



Appeal Decision

Site visit made on 6 June 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st July 2025

Appeal Ref: APP/N1730/W/24/3351870

Atrium House, 89 Fleet Road, Fleet, Hampshire GU51 3PJ

- 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 Forays Homes (Southern) Limited against the decision of Hart District Council.
 - The application Ref is 23/02820/FUL.
 - The development proposed is the erection of 7 dwellings, together with associated car parking, cycle and refuse storage and landscaping, following the demolition of the existing office building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended drawings have been submitted with the appeal. These show additional cycle parking and a reduced ridge line for the terrace properties. The proposed car parking layout was amended slightly in order to accommodate the greater provision of cycle parking within the central courtyard area. These plans amount to minor alterations to the scheme, which do not materially change the proposal. To consider them would not deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore considered the appeal on the basis of these amended plans.
3. Reason for refusal 4 related to biodiversity, and the lack of a detailed bat survey. This has now been provided, and the Council accept the findings of this report. As such, subject to conditions, they do not wish to contest this issue. Similarly, refusal reason 5 related to a lack of agreed s106 for mitigation towards the Thames Basin Heaths Special Protection Area (SPA). A s106 legal agreement has now been submitted, and the Council are satisfied that this addresses this issue. As such, they also do not wish to contest this refusal reason. This is discussed below.

Main Issues

4. As such, the main issues in this case are:
 - whether the proposal provides adequate living conditions for future occupiers, with respect to privacy and garden space;
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal provides adequate car and cycle parking.

Reasons

Living conditions for future occupiers

- Privacy

5. There are no adopted standards in terms of separation distances set out in the policy and guidance before me. Nevertheless, as identified in the submitted Design & Access statement, there is an established rule of thumb which is often employed by LPAs which identifies a set off distance of 21m between residential buildings as a benchmark for acceptability. However, in urban areas, a degree of flexibility may be appropriate where there is likely a dense pattern of development, and a degree of intervisibility may be entirely normal and not harmful.
6. The submitted site plan measures the separation distance between the front of Plots 4 and the rear of Plots 2 and 3 at 17.5m. Even in the context of this town centre location, this is not a minor shortfall from the recommended distance. The frontage of Plot 4 at the rear of the site and the rear of Plots 2 and 3 at the front of the site would directly face each other. There would be no significant landscaping or structures that would limit this mutual overlooking, and the intervisibility between the two at this limited distance would therefore lead to a harmful lack of privacy for occupiers of these units. There is no such existing overlooking on this site and there is no justification before me for a lower standard of privacy. Adequate living conditions for future occupiers in this instance, with respect to privacy, would not be provided.
7. Whilst also significantly below 21m in separation distance, any overlooking from the offices at Nos 91 and 87 would be limited on account of the oblique angle between them and the proposed residential units. This would mitigate for the limited separation distance and allow for adequate privacy to be provided for the occupants of the rear rooms of Plots 1, 2 and 3 in this respect.
8. The distance between the two storey residential blocks A and B for the scheme at no. 67 Fleet Road¹ is not before me, and the rear projection of the existing office is single storey, which reduces the level of overlooking from this direction. As such, it is difficult to compare to the proposal before me in this respect.

- Garden space

9. Plot 2 would be served by an area of amenity space to the front, directly adjacent to the highway. A narrow area running along the side of the building is also shown on the submitted site plan.
10. Policy NBE9 of the Hart Local Plan (strategy and sites) (2020) (LP) clarifies that proposals will need to take account of the health and wellbeing of future residents.
11. No measurements of this front garden space are provided, and a minimum amenity space size requirement is not before me. Nonetheless, the National Planning Policy Framework is clear that a high standard of amenity for future users should be provided.
12. The limited size of this area would be unlikely to be large enough to accommodate much more than a patio area with a small area for seating upon it. There is no

¹ Planning approval reference 18/00086/FUL

reason before me why a small family would not potentially occupy this 2-bed unit and no mechanism to prevent this in any case. The restricted size of the space would be unlikely to be able to accommodate domestic items such as play equipment and clothes drying area. It would be cramped and not conducive to the wellbeing of future residents.

13. Moreover, its location next to the highway would compromise its usability. This is because it would be unlikely that the space would be entirely obscured by landscaping, particularly the low-level landscaping illustrated on the submitted 3D view and road elevation drawings. A condition to secure taller landscaping would take some time to take effect, and such planting, even if acceptable in visual terms, would be vulnerable to seasonal change or natural circumstance that would compromise its effectiveness as a screen.
14. The area proposed would not be particularly private therefore and would be limited in its attractiveness to use as a result. The space to the side of the building would similarly be unusable as effective garden space due to its narrow shape.
15. The lack of amenity space for similarly sized units at No 67 does not justify the harm that I have identified above. I have determined the proposal before me on its own merits. Whilst appropriate solutions will vary by context and the appellant points to public parks 20 minutes walk away, this does not represent private open space that could be used for drying clothes for example and again does not justify under-provision on site.
16. Therefore, plot 2 would not be provided with satisfactory living conditions for the future occupiers with respect to private amenity space provision. As set out above, Plots Nos 2, 3 and 4 would also not be provided with satisfactory living conditions for the future occupiers with respect to privacy.
17. I conclude therefore that the proposal would not provide adequate living conditions for future occupiers, with respect to privacy and garden space. The proposal conflicts with the general high quality design principles and wellbeing of future residents goals of LP Policy NBE9, Saved Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 (LPR) and Policy 10 of the Fleet Neighbourhood Plan 2018-2032 (NP), which collectively require high quality design and consideration of the wellbeing of future residents.

