Council. This application is the subject of a separate Decision.

Procedural matters

3. The main parties have used a slightly different postal number for the residential accommodation above the commercial unit at No 164 Fleet Road. The Council refer to the residential unit as also being No. 164 whilst the Appellants refer to this as being No. 164A. I have no evidence as to which number may be correct. However, to ensure that there is a differentiation between the commercial unit and the residential unit, I have used the Appellants' number of 164A for the address of this residential unit in my decision.
4. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The proposed reforms are draft and therefore may be subject to change before the final document is published. The consultation closed on 24 September 2024. Also on 30 July, the Secretary of State made a written ministerial statement (WMS) entitled "Building the homes we need". The WMS is an expression of Government policy and is, therefore, capable of being a 'material consideration' in appeal casework.

5. Although, the consultation and draft Framework do not constitute Government policy or guidance, they are capable of being material considerations. The main parties were invited to provide comments in relation to the above documents prior to my determination of this appeal. I have taken into account the views of the parties and the WMS in my determination of this appeal.
6. The Council's Officer Report made reference to a Draft Supplementary Planning Document (SPD) on 'Cycling and Car Parking in New Development'. This SPD was formally adopted on 7 December 2023. I have therefore taken into account the provisions of the adopted SPD in my consideration of this appeal.
7. The Council's fourth reason for the refusal of planning permission identifies that, in the absence of a surface water drainage strategy to demonstrate the adequate management of surface water, it cannot be concluded that the proposed development would be safe from flooding and not increase flood risk elsewhere. The Council's Statement of Case identifies that the Local Lead Flood Authority (LLFA) has assessed additional information submitted as part of this appeal. The LLFA has confirmed that this clarifies the shortcomings identified at the application stage and consider that a detailed surface water drainage strategy could be the subject of an appropriately worded planning condition, were I minded to allow this appeal. Consequently, there is no need for me to consider this matter further in this Decision.
8. The Council's third reason for the refusal of planning permission identifies that the proposed development would have a significant adverse effect on the Thames Basin Heaths Special Protection Area. The Appellant has provided a completed planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 which, amongst other things, provides for a financial contribution towards the provision of Suitable Alternative Natural Green Space (SANG) elsewhere in the area and a financial contribution towards Strategic Access Management and Monitoring (SAMM) for the 26 units proposed. The Council has confirmed that the provisions of the planning obligation adequately address the third reason for the refusal of planning permission. I consider this matter later in this Decision.
9. Similarly, the Council's sixth reason for the refusal of planning permission sets out that the application fails to secure affordable housing. The planning obligation provides for a financial contribution towards the provision of off-site affordable housing. The Council has also confirmed that this addresses the sixth reason for the refusal of planning permission. Consequently, I do not consider this matter further in my determination of this appeal.

Main Issues

10. The main issues are:

- The effect of the proposed development on the character and appearance of the appeal site and the surrounding area.
- The effect of the proposed development on the living conditions of the occupants of nearby residential properties with particular regard to privacy, outlook and daylight/sunlight.
- The effect of the proposed development on highway and pedestrian safety with particular regard to car parking provision.

- The effect of the proposal on the Thames Basin Heath Special Protection Area.

