



Appeal Decision

Site visit made on 1 October 2025

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 October 2025

Appeal Ref: APP/N1730/W/25/3364996

2A Gravel Road, Church Crookham GU52 6BB

- 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 Mrs G Marinescu against the decision of Hart District Council.
 - The application Ref is 25/00043/FUL.
 - The development proposed is demolition of existing 3 bedroom bungalow and garage. Build 3 x 3 bedroom Chalet bungalows with parking and gardens.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would be at risk of flooding and whether it would increase the risk of flooding elsewhere;
 - the effects of the proposal on the Thames Basin Heath Special Protection Area (TBH SPA);
 - the effects of the proposal on the character and appearance of the area;
 - the effects of the proposal on the living conditions of neighbouring occupiers and whether adequate living conditions would be provided for future occupiers;
 - whether the proposal would provide sufficient parking for future occupiers; and
 - the effects of the proposal on the biodiversity value of the site and whether it would make adequate provision for Biodiversity Net Gain.

Reasons

Flood risk

3. The submitted *Flood Risk Assessment* acknowledges that the appeal site, currently formed from the bungalow, No 2A Gravel Road, its garage and curtilage, fall within Flood Zone 3. The Council's first reason for refusal also outlines that the site is partly within Flood Zone 3b. In contrast to sites in Flood Zone 1 which are at the lowest risk of flooding, there is a high risk of flooding at the appeal site.
4. The National Planning Policy Framework (the Framework) outlines the sequential approach to development proposals on sites at risk now or in the future from any form of flood risk, seeking to steer new development to areas with the lowest risk of flooding from any source. Paragraph 174 of the Framework sets out that development should not be allocated or permitted if there are reasonably available

sites appropriate for the proposed development in areas with a lower risk of flooding.

5. Notwithstanding that the site is currently occupied by an existing dwelling, residential development falls within the 'more vulnerable' category of development under the Framework¹. Whilst it is suggested that the additional floor area is modest and similar to what could be added under permitted development rights, the proposal involves an intensification of the residential use. The increase in the number of dwellings from one to three, or three bedrooms to 9 bedrooms, would inevitably place a greater number of occupiers at risk and is not one of the minor types of development exempted from the application of the sequential approach². No cogent evidence has been submitted to suggest that the sequential approach has been considered or that it is not possible for development to be located in an area with a lower risk of flooding.
6. The appellant's evidence details that there has not been any record of flooding in the recent memory of neighbouring occupiers and that some flood mitigation works may have been undertaken locally since any flood events. I have no evidence to suggest that any such works have had the effect of downgrading the applicable flood risk category. Furthermore, whilst some design measures have been considered that would help to make the development safer over its lifetime that would fall under the exceptions test considerations, these are only engaged if the sequential test has been passed. In this case it has not, and these measures and any other changes that the appellant would be content to provide do not suggest that the risks of flooding have yet been fully considered for the proposal before me.
7. The proposal therefore conflicts with Policy NBE5 of the *Hart Local Plan Strategy and Sites 2032* (adopted 2020) (Local Plan) which seeks to ensure that development is only permitted where over its lifetime it would not increase the risk of flooding elsewhere and will be safe from flooding, and where located within an area at risk from any source of flooding, now and in the future, it is supported by a site-specific flood risk assessment and complies fully with national policy including the sequential and exceptions tests.

TBH SPA

8. The appeal site is located within 400m of the *Bourley and Long Valley Site of Special Scientific Interest* which forms part of the TBH SPA; a site designated under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Essentially, the TBH SPA comprises a network of heathland sites which support internationally important numbers of bird species which nest on or near the ground and as a result, are very susceptible to predation particularly by cats, rats and crows; from disturbance from informal recreational use, especially walking and dog walking; and other activities such as fly tipping.
9. The 400 metre buffer from the TBH SPA (measured linearly) is defined as an 'exclusion zone' due to the high risks of fires, fly tipping, cat predation and other impacts from new dwellings within this zone. Therefore, proposals that would result in a net increase in the number of homes within the exclusion zone will result in likely significant effects on the integrity of the TBH SPA. Policy NBE3 of the Local Plan states that development within the exclusion zone will not be permitted

¹ Annex 3: Flood risk vulnerability classification

² As outlined in footnote 62 of the Framework

unless it can be demonstrated through an Appropriate Assessment that there would be no adverse effect on the integrity of the TBH SPA.