Character and appearance

18. The appeal site sits within an area of mixed use and form, with office buildings like the existing appeal building of varying scale and character sat next to residential development. There is also a varied set back from the road, with some buildings sat in close proximity to the highway and some sat substantially back. Most buildings are two storey however there are visible examples of three storey buildings in close proximity to the appeal site, such as Seymour Court and the rear of No 67. There is no consistency in terms of design, siting, character or height evident.
19. This variation in set back means that there are examples of side elevations in close proximity to the highway. These are varied in their detailing and articulation and so there is little consistency in this regard, however windows and use of materials prevent any overly blank elevations.

20. The siting of plots 1 and 2 and 3 at the front of the site means that the internal side elevations, facing the access, would be visible from the highway, albeit briefly when passing the access. There would nonetheless be openings on both elevations facing the access, and the use of contrasting off-white feature brickwork on the projecting element would provide visual interest. The elevations would not therefore appear unduly stark or blank.
21. The submitted plans show that the ridge height of the rear terrace element would be lower than the neighbouring buildings at Nos 91 and 93, in addition to Duchess Court and Seymour Court nearby. They would not appear excessively tall therefore and there are examples of three storey buildings nearby, such as Seymour House, and as such, the 2.5/3 storey design would also not look incongruous.
22. The terrace would sit in from the side boundaries of the plot and would not appear overly wide. Seymour House, an apartment building, is also significant in width, and, the terrace, broken up to 4 clear units, would not appear excessively wide. Even combined with the height, the massing of the terrace would sit comfortably within the street scene and would not result in harm to the wider character and appearance of the surroundings.
23. I therefore conclude that the proposal would not harm the character and appearance of the area. There is no conflict with LP Policy NBE9, LPR Policy GEN1 and NP Policy 10, which collectively seek to secure high quality design that complements, reflects and incorporates the distinctive qualities of its surroundings.

Car and cycle parking

24. The Supplementary Planning Document Cycling and Car Parking in New Development (SPD) (2023) 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.
25. The SPD sets out car parking provision standards but states that these are neither maximum nor minimum but provide a guide as to the appropriate quantum of parking to be provided.
26. The development would not provide sufficient car parking spaces to meet the standards suggested by the SPD. Nonetheless, I observed that the appeal site is closely located to the numerous facilities and services of the centre of Fleet. Fleet train station is a brief walk from the site, there is a bus stop on the opposite side of the road and a cycle pathway runs along Fleet Road directly past the site. As such, as set out in the submitted Transport Appeal Statement² (TAS), the site is very well connected.
27. The submitted TAS also includes updated data on car ownership within the Hart district, which concludes that the proposed on-site parking spaces would be sufficient to accommodate the future demand for parking by future residents on the site. There is little conclusive evidence before me to contradict this.
28. The SPD also sets out standards for cycle spaces. This suggest that for 2 bed units, a minimum of 3 spaces should be provided, in addition to 0.2 spaces per

² by Pulsar Transport Planning, September 2024

home for unallocated/visitor parking. This is again to encourage a shift in how people move around their communities, away from the private car to more sustainable modes of transport.

29. The submitted plans show that 6 secure cycle spaces (and 1 adapted space) would be provided to the rear of Plot 1. An additional adjacent store is provided. This could provide for 3 additional spaces. These are close enough to the entrances of the units to be accessible.
30. The four terraced dwellings are provided with stores/sheds to the rear. The SPD clarifies that *'If cycle parking is provided in back gardens it must be easily accessible and secure.'* The cycle spaces to the rear of all the terraced dwellings would be reachable via a footway to the rear of the gardens. They are therefore accessible.
31. In addition, a wall mounted cycle stand for the two flats is proposed on the side of plots 2 and 3. Limited details are provided of these however, nevertheless, it is evident that the scheme could provide an SPD compliant level of cycle spaces.
32. A condition would ensure that full details for the cycle spaces are secured, ensuing that they are accessible and secure.
33. In this context, particularly given the data provided on car ownership, a lower provision of car parking spaces than the SPD guide figure is appropriate, given the SPD describes the standards as only a guide, not a minimum. The access to services and facilities, including alternative means of transport, and the SPD compliant provision of bicycle spaces will ensure that the development would encourage the desired modal shift to travel modes other than the car.
34. I therefore conclude that the proposal would provide adequate car and cycle parking. There is no conflict with LP Policy INF3, LPR Policy GEN1 and NP Policy 19, which collectively require development to have adequate arrangements on site for the parking of vehicles and promote the use of sustainable transport.

Other Matters

35. The appeal site is within 400m – 5km of the Thames Basin Heaths SPA, which supports breeding populations of three rare species of bird: Nightjar, Woodlark and Dartford Warbler. The conservation objectives for the SPA are, in summary, to ensure that the integrity of the site is maintained or restored in order to protect the habitat and the birds that depend on it. The birds which are features of the SPA are vulnerable to disturbance from recreational activities, which would likely increase through new housing development.
36. As set out above, the appellant has provided a legal agreement securing mitigation towards the SPA, which the Council set out is acceptable. As I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.
37. The additional units of accommodation would contribute to the Government's broader objective of significantly boosting the supply of homes. The proposal would result in short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the units. However, again, even if the development would make efficient use of partly

previously developed land in a location with excellent access to facilities and services, given the quantum of development in this case, I give these matters limited weight in favour of the scheme.

38. Conditions could secure an improvement to the biodiversity qualities of the existing site, however, given the scale of the development, such improvements and benefits would be small. Whilst the existing building is a nondescript office building of its time, it does not harm the character and appearance of the surroundings and as such, any visual benefit from the development would also be small.
39. Planning decisions should be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons set out above, the proposal would not provide adequate living conditions for future occupiers, with respect to privacy and garden space. The minor benefits outlined above do not outweigh this identified harm.

Conclusion

40. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed and permission is refused.

B Phillips

INSPECTOR