

Appeal Decision

Site visit made on 16 August 2016

by M C J Nunn BA BPL LLB LLM BCL MRTPI

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

Decision date: 20th September 2016

Appeal Ref: APP/D3640/W/16/3150915

1 MacNaghten Woods, Camberley, Surrey, GU15 3RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Truslove against the decision of Surrey Heath Borough Council.
 - The application Ref: 16/0231, dated 8 March 2016, was refused by notice dated 3 May 2016.
 - The development is described as "change of use of ancillary habitable accommodation (annex) to form separate dwelling".
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Decision

1. The appeal is allowed and planning permission granted for the change of use of ancillary habitable accommodation (annex) to form a separate dwelling at 1 MacNaghten Woods, Camberley, Surrey, GU15 3RD, in accordance with the terms of the application, Ref: 16/0231, dated 8 March 2016, subject to the schedule of conditions below.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area, and (ii) the living conditions at No 1 MacNaghten Woods.

Reasons

3. The appeal site comprises an annex building set in the spacious grounds of the host property, No 1 MacNaghten Woods. MacNaghten Woods is an attractive cul-de-sac of relatively modern detached houses of varying designs, but of a traditional architectural style. The dwellings are finished in render, brick, and vertically hung tiles. The locality has an attractive and verdant appearance, by virtue of the large mature trees and well kept landscaped gardens. Some of the properties have detached garages, whereas others are integral to the houses. The cul-de-sac forms part of the 'Contemporary Paved Estates' housing character area in the Western Urban Area Character Supplementary Planning Document (SPD).
 4. The annex building comprises generous habitable accommodation set over two floors, with the upper storey set within the roof. It has all the facilities
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necessary for independent occupation. There are also garages and a store within the annex building serving the main house, but this does not alter the ability of the habitable accommodation to function independently. The only operational development required as part of this proposal is the erection of a new boundary fence to the rear in order to subdivide the garden area into two parts. The individual plots, once subdivided, would remain reasonably substantial in size, in keeping with the character of the area. The new fence would not be prominent in public views. No alterations are proposed to the external appearance of the annex building. As such, this proposal would have a negligible effect on the character and appearance of the area.

5. The Council mentions that domestic paraphernalia associated with the use of the building as a separate dwelling, including the presence of a house number, letterbox and bins would reinforce the impression of a separate dwelling. However, these are minor changes that would not affect the appearance of the building to any great extent. The annex building is already in situ, and its physical relationship with the neighbouring dwellings and its place in the street scene are already established. Whilst I accept the building is unlike others in the cul-de-sac in terms of its design, the perception of the building in the locality would be little different were it to be used as an independent dwelling. The scheme would not alter the existing street scene to any noticeable degree, or result in a tighter urban character. Nor would there be any reduction in spaciousness between buildings because the annex is already there.
6. I conclude, therefore, on the first issue that the proposal would not harm the character and appearance of the area. The scheme would comply with Policies CP2 and DM9 of the Core Strategy and Development Management Policies Document ('CSDMP') which require new development to respect and enhance the local environment, and to ensure that all land is used efficiently within the context of its surroundings. It would also comply with guiding principles CP1 and CP2 of the SPD which require space to be maintained between and around buildings.
7. Turning to the second issue, the Council is concerned that the intensification of the use of the building as a separate dwelling would be harmful to the occupiers of No 1. There is no evidence to suggest that the building's occupation as an independent residential unit would add noticeably or unacceptably to noise and disturbance in the area, or result in any significant additional traffic. Nor is there any evidence that the scheme would result in unacceptable overlooking or loss of privacy to No 1. I conclude, therefore, on the second issue that the proposal would not harm the living conditions at No 1 MacNaghten Woods. As such, the scheme would comply with Policy DM9 of the CSDMP which requires new development to respect the amenities of occupiers of neighbouring properties.
8. The annex building already has an established lawful residential use, albeit one ancillary to the host building, with a corresponding restrictive condition. The basic question, it seems to me, is whether the sub-division into a separate residential unit would be harmful. For the reasons explained above, I do not consider that it would. Moreover, and very importantly, at the heart of the National Planning Policy Framework ('the Framework') is now a requirement to deliver a wide choice of quality homes, and to boost significantly the supply of housing. The Framework is clear that housing applications should be

considered in the context of the presumption in favour of sustainable development. In this case, the proposal would result in an additional residential unit which accords with the aims of the Framework.

9. The site is approximately 800 metres from the Thames Basin Heaths Special Protection Area (SPA). The Council is satisfied that the development would not give rise to likely significant adverse effects upon the integrity of the SPA, subject to a financial contribution to mitigate its effects. I see no reason to disagree and understand that monies have been paid to the Council towards Strategic Access Monitoring and Maintenance (SAMM), in accordance with Policy CP14B of the CSDMP and Policy NRM6 of the South East Plan¹.
10. The highway authority has not raised objections in terms of highway safety, access or parking, and I too consider the scheme to be acceptable in these respects, in accordance with Policy DM11 of the CSDMP. This policy requires safe and well designed vehicular accesses, and precludes development that would adversely affect the safe and efficient flow of traffic. A local resident has mentioned the importance of retaining trees, but no trees would be affected by the scheme, and in any event a Tree Preservation Order already protects trees on the site.
11. A commencement condition is necessary to comply with the relevant legislation. A condition requiring compliance with the approved plans is necessary for the avoidance of doubt. A condition restricting permitted development to prevent further enlargement of the building or the construction of additional structures within its curtilage is necessary to safeguard the character of the area. Subject to these conditions, I conclude that the appeal should be allowed.

Matthew C J Nunn

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plans (0254:P:01), Floor Plans and Elevations (0254:P:02).
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement, improvement or other alteration to the dwelling hereby permitted, or provision of buildings, structures or enclosures within its curtilage.

¹ The South East Plan has been revoked, but certain policies were retained, including Policy NRM6.