10. Whilst the appellant's statement indicates that the 400m exclusion zone is arbitrarily defined, I have no cogent evidence to suggest that the site is outside of it and should alternatively be considered to fall within the 400 – 5km zone of influence. Separately, whilst it is also suggested that the addition of two dwellings would not result in significant effects, the basis for such a conclusion is lacking. The exclusion zone prevents any net increase in residential development and though the proposal may only be for two dwellings, it would result in a net increase of two families that may contribute to unintentionally harmful activities.
11. I also note that the appellant's evidence refers to the development of around 1,500 homes at Hartland Village which may present more of a risk for the TBH SPA. Limited details have been provided to allow a comparison with the appeal scheme, though there may be strategic and site-specific mitigation measures that would allow that development to proceed.
12. As such, the evidence submitted by the appellant does not allow me to conclude, by way of an appropriate assessment under the Habitats Regulations, that the development would avoid harm to the integrity of the TBH SPA. Therefore, the proposal conflicts with policy NBE3 of the Local Plan and saved policy NRM6 of the South East Plan (2005). These policies collectively seek to avoid likely significant effects on the ecological integrity of the TBH SPA.

Character and appearance

13. The surrounding area is generally characterised by dwellings, either detached or in short terraces, close to the street in a typical suburban grid street pattern. Dwellings are a blend of two storey, bungalow and chalet bungalows with a predominance of red brick and tiled roofs.
14. The appeal site is a modest corner plot and the existing dwelling is a hipped roof bungalow. The proposal would involve the demolition of this dwelling and the construction of 3 attached dormer-style dwellings, with dormers front and rear. The front elevations would face onto Gravel Road and the frontage space would be largely hard surfaced to provide parking. The materials of construction would be red brick walling, with some rendering on the middle dwelling to provide contrast, with all roofs covered in tiles.
15. Whilst the general form and appearance of the terrace would be sufficiently similar to others nearby so as to not appear incongruous, the receiving plot is too small to comfortably accommodate it and the related requirements for parking and gardens without appearing cramped. When compared to the more polite density of development in the surrounding area, the site would appear overdeveloped. It would also be highly visible, given the location of the site on a corner plot, with a featureless visible side elevation onto Pine Grove further undermining the quality of such an exposed development.
16. For the above reasons, and notwithstanding that the materials of construction would be an acceptable choice, the proposal would be harmful to the character and appearance of the area, contrary to, in particular, policy NBE9 of the Local Plan and saved policy GEN1 of the Hart District Local Plan (Replacement) (saved 2009). Collectively, these policies seek to promote a high quality of design that

promotes, reflects and incorporates the distinctive qualities of its surroundings in terms of the proposed scale, density, mass and height of development.

Neighbouring occupiers

17. The rear elevations of the three dwellings would each contain two windows; one serving a bathroom which could be obscure glazed, and another serving a bedroom. This would be the main bedroom in each dwelling and none would have any other secondary windows. The windows in the rear elevation would look over the garden of No 25 Pine Grove which is situated in close proximity to the rear of the site. As the existing dwelling has no first floor accommodation, the increased number of windows at such an elevation overlooking the rear garden would be a material change. Notwithstanding the existing urban context, and though the single storey garage and intervening distance would help to minimise the impact, the number of windows and their orientation towards the garden of No 25 Pine Grove would result in a loss of privacy for its occupants.
18. The end terrace dwellings would each have a strip of circulation space to the side which is shown on the plans as areas of lawn. For the innermost plot, this would benefit from some degree of privacy, whereas far greater privacy screening would be needed for the dwelling which would have boundaries along both Pine Grove and Gravel Road. Whether private or relatively exposed, these side strips of lawn would not greatly add to the quality or usability of the garden spaces designated to the dwellings. For the middle dwelling, the rear garden space would be particularly limited in area to serve a family-sized dwelling. Whilst limited details have been provided to substantiate the suggested overshadowing of adjoining dwellings, they do illustrate that the gardens would be largely shaded at the various times illustrated. As such, given their size and limitations, I am of the view that the gardens would be insufficient to offer the quality of living environment that would be expected by future occupiers.
19. In view of the above, the proposal would harm the living conditions of neighbouring occupiers and would fail to provide adequate living conditions for future occupiers, with particular regard to privacy and suitability of garden spaces, contrary to policy NBE9 of the Local Plan and saved policy GEN1 of the Hart District Local Plan (Replacement) (saved 2009). Amongst other things, these policies respectively seek to achieve a high quality of design and ensure development causes no material loss of amenity to adjoining residential uses through loss of privacy.

Parking

20. The development proposes three dwellings, each with 3 bedrooms. The Council's *Supplementary Planning Document: Cycle and Car Parking in New Development* (adopted 2023) (Parking SPD) sets out that each 3 bedroom dwelling requires a minimum of 2 allocated and 1 unallocated car parking spaces, or 3 allocated and 0.5 unallocated car parking spaces. The dimensions of car parking spaces should be 2.5m by 5m (long) and an additional 0.5 metres should be added where any parking space is adjacent to a wall or other similar obstruction.
21. In this case, the proposed site plan details areas of around 5 – 6 m wide and 5 metres in length per dwelling which would provide 2 allocated spaces for each. This would result in an overall shortfall of at least 3 parking spaces across the development. There is question about whether the dropped kerbs within 8.2 metres of the junction would be permissible given that the Council's highways

advisor sought a minimum of at least 10 metres intervening distance. Other points are made in respect of on-street parking being commonplace in Gravel Road and Pine Grove and in relation to cycle parking being resolvable by way of planning condition. However, none of these points satisfactorily addresses the useability of the proposed parking spaces. As such, in the absence of evidence to the contrary, the proposal conflicts with policy INF3 of the Local Plan which seeks to ensure that new developments provide safe, suitable and convenient access and appropriate parking provision, in terms of amount, design and layout with particular regard to the Council's published parking standards. For similar reasons, the proposal would fail to adhere to the guidance in the Parking SPD.

