



Appeal Decision

Site visit made on 7 January 2025

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2025

Appeal Ref: APP/N1730/W/24/3349268

176 Fleet Road, Fleet, Hampshire GU51 4DE

- 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 Rukra Estates against the decision of Hart District Council.
 - The application Ref is 24/00335/FUL.
 - The development proposed is extension and conversion of existing building to form 9no flats. Retention of ground floor commercial use.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposed development on:
 - the Thames Basin Heaths Special Protection Area (SPA),
 - the character and appearance of the area, including 174 Fleet Road (No 174) as a non-designated heritage asset; and
 - highway safety, with regard to parking provision.

Reasons

The SPA

3. The site is within the zone of influence of the SPA. It is designated for its populations of internationally important ground nesting birds. These birds are particularly vulnerable to predation and disturbance from informal recreational use.
4. The proposal would lead to increased residential units. There is a reasonable likelihood that the SPA would be accessed for recreational purposes by future occupiers of the development. Although small in itself, this may lead to the harmful disturbance of the habitat of birds and is likely to have a significant adverse effect on the integrity of the SPA, when considered in combination with other residential development in the surrounding area.
5. In these circumstances, the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) require that an Appropriate Assessment (AA) is carried out. The Habitats Regulations also indicate that permission may only be granted after having ascertained that a scheme will not affect the integrity of the SPA. I may consider any conditions or other restrictions which could

secure mitigation and so provide certainty that the proposal would not adversely affect the integrity of the site.

6. Use of a private SANG¹ has been proposed to mitigate against harm from the scheme and a draft obligation referred to payments towards the Council's Strategic Access Management and Monitoring. However, while discussion over SANG provision is ongoing this is not confirmed yet and there is no completed planning obligation provided to secure the payments indicated to be necessary.
7. Planning Policy Guidance indicates that positively worded conditions which requires an applicant to enter into a planning obligation is unlikely to be enforceable and cannot be imposed where they require the payment of money. Even if there were a reasonable prospect of a Grampian condition to secure the mitigation being complied with, the condition would require an obligation and/or payment of money. It has not been demonstrated that this is exceptional circumstances nor has clear evidence been provided that the development would be at serious risk. Rather it is that further time is required to confirm SANG provision and provide a planning obligation. As such, there is no suitable mechanism before me to be certain that the contributions and provision could be secured.
8. There is potential for recreational disturbance that would harm the integrity of the SPA. There is no compelling evidence to indicate that the appeal proposal is the only solution for such a scheme. Consequently, permission should not be granted.
9. The proposed development could result in harm to the integrity of the SPA and as such is in conflict with the Habitats Regulations, Policy NRM6 of the South East Plan² and Policies NBE3 and NBE4 of the Hart Local Plan 2032. These require adequate measures to mitigate adverse effects on the SPA and conserve biodiversity.

Character and appearance

10. The significance of No 174, lies, in part, in its architectural detailing, particularly to its front elevation along with its position forward of the building line of those either side giving it a prominence in the streetscene. There is less detailing and consistency to features on the side and rear elevations. Its setting already includes a variety of building styles, designs and sizes and makes a neutral contribution to its significance. Currently, the protruding ground floor section at the appeal building stands out against and detracts from the setting of No 174.
11. The proposal would result in the appeal building being more conspicuous in views from Fleet Road. It would partly obscure more of the side elevation of No 174 in some views due to the increase in height and extending forward above ground floor level. Nevertheless, there is already no consistency in the building line, height and appearance of buildings nearby. The proposed height would be comparable to those either side and elsewhere in Fleet Road. There are frequently little or no gaps between buildings on Fleet Road which creates a densely developed frontage and as a result much of the middle part of the proposed building would not be overly noticeable. The scheme would better

¹ Suitable Alternative Natural Green Space

² South East Plan – Regional Spatial Strategy for the South East

align the appearance of the protruding ground floor element with the rest of the building.

12. As such, while not matching any of the existing buildings and of increased prominence, it would assimilate into the diverse streetscene. Even though extended forward at first floor level and above, No 174 would retain its position in the streetscene and frontage detailing could still be appreciated in views along Fleet Road.
13. The rear elevations of buildings are also mixed in terms of depth, height and are frequently less attractive than the frontages. The proposed roof shape reflects that of the existing building and reduces the mass at that level to the front and rear while the flat roof area breaks up the building. Therefore, although the rear bulk would be greater than those it would be seen with, it would not be incongruous and would better reflect the proportions and features at the front than at present.
14. There is currently little landscaping at the site, other than trees near the rear boundary of the site, where no works are proposed and would not be affected by the scheme. This is similar to the surrounding area with little or no landscape features within plots or to their frontage and only occasional street trees. Consequently, a lack of proposed landscaping would not cause harm or create a discordant appearance.
15. Therefore, the proposed development would not harm the character and appearance of the area, including No 174 as a non-designated heritage asset. It would accord with Saved Policy GEN1 of the Hart Local Plan 1996 - 2006, Policies NBE8 and NBE9 of the Hart Local Plan 2032 and Policies 10 and 12 of the Fleet Neighbourhood Plan. These, in part, seek to conserve heritage assets and their settings, and ensuring schemes are in keeping with, compliment and respect local character.

Highway safety

16. The proposed on-site parking provision would be below that set out in the SPD³. Parking restrictions would prevent on street parking on many streets nearby. However, the SPD aims to encourage a shift away from car use and the standards are said to be a guide, allowing some flexibility including where there is access to alternative modes of transport.
17. The site is in a town centre location with services, facilities and employment opportunities nearby. A cycle store is proposed and there is public transport close to the site. This would encourage the use of non-car modes of transport and reduce the need to travel. Moreover, while subject to charging, there are public car parks near the site that could be utilised.
18. There is no compelling evidence that if some additional parking were required for either the residential or commercial parts of the scheme that this would lead to dangerous parking and highway safety concerns.
19. Consequently, the proposed development would not harm highway safety. It would accord with Policy INF3 of the Hart Local Plan 2032, Saved Policy GEN1 of the Hart Local Plan 1996 - 2006 and Policy 19 of the Fleet Neighbourhood Plan. These, in part, seek adequate parking and that schemes do not impact

³ Cycle and Car Parking in New Development Supplementary Planning Document

on highway safety and accessibility, and promote the use of sustainable transport modes.

Other Matters

20. The use of previously developed land is encouraged in local and national policy. The site is also located in an accessible location. The proposal would contribute to housing supply and mix and there would be economic and social benefits associated with construction and occupation of the scheme. However, given the scale of the development, these benefits would be moderate. Even if there were no harm arising from other issues such as living conditions of existing and future occupiers, these would be a neutral factor.

Conclusion

21. While I found that the scheme would not result in harm to the character and appearance of the area or highway safety, the harm to the SPA is determinative. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
22. For the reasons given above the appeal should be dismissed.

Stuart Willis

INSPECTOR