



Appeal Decision

Site visit made on 18 August 2017

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th September 2017

Appeal Ref: APP/C1760/W/17/3173923

6 Western Road, Andover, SP10 2JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Osborne Road Development Ltd against the decision of Test Valley Borough Council.
 - The application Ref 16/03038/OUTN, dated 2 December 2016, was refused by notice dated 17 March 2017.
 - The development proposed is the demolition of the existing detached building and any associated outbuildings and the erection of two blocks containing ten flats each (20 in total) plus a new access road from Osborne Road and parking area.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Osborne Road Developments Ltd against Test Valley Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The application was submitted in outline with access, appearance, layout and scale to be determined at this stage. Landscaping is reserved for subsequent approval. I have therefore dealt with the appeal on this basis.

Main Issues

4. The main issues are the effect of the development on:
 - The provision of community facilities in the Borough;
 - The character and appearance of the surrounding area having regard to a non-designated heritage asset and trees, and;
 - The living conditions of future and existing occupiers having particular regard to communal garden space and the location of the bin store.

Reasons

Community facilities

5. The appeal site is a large detached two storey property which was formerly a private members' club but is currently vacant. The proposal before me is for

the redevelopment of the site to form 20 residential flats resulting in the loss of this community facility.

6. Facilities such as these help towards meeting the needs of local communities. As a result their loss is generally resisted, as set out in Policy COM14 of the Test Valley Local Plan 2011-2029 (LP), unless it can be demonstrated that there is no longer a need for that facility for its existing use or another community use. To do this the supporting text to this policy explains that the property must be marketed for its current and alternative community uses, as listed within the policy, for a 6 month period and at an appropriate value.
7. The property was marketed for in excess of 6 months at a figure of £700,000. From all the evidence before me there are two flaws in this valuation. Firstly this figure was based on the assumption that there is little demand for the existing use. However this had not yet been tested by the market as per Policy COM14. Secondly, the valuation is based on what the highest value alternative use would be for the site i.e. redevelopment. Consequently potential purchasers wanting to utilise the site for community purposes may have been put off by the figure the property was marketed at.
8. In light of the above I find that the site has not been marketed at an appropriate value as required by Policy COM14 and as such it has not been satisfactorily demonstrated that there is no longer a need for the existing facility or other community uses at the appeal site. Policy COM14 is consistent with the National Planning Policy Framework which highlights the need to deliver sufficient community and cultural facilities to meet local needs. It therefore carries great weight. Furthermore, The Planning Practice Guidance (PPG) sets out that land value should reflect policy requirements.
9. Evidence was submitted by the appellant in respect of the viability of the previous social club and the various other social clubs and facilities in the surrounding area. I also note that contact was made with a number of cultural and community organisations and the appellant's comments as to the suitability of the site for alternative uses. These matters do not, however, change my findings above.
10. Given the limited evidence before me in respect of the commercial property at East Street, referred to by the appellant, I am unable to make any meaningful comparisons. In any event, each appeal must be determined on its own planning merits. Although the site is currently in a dilapidated state I consider it is still capable of providing suitable accommodation for a range of community uses.

Character and appearance

11. The existing building is thought to have originally been a single dwelling prior to being converted into a social club. It is a large detached property built around the turn of the last century which fronts onto Western Road where there is an access and driveway. Its use as a club has resulted in various flat roof rear extensions and the rear of the site is a large carpark. Nevertheless, the original building has retained a number of attractive details such as original sliding sash windows, steeply pitched roofs, brick dentil/dog tooth eaves, a string course marking the storey level and strong chimneys, all of which can be appreciated from the front elevation. The neighbouring property 4 Western Road is of a similar style, age, scale and layout and as such they are viewed as

a pair. Although set back from the highway the scale of both properties means they have a degree of prominence. Together they are significant as they are indicative of a period of prosperity and growth in Andover's history and as such they have heritage interest. Therefore, whilst the property is not Listed or located in a Conservation Area it is, nevertheless, a non-designated heritage asset.

12. Policy EP9 of the LP seeks to sustain or enhance the significance of heritage assets. The proposed development would result in the total loss of the existing building which would cause significant harm to the historic character and appearance of the area and would clearly be contrary to this policy. The appellant's suggestion of a condition to record the building would not mitigate this harm.
13. Policy EP9 also seeks to ensure the significance of heritage assets informs new development. Whilst I note the Council raised no specific objection in terms of design the proposed development would, nevertheless, be wholly different to the existing property. Two identical blocks of flats are proposed which would have a more contemporary design and would have much lower pitched roofs. The layout of the site would also be very different with the main entrance to the flats being from Osborne Road to the rear of the site. Consequently Block 2 would back onto Western Road which would be at odds with properties generally along here, most notably No 4.
14. I turn now to the matter of trees. On the Western Road side of the site there are a number of mature and very prominent trees which make a significant contribution to the verdant character of Western Road. Whilst the play area in this part of the site has been removed from the scheme the development could still have a potentially harmful impact on these trees. This is because Block 2 would be significantly closer to them than the existing building. Furthermore, given the lay of the land the development would require excavation works and building up of the land in this area. In my experience, damage to trees can occur from changes in ground levels.
15. Without any evidence to the contrary the proposal therefore poses a risk to the character and appearance of the area as a result of the loss of these trees. The appellant suggests that this could be resolved at reserved matters stage, but I consider that this goes beyond the scope of landscaping. Furthermore, it is fundamental to my consideration of the granting of planning permission which is what the outline approval is for.
16. Taking the above points together I find that the development would be harmful to the character and appearance of the surrounding area. It would therefore conflict with Policies E1, E2 and E9 of the LP which seek to protect the character of the borough, which includes heritage assets and landscaping features.

Living conditions

17. Communal garden space is provided as part of the development. Block 1 would have some space to the front and rear but this would be relatively narrow and flanked by either Osborne Road or a car park. Therefore this space would not be particularly private or pleasant for future residents to use for recreational purposes. An area of communal garden space would also be provided to the rear of Block 2 which, being larger would provide better quality

space. However this area would only be easily accessible to residents in this block. It would not be convenient or desirable for residents of Block 1 to have to access this area down the side of Block 2.

18. Policy LHW4 of the LP requires development to provide for private open space appropriate to the needs of residents. For the reasons set out above the proposal would fail to achieve this which would be harmful to the living conditions of future occupiers.
19. In coming to the above conclusion on living conditions I have considered the location of the bin store for the development which would be adjacent to the shared boundary with residential property 17 Osborne Road. I do not consider that the use of this by occupants of the development would result in a level of noise or disturbance that would be harmful to the living conditions of occupiers of this neighbouring property. I also do not consider that the distance would be so great so as to be of significant inconvenience to future occupiers of the development. My findings on these matters do not, however, outweigh the harm I have identified above.

Other matter

20. Policy COM7 of the LP requires new development to make provision for affordable housing. The appellant does not dispute this but has not provided a completed obligation. Provision of affordable housing falls outside of the scope of the five reserved matters and would therefore need to be resolved at outline stage. Furthermore, conditions in respect of affordable housing can only be used in exceptional circumstances as set out in the PPG. Notwithstanding the above, as I am dismissing for other reasons it is not necessary for me to reach a finding on this matter as it could not lead me to a different decision.

Conclusion

21. I have had regard to all matters raised. I have also considered the merits of the proposal which include the creation of additional dwellings on a brownfield site in close proximity to the town centre. Furthermore, I acknowledge that, if secured, the provision of affordable housing would also be a benefit. However, I conclude that these benefits do not outweigh the harm I have identified in terms of a loss of a community facility, harm to the character and appearance of the surrounding area, and harm to the living conditions of future occupiers. For these reasons the proposal is not sustainable development which there is a presumption in favour of.
22. The appeal is dismissed.

Hayley Butcher

INSPECTOR