Reasons

Character and appearance

11. The appeal site comprises an elongated rectangular area of land occupying a prominent corner position at the junction of Fleet Road with Branksomewood Road and lying within the Fleet Town Centre. The site is occupied by a vacant two storey building that was formerly used for retail purposes on the ground floor with ancillary storage and offices on the first floor. The building occupies the majority of the site and has a narrow frontage with Fleet Road with significant depth to the rear. A relatively small former servicing yard is located to the rear of the building with access off Branksomewood Road.
12. Surrounding buildings on Fleet Road are predominantly tightly grouped two and three storey in height with ground floor retail/commercial uses. These buildings display a relatively wide variety in elevational design and roofscape with pitch, dual pitch and flat roofs. Consequently, views along Fleet Road display a mixed character and no one type of character dominates.
13. Buildings in the vicinity on Branksomewood Road predominantly occupy a larger footprint with noticeable separation between them and comprise relatively newer built two and three storey residential blocks with predominantly pitched roofs but also displaying a variety of elevational designs. Opposite the appeal site on the western side of Branksomewood Road is a three storey apartment block (Branksome Chambers) which has some windows to habitable rooms facing directly towards the existing appeal property.
14. The proposal would involve the demolition of the existing building and the construction of a four-storey building with ground floor commercial unit and undercroft car park and servicing area and 26 residential apartments distributed on the upper first, second and third floors. The upper floor levels would wrap around a communal courtyard at first floor podium level which would provide a shared external amenity area as well as external access to all of the apartments. The proposed apartments on the third floor would be set back from the main building elevations fronting Fleet Road and Branksomewood Road.
15. I observed at my site visit that views of the proposed building at street level heading north along Fleet Road would likely be limited to approximately the position of the traffic lights, located some 55 metres from the appeal site. In views heading south, the front edge of the building would likely be viewed from the junction of Fleet Road with Church Road but such views would be screened to a considerable extent by existing buildings and roof planes such that it would be difficult to differentiate the proposed building within the context of the street scene in more distant views along Fleet Road. Consequently, views of the full extent of the Fleet Road frontage would likely be limited to the vicinity of the junction with Branksomewood Road.
16. Owing to the set back of the third floor and the limited distant views, in views from Fleet Road at eye level the majority of the structural elements of the third floor would not be readily visible. Consequently, in such views the proposed building would likely be seen as being predominantly three storey,

albeit the proposed glass balustrading would to some extent draw the eye to the presence of an additional floor. In this regard, I note the Appellants' comments that this glass balustrading could be moved inwards on the Fleet Road elevation.

17. The proposed building would be higher than the adjoining unit. However, I have taken into account the considerable variations of building heights in the vicinity. In particular, Richmond Court on Fleet Road is a four storey, simply designed building, with the third floor set back, which is flanked on either side by two storey buildings. Richmond Court demonstrates that a four-storey building can be acceptably integrated within the Fleet Road street scene without appearing overly high or dominant.
18. Given my findings above regarding the set back of the third floor, and on the basis that the glass balustrading was moved inwards, the proposed building would not appear out of scale nor have an unacceptable dominant relationship with properties on Fleet Road. In its setting on Fleet Road, the proposed building would not appear excessively high or dominant and as such would not cause any material harm to the character of this part of the street scene.
19. In views from Fleet Road, the current building has a relatively bland appearance that is dominated by an expanse of brickwork. The proposal would be constructed from a palette of materials that are present in the wider surrounds. Although the Council suggests that the chamfered corner of the building should be made a feature in the street scene, I find that the proposed design acceptably provides such feature. In the context of the mixed appearances and styles of buildings on this section of Fleet Road, the external design of the proposal would not cause visual harm.
20. Turning now to consider the impact of the proposal in views from Branksomewood Road, I acknowledge that the current building displays limited architectural merit. Owing to the relatively straight horizontal alignment of Branksomewood Road in the vicinity of the appeal site, in views heading towards Fleet Road the existing building is quite visible along a considerable length of the road. Whilst its elevation to Branksomewood Road is already dominant at two levels, its monotonous appearance is neither prominent nor does it attract attention in the townscape.
21. I recognise that the design approach has been to achieve a contemporary appearance. However, in doing so, and taking into account the use of pale coloured render, the proposed building would adopt a more prominent appearance on the Branksomewood Road frontage. There would be different sized openings as an intention to break the expanse of brick/render areas of the elevation. However, in this regard, I share the Council's concerns that the openings arrangement provides a monotonous and repetitive pattern, which in conjunction with the façade across three floors being in the same plane, provides an elevation of limited architectural interest.
22. Whilst I have taken into account the proposed set back of the structural elements of the third floor, the presence of the stairwell/liftcore on the Branksomewood Road elevation, together with the position of the glass balustrading, serves to emphasise that the proposed building would be four stories in height. Furthermore, the proposed apartment positioned on the northwestern corner of the third floor would only be set back by approximately 1.5m from the rear elevation of the proposed building.

