



Appeal Decision

Site visit made on 10 June 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 June 2025

Appeal Ref: APP/N1730/W/24/3352526

7 Elvetham Road, Fleet GU51 4QL

- 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 Paul Uttley of FORM Design Group against the decision of Hart District Council.
 - The application Ref is 21/01128/FUL.
 - The development proposed is the demolition of the existing building (former care home) and the erection of a single block of 12 flats with associated landscaping, parking and access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant submitted amended plans to the Council, but the Council did not consider them and determined the application based on the originally submitted drawings. The amended plans include changes to the position of the proposed building and window arrangements. My consideration of the amended scheme could cause procedural unfairness or prejudice to interested parties. For this reason, my decision is based only on the originally submitted drawings.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
 - the living conditions of the occupiers of 3 Wensley Drive and 5a Elvetham Road, with particular regard to privacy and enclosure; and
 - highway safety, with particular regard to parking provision.

Reasons

Living conditions

4. The appeal site comprises a disused two storey former care home on a sizeable plot in a residential area. On one side is a row of sizeable boundary trees, beyond which lies the Wensley Drive access road and the property at 3 Wensley Drive (No 3). On the other side, beyond a driveway leading to another house to the rear, is the dwelling and garden belonging to 5a Elvetham Road (No 5a).
5. The proposed building would be a similar height to others in the area, sitting 8.5-10m from the flank elevation of No 3 and incorporating side windows, including openings to upper floor bedrooms and living rooms. There would also be an outdoor terrace on the second floor.

6. The boundary trees provide less screening between the appeal site and the neighbouring property in autumn and winter months when many trees are not in leaf. In addition, reducing the eastern canopies of several specimens to provide 2m clearance from the proposed building would decrease the screening provided by the trees year round.
7. Therefore, there would be oblique views from proposed first and second floor habitable room windows into rear rooms at No 3, with direct views of the neighbouring garden. Whilst a high opaque screen would enclose part of the terrace, there would only be a low glass balustrade along its side. Thus, regardless of the boundary landscaping, given the height and position of the proposed upper level side openings and outdoor terrace relative to No 3, the appeal scheme would cause unacceptable overlooking of the neighbouring rear rooms and garden.
8. The appellant suggests that first floor windows on the west elevation would be fitted with obscure glass to prevent overlooking of the property at No 3. However, as the only window openings to several habitable rooms, this would create an oppressive environment with minimal outlook which would not provide satisfactory living conditions for the future occupiers of these flats.
9. There is reference to the relationship between the flatted block at Knoll Court and surrounding properties. Although it lies closer to adjacent dwellings than the proposed structure, Knoll Court has a different juxtaposition with adjacent buildings, and it is not evident that its habitable room windows overlook neighbouring properties. As such, it is not comparable to the appeal scheme.
10. The proposed three storey building would be visible from neighbouring rear spaces, projecting over 19m beyond the house at No 3 and over 9m rearward of the dwelling at No 5a. Nevertheless, it would be set in from the side boundaries and separated from these neighbouring gardens by vehicular accesses. The massing of the structure would be broken up, with a recessed third storey, varied facades and a mixture of materials. Even though they would be pruned and less verdant in autumn and winter, the boundary trees would disrupt views of the building from No 3. Thus, whilst the proposed building would be substantial, due to its distance from the neighbouring properties, varied massing and the boundary landscaping, the new structure would not have an unduly enclosing or overbearing effect on the occupiers of Nos 3 and 5a when using their rear gardens.
11. There have been several previous applications for development of the site, including proposals for residential development which were withdrawn. The Council also provided pre-application advice on a flatted scheme, though this was made without wider consultation and without prejudice to the consideration of any future application. The proposals have evolved over time and overcome some of the Council's previous concerns. Nevertheless, the appeal scheme would harm the living conditions of the residents at No 3.
12. Consequently, whilst the proposed development would not harm the outlook from Nos 3 and 5a, it would cause a harmful loss of privacy to the occupants of no 3. This would be contrary to Policy NBE9 of the Hart Local Plan (Strategy and Sites) 2032 (HLP32), saved Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 (HLP06) and Policy 10 of the Fleet Neighbourhood Plan 2018-2032. Together, these require development to reflect its surroundings, be well integrated

with neighbouring properties and cause no material loss of amenity to adjoining residential uses through loss of privacy, amongst other things.