Biodiversity

22. The existing site has a modest amount of lawn surrounding the dwelling which lacks any real species diversity. From the evidence, it is clear that trees and dense vegetation formerly surrounded the site but was removed some time ago. The proposal seeks to provide some areas of lawn surrounding the proposed development, albeit more limited in extent given the larger built footprint, and there would be no room for trees.
23. The Council's reasons for refusal³ refer to a lack of evidence having been submitted to address the biodiversity issue and absence of demonstration of the 10% Biodiversity Net Gain being achievable⁴. The appellant indicates that the costs of obtaining biodiversity surveys is prohibitive relative to such a modest scale of development and whilst it is suggested that the 10% BNG requirement could be achieved, little detail has been offered to substantiate how.
24. Whilst my inclination would be to approach this more pragmatically given the context of the site and its limited existing biodiversity value, as the appeal is failing, this is not a determinative matter in any event.

Other Considerations

25. The Council has accepted that it is incapable of demonstrating an adequate five year supply of housing land with appropriate buffer as required by the Framework. Whilst I have limited detail on the extent of the shortfall in numerical terms, I have taken this and the implications for decision making into account.
26. In terms of the principle of development, the site lies within a sustainable location where there are no specific reasons to refuse development based on its remoteness from facilities or the way in which it would perpetuate a reliance on private vehicles. I have taken account of the sustainable location of the site in reaching my decision.
27. The Council's decision notice refers to the lack of evidence of compliance with the Nationally Described Space Standards (NDSS) and related Local Plan policy H6. Whilst it appears that the dwellings would each comply with the minimum standards in the NDSS, including requirements for storage, this is based on the assumption that no accommodation is below 1.5 metre headroom. The evidence does not suggest otherwise and so I have assumed compliance with the NDSS on this basis.

³ Reasons 8 and 9

⁴ as required by Schedule 7A of the Town and Country Planning Act 1990 as inserted by the Environment Act 2021

28. The appellant's evidence indicates that there is already a dwelling on the appeal site without restrictions as to how many people could occupy it with their associated vehicles. Whilst this may be so, the capacity of a 3 bedroom bungalow is much smaller than three dwellings, each with three bedrooms and thus, the proposal would clearly result in additional occupiers. The planning considerations should therefore appropriately reflect the nature of the proposal.
29. It is also detailed in the evidence that the existing dwelling has some structural issues and requires extensive refurbishment. Be that as it may, it is not suggested that the appeal proposal is the only viable option to allow for continued residential occupation of the site.

Planning balance

30. The development raises numerous policy conflicts which result in an overall conflict with the development plan when taken as a whole.
31. Owing to the Council's inability to demonstrate a five year supply of housing land, the provisions of Framework paragraph 11 d) are engaged. Paragraph 11 d) indicates that permission should be granted unless the application of Framework policies that protect areas or assets of particular importance provide a strong reason for refusing the development proposed, or, any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
32. The Framework policies relating to areas at risk of flooding and sites designated under the Habitats Regulations are relevant in this case and footnote 7 of the Framework highlights that conflicts with policies protecting these areas can provide strong reasons for refusing a development. In this case, the flood risk and habitats sites policy conflicts provide strong reasons for refusal. As such, the presumption in favour of sustainable development does not apply.
33. Nonetheless, the development would still result in benefits in the form of a net addition of two dwellings to help contribute to the housing land supply shortage. These dwellings would be capable of occupation by families. There would also be associated economic benefits throughout the construction phase and beyond, following occupation of the completed dwellings by new residents. The totality of public benefits weighs modestly in favour of the scheme relative to the scale of the development.
34. However, the benefits and other points advanced in support of the scheme are insufficient to outweigh the conflict with the development plan when taken as a whole. There are no other considerations of such materiality, including the provisions of the Framework, which do so either.

Other Matters

35. It has been suggested that the Council's response to the proposal has been inflated and eliminates the prospects of any redevelopment proposals on the site. A further point has been raised about the orchestration of representations from local residents. However, my focus has been on the merits of the appeal proposal based on the evidence before me as part of the appeal.

Conclusion

36. For the foregoing reasons, the appeal should be dismissed.

H Nicholls

INSPECTOR