23. The rear elevation of the proposed building would be exposed to views from Branksomewood Road. Consequently, it would be very much part of the street scene along this road. In views approaching the junction with Fleet Road, the northwestern corner of the third floor would be highly visible and would serve to emphasise the height of the proposed building. In this context, it would appear as an unattractive 'grey box' on top of the building with limited architectural features of interest.
24. Owing to the above features, in the Branksomewood Road setting the proposal would appear as a substantial monolithic building that would be out of keeping with the general scale and building proportion pattern on this part of the road, particularly as it would occupy a prominent position. Whilst it would feature a recessed upper level of different materials, it would nevertheless be an incongruous addition experienced among the immediate and wider structures in this part of Branksomewood Road. Overall, in the context of views along this road in the approach to the junction, it would appear as being an unduly dominant and out of place building that would read as visually jarring.
25. I accept that in views of the building at eye level from the vicinity of Branksome Chambers the proposed third floor units would not be readily visible. However, notwithstanding the setback, the proposed third floor would be visible in longer views looking down the road towards the Fleet Road junction. In such views the proposed design would result in a building that would appear as being overly high and overbearing.
26. Taking the above factors into account, the overall design of the building in conjunction with the height as analysed above would result in a building that would not integrate satisfactorily with the character and street scene of Branksomewood Road. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. Consequently, it would conflict with Policies NBE9 and ED5(d) of the Hart Local Plan (Strategy and Sites) 2032 (HLPSS), Saved Policy GEN1 of the Hart District Local Plan (Replacement) 1996 – 2006 (HDLPR) and Policy 10 of the Fleet Neighbourhood Plan (2018 – 2032) (Neighbourhood Plan). Together, these policies require a high standard of design that is sensitive to its surroundings and respects local character in terms of scale, design, massing, height and prominence.

Living conditions

27. The Council considers that the proposed development would have a detrimental effect on the living conditions of the occupants of No. 164A Fleet Road and Branksome Chambers. Turning firstly to the residential unit at No. 164A, this is distributed over two floors (first and second) located above a ground floor commercial unit. Rear windows at first floor level are northwest facing and serve a living room and kitchen with a bedroom window at the second floor. The outlook from these windows is over an elongated narrow yard flanked by the side walls of the existing two storey building at the appeal site and No 162. Consequently, there is an existing tunnelling effect on the outlook of all of the rear windows of No. 164A.
28. The proposed development would wrap around the rear of No. 164A. The Appellants indicate that the proposal would significantly reduce the length of the flank wall with No. 164A from approximately 50.3m to approximately 11.3m, albeit the height of the flank wall would increase. The rear section of

the proposed building would be approximately 35m from the rear elevation of No.164A with an intervening outdoor amenity area. In addition, the width of the view from the rear windows of No.164A would be widened from 7.0m to approximately 13.8m.

29. The proposed outdoor amenity area would be located at an elevation between the first and second floors of No. 164A. The Appellants indicate that there would be approximately 11.3m between the closest point that someone could sit in the proposed outdoor amenity area and the closest point of the existing first floor outdoor terrace serving No. 164A and over 17m to the rear elevation of this property.
30. I have also taken into account the extant permission at No. 164 for the construction of a four-storey rear extension and the construction of a three-storey building to the rear of the site to accommodate 7 self-contained residential units (Ref 20/00007/FUL). The Appellants contend that there would be a separation distance of 25.8m between the upper floors of the two consented buildings and, as such, the appeal proposals would improve the separation distance, as well as improving the visual outlook from No. 164A by removing a substantial amount of the existing flank wall.
31. In order to consider the impact of the proposed development on the windows and doors at the rear of No. 164A, the Appellants have submitted a Daylight and Sunlight Report. This accords with the Building Research Establishment (BRE) Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' which I accept, in the absence of any other planning policy guidance, is an established document to consider the impact of new development on daylight and sunlight. Consequently, I have attached moderate weight to this assessment.
32. The BRE guide recommends that new development should not cause the Vertical Sky Component (VSC) (a measure of the general amount of light available on the outside plane of a window as a ratio of the total unobstructed sky viewable following the introduction of a barrier such as a building) to be no less than 80% of its former value.
33. Although light to the rear windows of No. 164A is already compromised to some extent by the existing flank walls of the adjoining buildings, the Daylight and Sunlight Report concludes that the VSC at the windows at the property would not be below 80% of their former value as a consequence of the proposed development. This would be within the limits prescribed by the BRE Guidelines as being acceptable. In addition, overshadowing images demonstrate that the existing outdoor amenity area serving No. 164A would not receive significantly less direct sunlight.
34. Having regard to the findings of the Daylight and Sunlight Report, and in the absence of any other evidence to the contrary, I do not consider that the proposed development would result in any significant loss of daylight and sunlight being received at the rear windows of No. 164 of an extent that would cause a harmful effect on the living conditions of the occupants of that property.
35. In terms of outlook, I recognise that the residential apartments of the proposed development would be sited at a greater distance away from the rear of No. 164A than the proposed rear elevation of the approved scheme

(Ref 20/00007/FUL) and that the view from the rear windows would be widened as a consequence of removal of part of the existing flank wall. However, from the first-floor rear windows of No. 164A, the outlook would be towards the structural elements of the proposed development comprising part of the roof structure of the undercroft parking.

36. The submitted sections show that this would be positioned approximately level with the rear windows serving the kitchen and lounge of No. 164A and sited closer to the property than the proposed apartment buildings. In addition, views from the outdoor terrace of No. 164A would primarily be towards this roof structure. In my view, this would introduce an unacceptable outlook and sense of enclosure for the occupiers of No. 164A which would offset the benefits that would be secured by the widened view from these windows.
37. I do not consider that the proposal would cause any additional significant loss of outlook to the bedroom window in the second floor of No. 164A. Views from this window would be over the proposed outdoor amenity area. However, given the close proximity of the amenity area to the bedroom window, I agree with the Council that the use of this area, which would serve all of the proposed accommodation, has the potential to cause unacceptable noise and disturbance, particularly if used during the late evening/early morning.
38. The extant approved development at No. 164A also proposed an outdoor amenity area. However, this would have been positioned below the first-floor level of the extended property at No. 164A and would serve significantly less apartments. This approved outdoor amenity area would also be available for use by the occupants of No. 164A. Consequently, there are material differences between the outdoor amenity area proposed in the extant permission and the outdoor amenity area of the appeal proposal in terms of the potential to generate unacceptable levels of noise and disturbance.
39. Turning now to Branksome Chambers, this is a part two and part three storey building located directly opposite the proposed development. The Council suggest that the separation distance between respective facades would be approximately 12.4m, the same as exists between the existing building and Branksome Chambers.
40. The proposed development would result in an increase in the height of built development facing Branksome Chambers. The Daylight and Sunlight Report identifies that there are isolated windows at the ground, first and second floors at Branksome Chambers that would not meet the VSC. However, the Report identifies that there are a number of mitigating factors to consider with regard to the relevant windows.
41. Firstly, window 131 at the first floor and a number of the windows at the second floor of Branksome Chambers achieve before/after ratios of 0.7 and above, which is fairly close to the target of 0.8 stated in the BRE guide. A number of the windows that fall short appear to serve bedrooms and I accept the Appellants' view that, in the context of daylight distribution, the BRE guide states that bedrooms are less important on the basis that they are likely to be used less than living rooms during daylight hours.
42. Additionally, windows 131 to 133, 143, 144 and 148 would retain VSCs of 15% or above. The submitted Report sets out that it is generally accepted that in cities or densely populated town centre locations, a retained VSC of 20% or

more represents a reasonably good level of daylight, and a retained VSC in the mid-teens (15% and above) is acceptable.

43. A number of the windows at the ground floor of Branksome Chambers are currently hampered by an existing overhang. The BRE guide acknowledges that where a window has an overhang, a larger relative reduction in VSC may be unavoidable, as the building itself contributes to its own poor daylighting. The BRE guide explains that one way to demonstrate this is to test the windows without these existing obstructions in place. Windows 110, 111 117 would surpass the BRE criteria, and windows 115, 116 and 118 would achieve before/after ratios of 0.78 which is fairly close to the BRE recommendation of 0.8. In this regard, I accept the Appellants' view that the proposed development amounts to a modest obstruction to the light received at these windows as it is the existing overhangs which are the main factor causing the loss of light.
44. The submitted Report also identifies that most of the rooms at Branksome Chambers are served by multiple windows of similar sizes on more than one elevation. Whilst some of the windows that face the appeal site would fall short of the VSC test, the rooms themselves would pass the daylight distribution test (with the exception of the room served by windows 115 and 116 which would achieve before and after ratios of 0.73), with most rooms retaining a view of the sky to over 75% of their respective areas.
45. The overshadowing assessment demonstrates that the front elevation of Branksome Chambers would not receive significantly less direct sunlight as a consequence of the proposed development, and this is limited to mid-morning in mid-summer. The rest of the day the proposal would not cast a shadow on Branksome Chambers due to the appeal site being located to the northeast.
46. Taking the above factors into account, and in the absence of any other technical evidence to the contrary, the proposed development would cause a degree of loss of daylight to some windows in the apartments at Branksome Chambers. However, I consider that this would not be of an extent that would cause a material harmful effect on the living conditions of the occupants of those apartments.
47. In terms of outlook from the apartments in Branksome Chambers, the proposed development would result in a replacement building that is taller and would occupy a wider view (due to the increased length of the frontage facing onto Branksome Road) than existing. However, the proposed elevations demonstrate that views of the third-floor apartments would be limited owing to their set back.
48. Views from the apartments at Branksome Chambers already face towards the relatively bland elevation of the existing building, which appears as a relatively substantial mass of brickwork and occupies a considerable portion of the view. Although the full height of the proposed stairwell/liftcore would be a prominent feature, in views from Branksome Chambers the proposed development would likely appear as a building having a relatively modest increase in height over the existing.
49. There would undoubtedly be some loss of outlook from the apartments in Branksome Chambers that would face the appeal site. However, taking into account the above factors, and my findings regarding the effect on daylight and

sunlight, I do not consider that this would be of an extent to warrant the dismissal of this appeal on that ground.

50. Turning now to consider the loss of privacy concerns, the Council indicate that there would be 17 windows in the proposed development that would directly face towards the front elevation of Branksome Chambers with the added impact of balconies at first, second and third floor levels. I observed at my site visit from the roof of the existing building that unrestricted views into the upper floor windows in the apartments at Branksome Chambers were readily attainable.
51. I accept that in urban locations, such as the appeal site, it is common for separation distances between apartment buildings to be less than those that would normally be expected between dwelling houses. Nonetheless, the impact on privacy from facing windows is an important consideration.
52. Owing to the balconies, some windows in the proposed first and second floor would have an increased separation distance to the windows in Branksome Chambers. I also recognise that the stairwell/liftcore has been positioned to be opposite Branksome Chambers and thereby reducing the number of windows in the western elevation of the proposed building that would directly face towards the existing apartments. However, there would still be a number of windows proposed in those floors serving kitchen, lounge and bedrooms which would have unobstructed views, at short distance, towards the windows serving the apartments in Branksome Chambers. This would cause actual and implied overlooking by the occupants of the proposed development with a resultant unacceptable loss of privacy for the occupants of Branksome Chambers. Instances of other developments in urban locations where mutual overlooking at similar distances may occur do not lessen my concerns in this case.
53. Owing to the set back of the proposed apartments on the third floor from the Branksome Road elevation, any potential overlooking from windows that face towards Branksome Chambers from this floor is minimised and would not likely lead to a loss of privacy. I accept that from some the balconies on the third floor there would be views of the windows in Branksome Chambers. However, I do not consider this would cause a material loss of privacy due to the intermittent use of such balconies and the fact that the height of the third floor would provide oblique views of the windows and minimise the extent to which internal views of the apartments would be attainable.
54. In conclusion, I do not consider that the proposed development would cause a significant loss of daylight or sunlight to neighbouring properties of an extent that would cause material harm to the living conditions of occupants of those properties. There would be some loss of outlook for the occupants of Branksome Chambers. However, this would not be of an extent to cause a detrimental impact on the living conditions of the occupants of the apartments in that building and therefore the dismissal of this appeal on that ground would not be warranted.
55. Nonetheless, the proposed development would result in an unacceptable loss of outlook and privacy that would be experienced by the occupants of No. 164A Fleet Road. In addition, the relationship of some windows in the proposed first and second floor would cause an unacceptable loss of privacy to the occupants of the apartments in Branksome Chambers. For these reasons, the proposed development would be harmful to the living conditions of those occupants and

contrary to Policy ED5(c) of the HLPSS, saved Policy GEN1 of the HDLPR and Policy 10 of the Neighbourhood Plan. These policies, amongst other things, require new development to respect neighbouring buildings and not have a significant impact on amenity.

Highway and pedestrian safety

56. At the time the Council determined the application, Hampshire County Council, in its role as highway authority, recommended a holding objection to the proposed development on the basis that the traffic generation information contained within the submitted 'Transport and Parking Statement' was inadequate. As part of the appeal evidence, the Appellants have provided a 'Technical Note – Highways and Transport', dated May 2024, which contains further information on vehicle trip generation arising from the proposal, using a TRICS (Trip Rate Information Computer System) assessment as well as more detailed information regarding car parking availability and demand.
57. The highway authority considers that the additional information provided in the Technical Note sufficiently addresses the previous concerns and therefore raise no objections to the proposed development, subject to the imposition of a suitable planning condition to secure the submission of a construction management plan to minimise impacts on the local highway network. However, the Council maintain that the proposed car parking provision would be contrived and inadequate with the consequence that resultant on-street parking displacement and servicing would be detrimental to the safety of highway users.
58. The Cycling and Car Parking in New Development SPD sets out that new development must provide an appropriate amount of cycle and car parking and be designed to encourage a shift away from car use towards walking and cycling and other sustainable modes of transport. It further sets out car parking provision standards but states that there are neither maximum nor minimum but provide a guide as to the appropriate quantum of parking to be provided.
59. The parking provision standards state that for 1-bedroom dwellings there should be 1.0 allocated space and 1.0 unallocated space. For 2-bedroom dwellings, 2.0 allocated and 0.5 unallocated spaces should be provided. A minimum of 5% of unallocated spaces should be designed for use by disabled persons.
60. The above standards therefore advise that the proposed development should provide a total of 58 residential car parking spaces comprising 38 allocated spaces and 20 unallocated spaces. The proposal would provide a total of 24 car parking spaces (including 2 disabled bays) equating to approximately 0.92 spaces per dwelling. Therefore, there would be a shortfall of 34 residential car parking spaces.
61. In order to determine the extent to which the shortfall in car parking provision can be accommodated on the local highway network in the vicinity of the appeal site, the Appellants have undertaken parking stress surveys utilising the 'Lambeth Methodology'. This encompassed an approximate 300-metre stretch of Branksomewood Road and an approximate 330-metre stretch of Victoria Road, which the Appellants consider are reasonable distances on how far a resident would park their vehicle away from the proposed development. The

survey also considered car park usage at the Victoria Road and Church Road Long Stay Car Parks.

