

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: 27th September 2016

Appeal Ref: APP/D3640/W/16/3152279

11 Benner Lane, West End, Woking, Surrey, GU24 9JQ

- 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 Christopher Burfield against the decision of Surrey Heath Borough Council.
 - The application Ref: 16/0116, dated 28 January 2016, was refused by notice dated 5 April 2016.
 - The development is described as "to introduce two modest detached four-bedroom dwellings following the demolition of a detached bungalow, detached double garage, and two further out-buildings".
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Decision

1. The appeal is allowed and planning permission granted for the erection of two four-bedroom two-storey detached dwellings with shared access, following the demolition of the existing dwelling at 11 Benner Lane, West End, Woking, Surrey, GU24 9JQ, in accordance with the terms of the application, Ref: 16/0116, dated 28 January 2016, and the plans submitted with it, subject to the conditions set out in the Schedule below.

Preliminary Matters

2. The description of the development in my decision above is that used on the Council's refusal notice and the appeal form. It accurately and succinctly describes the proposal.
3. The Council has referred to the Community Infrastructure Levy Charging Schedule. The Council has indicated it will advise of any liability and amount in due course, following receipt of this decision.

Main Issues

4. 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 15 Benner Lane, in terms of privacy and sunlight.

Reasons

Character and Appearance

5. The appeal site comprises a detached bungalow with a hipped pitched roof and a central projecting porch. It is set on a reasonably spacious and roughly

rectangular-shaped plot with a wide frontage. There is a separate double garage in a recessed position to the side, virtually abutting the rear boundary. The site falls within a residential area comprising a mix of properties of various designs, including detached and semi-detached houses and bungalows. Some properties are built in a 'chalet' style. No single house type predominates. The locality has a pleasant residential character by virtue of the mature trees, shrubs and landscaping in the gardens.

6. The two new dwellings would be appropriately spaced, and are of a design and scale that would be easily assimilated in the locality without appearing discordant or spoiling its character. They would be of a comparable ridge height to the adjacent properties. Sufficient gaps would be retained to the side boundaries adjacent to No 9A and to No 13, as well as between the two new dwellings, so as to avoid a cramped impression. The staggered position of the dwellings would reflect the gentle curve of the road, and would correspond with the building line of the existing houses.
7. Each dwelling has been attractively and differently designed, so as to provide variety and interest. The houses would incorporate various traditional architectural features, such as half hipped pitched roofs, gabled dormers and chimneys. No 11A would have a forward projecting front gable, whilst No 11 would have an extended front roof slope. As such, the new dwellings would blend well with the variety of different house designs nearby.
8. I conclude on the first issue that the proposal would not harm the character and appearance of the area. It would comply with Policy CP2 and DM9 of the Core Strategy and Development Management Policies ('CSDMP') which require, amongst other things, new development to respect and enhance the local environment, paying particular regard to scale, materials, massing, bulk and density; and to ensure that all land is used efficiently within the context of its surroundings.

Living Conditions

9. The existing dwelling is single storey, and so opportunities for overlooking to adjacent gardens are limited. Although set over two storeys, the new dwellings would be positioned at a significantly greater distance from the rear boundary compared with the existing bungalow. I acknowledge that the rear windows of the new dwellings would face towards the garden of No 15, allowing views in that direction. That said, and very importantly, some degree of mutual overlooking is unavoidable in built-up residential areas such as this. This kind of relationship is far from unusual, and no different to other adjacent properties where rear first floor windows allow mutual overlooking of neighbouring gardens. In my view, the depth of the proposed gardens would be sufficient to avoid unacceptable overlooking or loss of privacy to No 15.
10. Also, as the appellant notes, it may be possible under 'permitted development' to extend the existing property. This could, for example, include the formation of dormer windows in the rear roof slope, subject to compliance with the relevant Order¹. Were this to occur, any first floor dormer windows in the

¹ Town and Country Planning (General Permitted Development) (England) Order 2015

existing dwelling would be significantly closer to the rear garden of No 15, and allow more intrusive views compared with the appeal proposal.

11. There would be no direct 'window to window' overlooking from the new dwellings to the rear windows of No 15. This is because of their relative positions, set virtually at right angles to each other, the consequence of a sharp bend in the road. Although not a reason for refusal, concerns have also been raised that the new dwellings would reduce sunlight at No 15. However, the new dwellings would be at sufficient distance not to cause overshadowing or loss of sunlight.
12. I conclude on the second issue that the proposal would not harm the living conditions at No 15 in terms of privacy and sunlight. It would accord with Policy DM9 of the CSDMP which requires, among other things, proposals to respect the amenities of occupiers of neighbouring properties.

Other Matters

13. In reaching my decision, I have had careful regard to a recently dismissed appeal at the site for two dwellings². However, that earlier scheme was significantly different. The houses were of greater scale, their designs more imposing and dominant, their footprints larger, and ridge heights higher. Also, the front elevations of the houses were set further forward. Also, unlike the previous appeal scheme, the Council is satisfied that in this proposal there would be no harmful effect on No 9A. Although the previous Inspector found there would be some loss of privacy for occupiers of No 15, she noted that this was not necessarily sufficient to warrant dismissal were this the only concern. It does not follow that the dismissal of that earlier appeal means the scheme before me is unacceptable.
14. Moreover, and very importantly, at the heart of the National Planning Policy Framework ('the Framework') is 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.
15. The site is approximately 1.2 kilometres 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 Plan³.
16. Local residents have raised highway concerns. However, 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 precludes development that would adversely affect the safe and efficient flow of traffic.

² APP/D3640/W/16/3143706, dated 14 June 2016

³ The South East Plan has been revoked, but certain policies were retained, including Policy NRM6.

Conditions and Conclusion

17. 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. Conditions relating to sample materials for the dwellings and landscaping are necessary to safeguard the character of the area. A condition restricting permitted development to prevent further enlargement of the dwellings or the construction of additional structures within their curtilages is necessary for similar reasons. A condition relating to vehicle parking is necessary in the interests of highway safety. A condition requiring a construction method statement is necessary to minimise disturbance to local residents. 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: 1500/P10 Rev E; 1500/P11 Rev G; 1500/P12 Rev C; 1500/P20 Rev E; 1500/P21 Rev E.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The materials to be used should accentuate the differences between the two house designs. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: the positions, design, materials and type of boundary treatments to be erected; details of hard surfaces, including materials used for paving, which should be permeable; an indication of ground level alterations; proposed and retained trees, planting plans, schedules of plants, noting plant sizes and proposed numbers and densities, where appropriate. The approved works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 5) 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 dwellings hereby permitted, or provision of buildings, structures or enclosures within their curtilages.
- 6) The buildings shall not be occupied until the area shown on the approved plans as vehicle parking space has been surfaced in accordance with details submitted to and approved in writing by the local planning authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.
- 7) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for: the parking of vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; and the storage of plant and materials. The approved details shall be adhered to throughout the construction period.