Highway safety

13. On-street car parking along Elvetham Road is restricted by double yellow lines on each side. Nearby Knoll Road has double yellow lines and areas where parking is restricted from 8-10am on weekdays. The relatively narrow Coach House Gardens has no parking restrictions. While only a snapshot in time, at my daytime site visit I did not observe vehicles illegally parked on double yellow lines in the vicinity. Some cars were legally parked in Knoll Road with many spaces available, and there was little evidence of on-street parking in Coach House Gardens.
14. Policy INF3 of the HLP32 requires development to provide appropriate parking provision in accordance with the Council's published parking standards. Applying the standards in the Council's Cycle and Car Parking in New Development Supplementary Planning Document 2023 (SPD), the proposal generates a requirement for 2 allocated spaces and 0.5 unallocated spaces per flat, amounting to 30 spaces overall.
15. The proposed scheme would provide 14 car parking spaces, 16 fewer than the amount required by the SPD. However, as the SPD indicates that the standards are not a minimum but a guide to the appropriate quantum of parking, the proposed parking provision would be below the recommended amount but not at odds with the guidance.
16. The site is close to Fleet train station and bus stops on Fleet Road, with several bus services to towns nearby, and is around 15 minutes' walk from shops and services in Fleet town centre. Although recent census data indicates that very few households in this part of the district travel to work by bus or train, these public transport options would be easily accessible to future occupiers of the new flats.
17. Over 86% of households in the locality own at least one car or van, but there is no substantive information on the numbers of households with access to more than one vehicle in this part of the district. Therefore, it is unclear why 2.5 parking spaces per flat would be necessary in this instance.
18. Policy INF3 also seeks to promote the use of sustainable transport modes including by prioritising walking and cycling, and the scheme would include storage and parking for 36 bikes, with the potential for cargo bike parking to the rear.
19. As future residents would have good access to public transport and facilities, there would be significant provision for bikes and there is limited evidence of the need for more than 14 spaces, the proposed parking provision would be acceptable in this case. Even if the scheme were to generate a need for more parking than proposed, it is reasonable to assume that local parking controls would be enforced and there is no substantive evidence that it would result in illegal parking, blocked driveways or unacceptable parking stress. Further, there is little to indicate that it would cause harmful on-street parking on Coach House Gardens.
20. The Highway Authority did not object to the proposed access and turning arrangements or to the amount of traffic generated by the proposed scheme.
21. Therefore, I conclude that the proposed development would not harm highway safety, with particular regard to parking provision. It would comply with Policy INF3

of the HLP32 and saved Policy GEN1 of the HLP06 where they require appropriate parking provision on site.

Other Matters

22. The proposal would make more efficient use of previously developed land on a site with good access to public transport, in accordance with national planning policies. It would be located within the Fleet settlement boundary, with access to a range of services and facilities. National planning policies also seek to significantly boost the supply of homes, and the proposal would contribute towards the supply of housing in Hart District. However, the Council is meeting the needs for housing in its area which tempers the weight I have attached to housing delivery. Nevertheless, the provision of 12 dwellings is still a limited benefit to be factored into the planning balance.
23. The Council did not find harm or development plan conflict in relation to several other matters, including the principle of residential development, character and appearance, impacts on neighbouring occupiers' daylight, flood risk and drainage, noise, carbon reduction, affordable housing provision, ecology and trees. Nevertheless, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposed scheme.
24. The proposal would be likely to have a significant effect, either alone or in combination, on the Thames Basin Heaths Special Protection Area due to its location within 5km of it. However, notwithstanding the unilateral undertaking to pay towards mitigation measures in the SAMM¹ and contribute towards suitable alternative natural green space, given my conclusion below there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Planning Balance and Conclusion

25. I have found that the proposal would harm the living conditions of the occupiers of 3 Wensley Drive. This is a planning harm which attracts considerable weight. The delivery of housing attracts limited weight and the remaining matters only neutral weight, which accordingly do not outweigh the harm I have found.
26. For the reasons given above, 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. Therefore, the appeal is dismissed.

A Wright

INSPECTOR

¹ Strategic Access Management and Monitoring project