62. The Technical Note sets out the results of the parking stress survey in detail which considers weekday and weekend daytime and night-time availability. The survey demonstrates that current demand for car parking spaces in the vicinity of the appeal site does not exceed available supply over the course of a typical weekday and weekend.
63. During an average daytime period (07.00 – 19.00) the average parking stress was observed to be 42% (31 parked vehicles and 42 spare spaces). At night-time (00.00 – 05.00) car parking stress was 18% (19 parked vehicles and 88 spare places). In the absence of any other evidence to the contrary, the results of the survey confirm that there is significant spare capacity to accommodate any overspill parking demand.
64. I have also taken into account the Appellants' contention that the results of the 2011 and 2021 Census data demonstrate that car ownership for occupants of flats, maisonettes and apartments within the Hart District fell from 1.66 to 0.94 per household. This would equate to the residential aspects of the proposal producing a demand for 24 car parking spaces.
65. I accept that daytime on-street parking restrictions may place a degree of inconvenience on occupiers of the proposed development wishing to use on-street car parking. Nonetheless, I consider that those persons wishing to purchase one of the apartments would be fully aware of the limitations of car parking availability at the time of purchase. Overall, on the basis of the evidence provided, I do not consider that the proposed car parking arrangements would lead to inconsiderate or dangerous parking and would not unacceptably displace parking availability for visitors to the town centre.
66. The SPD also sets out requirements for cycle parking provision. This indicates that the proposed development should provide a total of 70 cycle parking spaces, of which 4 spaces are required to be able to accommodate a non-standard cycle. The Technical Note demonstrates that compliance with the cycle parking provision set out in the SPD would be achieved.
67. From the evidence provided, and my observations at the site visit, it is clear that the town centre location of the appeal site provides walking and cycling accessibility to a range of public transport opportunities, shops, services and amenities. The Technical Note provides details of these based on the advice related to the preferred maximum walking distance of 2.0 kilometres, as set out in the Chartered Institution of Highways and Transportation (CIHT) publication 'Providing for Journeys on Foot' (2000) and a cycling distance of 5.0 kilometres.
68. The Technical Note adequately demonstrates that the appeal site is sustainably located and sufficiently close to, amongst other facilities and services, bus stops, Fleet Railway Station (having 234 secure cycle parking spaces), schools and healthcare facilities. Overall, the appeal site is appropriately located to provide a realistic choice in travel modes other than by private car.
69. The SPD makes it clear that there is no maxima or minima applicable to the provision of car parking in new development. Moreover, the 'Key Messages' set out in the SPD include the aim to reduce car use and promote sustainable

transport and active travel by ensuring that new development must provide the appropriate amount of cycle and car parking and be designed to encourage a shift away from car use towards walking, cycling and other sustainable modes of transport.

70. Although the number of dedicated parking spaces is less than the guide figure in the SPD, the Technical Note demonstrates that current demand for car parking in the vicinity of the site does not exceed available supply over the course of a typical weekday and weekend. I have considered the objectives of the SPD, the sustainable location of the appeal site, the provision of SPD compliant cycle storage, the range of services and facilities within adequate walking and cycling distance and the views of the highway authority. These are all factors which lead me to conclude that the number of dedicated car parking spaces is appropriate to encourage the desired modal shift to travel modes other than the car.
71. For the above reasons, there are no substantive grounds to suggest that the proposed development would have a demonstrable unacceptable impact on highway safety or lead to severe residual cumulative impacts on the road network within the context of paragraph 115 of the Framework. Furthermore, there would be no material conflict with the provisions of paragraphs 111 and 112 of the Framework. Therefore, there would be no conflict with Policies INF3 and ED5(c) of the HLPSS and saved Policy GEN1 of the HDLPR. These policies, amongst other things, seek to promote the use of sustainable transport modes by prioritising walking and cycling.

Effect on the Thames Basin Heaths Special Protection Area

72. The appeal site is located within the zone of influence of the Thames Basin Heaths Special Protection Area (TBHSPA) which is protected under the Conservation of Habitat and Species Regulations 2017 (as amended) (the Regulations). The Regulations require that where a project is likely to have a significant effect on a European site, either alone or in combination with other projects, the competent authority must make an Appropriate Assessment of the project's implications in view of the relevant conservation objectives.
73. Policy NBE3 of the HLPSS provides a "zone of influence" (set at between 400m and 5km) linear distance from the TBHSPA boundary. The policy sets out that mitigation measures will be required for all net new dwellings and must be delivered prior to occupation and in perpetuity. It further states that such measures must be based on a combination of Strategic Access Management and Monitoring (SAMM) and the provision and maintenance of Suitable Alternative Natural Greenspace (SANG).
74. As set out earlier, the completed planning obligation, amongst other things, provides for a financial contribution towards the provision of SANG elsewhere in the area and a financial contribution towards SAMM for the 26 units proposed. The Council has confirmed that the provisions of the planning obligation adequately address the third reason for the refusal of planning permission.
75. I note that Natural England consider that if the Appellants are complying with the requirements of the Council's Avoidance and Mitigation Strategy for the TBHSPA (through a legal agreement securing contributions to SANG and SAMM) then it has no objection to the appeal proposal.

76. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. Notwithstanding the views of Natural England, it would be necessary for me to consult with them further were I minded to allow this appeal. Given my conclusions on the main issues above and the planning balance set out below, it is not necessary for me to consider this matter in any further detail. However, on the basis of the content of the planning obligation, the proposed development would not be contrary to Policy NBE3 of the HLPSS, saved Policy NRM6 of the South East Plan – Regional Spatial Strategy for the South East and Policy 19 of the Neighbourhood Plan.

Other matters

77. In addition to the main issues that I have identified above, I have also taken into account the concerns of local residents and Fleet Town Council which, amongst other things, relate to health issues associated with congestion, inadequate refuse storage and collection facilities and a lack of open space provision. Whilst these matters have been carefully noted, they do not alter the main issues which have been identified as the basis for the determination of this appeal, particularly in circumstances where the Council has not objected to the appeal scheme for these other reasons.

78. My attention has been drawn to several building examples in the vicinity of the appeal site which have adopted a contemporary design approach. However, it is not clear how those examples informed the proposed design in the context of its surroundings. Consequently, I have afforded limited weight to these examples.

Planning Obligation

79. The Appellants have provided a completed Section 106 Agreement, dated 20 November 2024, which includes a number of obligations to come into effect if planning permission is granted. I have considered these in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010.

80. I am satisfied that the provisions set out in the planning obligation are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale to the development. Therefore, the obligations meet the tests as set out within paragraph 57 of the Framework and CIL Regulation 122. I am also satisfied with the form, drafting and content of the planning obligation.

81. In my view, the completed and executed planning obligation resolves the Council's concerns relating to the provision of affordable housing within the District and the effect on the TBHSPA. Consequently, it would overcome the third and sixth reason for the refusal of planning permission. Having regard to the above, I therefore have attached weight to the provisions contained within the planning obligation in this Decision.

Planning Balance

82. I recognise the contribution that the proposal would make towards meeting the supply of new market and affordable housing in the District. Furthermore, the proposal would result in the redevelopment of a brownfield site and would

provide a reasonably sized retail unit that would not detrimentally impact on the vitality or viability of the town centre. Such benefits are afforded significant weight.

83. Other socio-economic benefits derived from a development of this nature, such as temporary construction jobs and impacts on local spending and Council tax are of moderate beneficial weight. I also acknowledge the sustainable location of the development. In this regard, I have found that the proposal would make adequate provision for car parking.
84. I have outlined the benefits of the scheme above. The Government's objective is to significantly boost the supply of housing, with the Framework recognising the important role that small and medium sites can play in this regard. The Framework promotes the effective use of land in meeting the need for homes, including the use of brownfield sites. It states that decisions should support development that makes efficient use of land, taking into account the availability of infrastructure and services, and the scope to promote sustainable travel modes that limit future car use.
85. However, the Framework is also clear that decisions should take into account the desirability of maintaining an area's prevailing character, the importance of securing well-designed places, and should ensure that developments are sympathetic to the surrounding built environment. I have found that the proposed development would result in harm to the character and appearance of the area, with particular regard to views along Branksomewood Road. This adverse impact attracts significant negative weight.
86. The proposed development would also result in an unacceptable loss of outlook and privacy that would be experienced by the occupants of No. 164A Fleet Road. In addition, the relationship of some windows in the proposed first and second floor would cause an unacceptable loss of privacy to the occupants of the apartments in Branksome Chambers. Accordingly, the harm to the living conditions of the occupants of these properties would be severe and attracts substantial negative weight.
87. In my view, the appeal site is capable of accommodating a building of a similar scale, mass and height of the proposed development, subject to the considerations set out earlier in this Decision. However, the proposed design would result in significant and unacceptable adverse impacts upon the character and appearance of the surrounding area and on the living conditions of the occupants of nearby properties. The above harms would significantly and demonstrably outweigh the benefits when assessed against the policies in the development plan and the Framework taken as a whole.

Conclusion

88. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR