



Appeal Decision

Site visit made on 8 April 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th April 2025

Appeal Ref: APP/P1750/W/24/3350678

Car Park at Carmarthen Close, Carmarthen Close, Farnborough, Hampshire

- 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 Abbi Soufi against the decision of Rushmoor Borough Council.
 - The application Ref is 24/00240/FUL.
 - The development proposed is erection of two semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address of the site from the Council's Decision Notice, which better reflects the location than that used in the application form. The appellant has used a similar address in the appeal form and so I am satisfied that no party would be prejudiced as a result.
3. Since the appeal was made, a revised National Planning Policy Framework (the Framework) has been published. Although I have made my determination against the updated national policy context, the relevant changes to the Framework are not fundamental to matters which are determinative to the outcome of this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - the effect of the proposal on the living conditions of the occupiers of numbers 129 and 130 Caswell Close (Nos. 129 and 130), and numbers 6 to 8 Heddon Walk (Nos 6 to 8), with regard to privacy,
 - the effect of the proposal on parking and highway safety, and
 - whether the proposal would make adequate provision for public open space.

Reasons

Character and Appearance

5. The site consists of land that was historically used for garaging. The garages have been demolished, to leave an area of hardstanding. This was once used for car parking. It has since been enclosed by hoardings but has been subject to fly

tipping. The surroundings form part of the densely developed Prospect Estate, an area of (former) local authority housing. In the immediate vicinity of the site, dwellings are formed of distinctive terraces in clusters or in a staggered, sinuous layout. As a result, many properties hereabouts have their rear elevations, gardens and walls being most prominent from the public highway.

6. The proposal seeks to erect a pair of semi-detached units which would face towards Carmarthen Close. It would include two parking spaces for each dwelling, plus a visitor space on the entranceway into the site. The layout and design of the proposal seeks to reflect other, more traditionally laid out semi-detached dwellings in the area, such as those further along Carmarthen Close (numbers 13A to 20A) and in other roads.
7. However, these examples generally consist of longer rows or groupings of semi-detached pairs, with front gardens of reasonable length. In contrast, the proposal would constitute only a single pair of units, isolated from other similar properties, in an area where dwellings are terraces and predominantly have their backs to the road. For this reason, although it would replace what is currently a visually unattractive site, the proposal would appear harmfully out of place with its context.
8. Moreover, the proposed dwellings would be positioned close onto communal footways, a verge and a lay-by used for parking. The dwellings and parking spaces would be located tight within the site boundaries, including very small front gardens. This layout would not therefore reflect properties nearby and would result in a cramped, overdeveloped and incongruous appearance.
9. For the reasons given above, the proposal would appear out of place in the street scene, harming the character and appearance of the area. Consequently, it would conflict with policy DE1 of the Rushmoor Local Plan (RLP), adopted February 2019, which requires proposals to make a positive contribution towards the built environment, and have a high-quality design that respects the character and appearance of the local area. I give this conflict substantial negative weight.

Living Conditions

10. The rear elevations and gardens of the proposed dwellings would face or be close to those of Nos. 129 and 130. Proposed Unit 2 would have no windows on its rear elevation at first floor level, thus avoiding any undue overlooking into the first-floor windows of No. 130. Although close to the rear gate of No. 129, the proposal would not impede its use. The gate of No.130 is to the side and so would be unaffected.
11. Nevertheless, the first-floor rear windows of Unit 1 would allow views down into the private garden of No. 130 at a close distance. All areas of that property's garden may potentially be used by its occupiers in the future, including the area closest to Unit 1. Furthermore, the nearest side bedroom window to Unit 2 would provide close views down into the rear garden of No. 129, harming their privacy too.
12. Nos 6 to 8 have their rear elevations and gardens to the side of the appeal site. These include first floor clear-glazed windows that appear to serve habitable rooms. Proposed Unit 1 would have a first-floor bedroom window facing towards the rear windows of Nos. 6 to 8, and down into their private rear gardens, at fairly close distance. As a result, the proposal would harm the privacy of the occupiers of Nos. 6 to 8. Although the Council found no harm in this respect at pre-

application stage, this represented an informal view, and it reached a different conclusion at application stage. This does not therefore justify the harm that would be caused by the proposal.

13. Accordingly, the proposal would have a harmful effect on the living conditions of the occupiers of Nos. 129 and 130, and Nos. 6 to 8, with regard to privacy. It would therefore conflict with RLP policy DE1, which requires development to not cause harm to existing users by reason of amongst other things, loss of privacy. This harm carries substantial negative weight.

Parking and Highway Safety

14. The site has access to public transport and a range of services and facilities, and so occupiers may not necessarily be reliant on private vehicles. Nevertheless, the need for vehicle parking is anticipated by the inclusion of four proposed spaces within the site (two for each unit), plus a visitor's space. This number of spaces would accord with the Council's requirements for three-bed dwellings. Pedestrian access between the front doors of the proposed dwellings and the parking areas would be available via public footways. I see little reason why this would cause conflict with other footway users.
15. However, no tracking information has been provided to demonstrate clearly that there would be sufficient room for vehicles to enter, turn and leave the parking spaces. The dimensions of the spaces comply with those set out at Table 4 of the Car and Cycle Parking Standards Supplementary Planning Document (SPD), March 2024. Nevertheless, the SPD requires the widths and lengths of spaces to increase if they are next to, for example, a footway or grass, as would be the case here. Accordingly, the spaces would be below the SPD requirements taken as a whole, and their constrained nature would make their use difficult if not impossible. As such, the proposal would not make adequate provision for parking.
16. On my lunchtime visit, I saw that some parking spaces were available in nearby streets and communal parking areas. Even so, my visit represents only a snapshot in time, and I also saw evidence of parking stress, such as on pavements and verges. Google Earth images show nearby parking areas with spaces, including an area possibly unavailable prior to 2020. However, the most recent image is several years old, and it is not clear that they reflect times of day when parking demand is at its highest.
17. No substantive evidence of parking, for example surveys undertaken during evenings and weekends, is before me. Consequently, the proposal may well result in additional pressure on parking in the area, leading to inconvenience for local residents and future occupiers, as well as obstructive and anti-social parking, to the detriment of highway safety.
18. The site was historically used as a car park for residents of nearby houses. Although two cars were on the site at the time of my visit, it does not currently provide public parking space. However, despite its current closed-off state, I have little to suggest that the lawful use of the site is other than for car parking. The proposal would result in this space being permanently built upon, preventing any future use for public parking. The proposal would not therefore alleviate parking pressures locally and, for the reasons already given, could well worsen them.

19. For the reasons given above, the proposal would have a harmful effect on parking and highway safety in the area. It would therefore fail to accord with RLP policy IN2, which requires development to provide a layout appropriate for on-site movement, and parking provision that complies with the SPD. I give this harm substantial negative weight.

Public Open Space

20. RLP policy DE6 requires proposals for new residential development to normally make provision for public open space, in accordance with the Council's standards. There is no dispute in this case that it would be appropriate to make such a provision off-site, via a financial contribution. A draft Unilateral Undertaking (UU) making provision for this has been provided by the appellant, but no executed, signed and dated version is before me. The appellant has expressed concerns about the Council's handling of the planning obligation. Nevertheless, the fact remains that the necessary contribution is not secured.
21. The Planning Practice Guidance (PPG) advises¹ that a positively worded condition, which requires the entering into of a planning obligation, is unlikely to pass the condition test of enforceability. The PPG further advises that a negatively worded condition, limiting development until a planning obligation has been entered into, is likely to be appropriate only exceptionally and where for instance a particularly complex development scheme would otherwise be at serious risk. This is not the case here. As such, a planning condition cannot be used to secure the financial contribution.
22. It follows that the proposal would not make adequate provision for public open space. It would therefore conflict with RLP policy DE6 and I give this conflict significant negative weight.

Other Matters

23. Construction of the proposal would make a positive economic contribution locally, for instance to the building industry. Its future occupiers would also make social and economic contributions. The proposal would result in the efficient use of land, close to services and facilities and could be delivered quickly. That said, as only two additional dwellings, these benefits would be modest and so I give them limited positive weight.
24. The Framework requires that I give substantial weight to the value of using suitable brownfield land within settlements for homes, which should be approved unless substantial harm would be caused. However, for the reasons already given, this level of harm would be caused by the proposal.
25. The Council's fifth reason for refusal refers to the effect of the proposal on the Thames Basin Heaths Special Protection Area (SPA) protected pursuant to the Conservation of Habitats Regulations 2017. Had I found no harm in respect of the main issues, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects on the SPA. However, as permission is being refused for other reasons, this matter need not be considered any further in this case.

¹ Paragraph: 010 Reference ID: 21a-010-20190723

Planning Balance and Conclusion

26. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR