

Appeal Decision

Site visit made on 18 October 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 7 November 2016

Appeal Ref: APP/D3640/W/16/3150251

80 King's Ride, Camberley, Surrey GU15 4JF

- 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 & Mrs Steven Turner against the decision of Surrey Heath Borough Council.
 - The application Ref 16/0141, dated 10 February 2016, was refused by notice dated 4 May 2016.
 - The development proposed is alterations to existing semi-detached house, to be retained within a reduced curtilage, erection of a detached two-bedroom house, relocation of an existing vehicular access, provision of associated off-street parking.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to existing semi-detached house, to be retained within a reduced curtilage, erection of a detached two-bedroom house, relocation of an existing vehicular access, provision of associated off-street parking at 80 King's Ride, Camberley, Surrey GU15 4JF in accordance with the terms of the application, Ref 16/0141, dated 10 February 2016, and the plans submitted with it, subject to the conditions on the attached schedule.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the street scene and on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of the occupiers of 2 College Ride, with particular regard to privacy, and;
 - whether the proposed development would provide a back garden of sufficient size.

Reasons

The street scene and the character and appearance of the area

3. The hedge of the existing side garden to No 80 reflects others in the street. Combined with the undeveloped nature of No 80's side garden and its depth, the grass-covered drive and the views through to the trees to the rear of the appeal site, the present arrangement provides a relief of space and greenery in the array of houses on this side of the street block. However, this arrangement is no longer characteristic of the pattern of development on this side of the
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- street. No 78A appears to have been built on land to the side of the other half of this pair of cottages and an electricity substation occupies part of the land between the appeal site and 2 College Ride. On this basis, the development of this space would not be at odds with the surrounding pattern of development.
4. The proposed house would be set within a good degree of clear space between it and the site boundaries and would allow views through to the trees set back from the road. Its front building line would not protrude beyond that of the cottages Nos 78 and 80. Given the modest footprint and height of the proposal it would not appear cramped. Its form and appearance would resemble that of Nos 78 and 80.
 5. I note the Council's reference to the alignment of houses on neighbouring corner plots, however, except for 82A King's Ride whose plot is at ninety degrees to the plot on the return street, they relate to semi-detached houses or terraced houses which constrain their alignment. Whilst its alignment would break from the orthogonality of Nos 78 and 80, given the corner position of the plot and the presence in the same street block of a pair of semi-detached houses with a skewed alignment to the road, I find no incongruity in the siting or appearance of the proposed house.
 6. The plot widths of the houses in this section of King's Ride vary according to whether they are occupied by detached or semi-detached houses. The plot subdivision would not result in widths uncharacteristic of those of neighbouring plots.
 7. I saw that the houses in this section of King's Ride tend to have short front gardens with limited but effective planting. There is already a drive access from the street to the rear area, in which context, its relocation to one side, together with the provision of a gate beside the rear wall of No 80, would not disrupt the street scene. The provision of two parking spaces in the front garden of the proposal would change the character of the front space on the site. However, there would remain sufficient space to provide an effective landscape design to include hedges, shrubs, and enclosure which could reduce its effect to the degree where this otherwise unacceptable aspect of the development would become acceptable.
 8. I appreciate that the pair of cottages are balanced with similar side entrances; however I do not consider that the relocation of the entrance door to the front elevation in No 80 would significantly disrupt that symmetry or appear out of character with the other houses in this section of King's Ride. I also note that Nos 78 and 80 are not part of a conservation area.
 9. I conclude on this issue, that subject to the appropriate landscaping of the area in front of the proposed house and between it and No 80, the proposed development would not harm the street scene or the character and appearance of the area. It would not conflict with Policies CP2 and DM9 of the Council's Core Strategy & Development Management Policies 2012 (CSDMP), which concern sustainable design and which seek development which respects and enhances the local character of the environment. I see no conflict either with the guiding design principles for main thoroughfares as set out in the Council's Western Urban Area Character Supplementary Planning Document 2012.

The living conditions of the occupiers of 2 College Ride

10. A thick hedge around 3m high running along the site boundary to the north separates the site from No 2. While the proposed house would be sited towards that boundary, the window in its flank would serve a stairway and would be obscure-glazed. The back window closest to the boundary would serve a bathroom and would be obscure-glazed. Only the back bedroom would permit a significant view towards No 2, but the angle of view would be extremely oblique. This factor, combined with the height and density of the screening on the boundary between the two houses, leads me to conclude that there would be no loss of privacy to the inside of the house No 2. While a small degree of overlooking may be possible from the proposed house into the back garden of No 2, this would be little different to the mutual overlooking of back gardens between neighbouring houses which is a characteristic of the area.
11. The separation distance between the proposal and No 2, together with the screening effect of the boundary hedge would ensure that it would not have an overbearing or intrusive effect on the occupiers of that house or reduce to an unacceptable degree the amount of daylight and sunlight they enjoy. The proposal would relocate the present access drive to the rear away from No 2. Given the separation and screening and the number of cars involved, the arrangement of car-parking in the proposal would not cause a materially harmful impact on the occupiers of No 2 in respect of noise and disturbance.
12. I conclude on this issue that the proposed development would not harm the living conditions of the occupiers of 2 College Ride, with particular regard to privacy. There would be no conflict with CSDMP Policy DM9 which seeks development which respects the amenities of the occupiers of neighbouring property. Nor would there be any conflict with paragraph 17 of the National Planning Policy Framework 2012, which says that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Back garden area

13. The Council considers that the area of the back garden would be insufficient and that its triangular shape would limit its use. CSDMP Policy DM9 says that development will be acceptable where it provides sufficient private amenity space.
14. The back garden of the proposed house appears to be around 35m² in area. Whilst its shape would be triangular, it would remain relatively broad for much of its length, and it would have a relatively open aspect around it. Its size would be proportionate to the number of people likely to live in the house, and it would have space for a patio and a bike shed as well a general area of lawn, without feeling cramped. I note that the front garden would contain the bin store and car parking, which would relieve the back garden of additional pressure on its use.
15. The proposed development would provide a back garden of sufficient size, and there would be no conflict with CSDMP Policy DM9, nor with paragraph 17 of the Framework referred to above.

Other matters

16. The Council accepts that it cannot demonstrate a five-year supply of deliverable housing sites. However, while there may be a shortfall in housing supply, which would mean that policies for the supply of housing would not be up-to-date, my conclusion relates to policies which are qualitative. They control the impact of a development on the character and appearance of an area and the living conditions of neighbours and future occupiers rather than relating to the supply of housing per se. I therefore accord significant weight to these policies, which I consider to be up-to-date. In any event, the Council does not object in principle to the development of a house in this location.
17. I have taken into account the concerns of neighbours, and addressed many of their objections in the main issues above. The proposal would provide off-street parking and appropriate visibility splays. There is no evidence that it would harm highway safety or significantly increase traffic congestion or parking pressure in the area. I note that the highway authority raised no objection to the proposal. I appreciate that the development would result in additional hard surfacing on the ground, but there is no evidence of flooding in the area, nor that the surfacing could not be drained without affecting surrounding occupiers.

Conditions

18. The Council has suggested a number of conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of the Planning Practice Guidance (PPG); for clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
19. In addition to the statutory time condition, it would be necessary in order to provide certainty, to impose a condition requiring the development be carried out in accordance with the approved plans. In such proximity to the surrounding dwellings and their back gardens, and given the size of the proposed dwelling, conditions to secure finishing materials, the details and provision of a scheme of hard and soft landscaping, as well as the protection of trees during construction, would be necessary to safeguard the character and appearance of the area and to make the development acceptable. Details of landscaping may reasonably be provided at pre-occupation stage, however, the details of external facing materials, because of their position in the construction programme and the lead-in times for materials, would need to be submitted and approved before the commencement of development.
20. Given the shortage of parking spaces in the area, a pre-occupation condition to provide and retain access, on-plot parking and turning for the new dwelling would also be necessary. To avoid unnecessary risks to highway safety, a condition to provide and retain the visibility splays within the site is reasonable.
21. Given the footprint of the proposed house and the size of its back garden, the proximity and scale of the surrounding houses, the potential to enlarge it further without adversely affecting the character and appearance of the area is limited. While the PPG advises that conditions limiting permitted development rights should only be used in exceptional circumstances, I agree that the withdrawal of permitted development rights under classes A and E (enlargements and incidental buildings) would be necessary. The

reinstatement of the dropped kerb in the public highway would be on land beyond the applicant's control. As there is no clear evidence that the tests of reasonableness, necessity, or enforceability are met, I have not imposed this as a condition.

Conclusion

22. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun within three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250 dated 26 October 2015; TUR/01 Existing Plans & Elevations, and; TUR/02 revA Proposed Plans and Elevations.
- 3) The development hereby permitted shall be carried out in accordance with the tree protection measures as set out in the Arboricultural Report by AP Arboriculture dated 3 March 2016. No development shall commence until photographs of tree protection measures implemented in accordance with the Arboriculture Report have been submitted to and approved in writing by the local planning authority.
- 4) No development shall commence until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 5) Prior to the occupation of the new dwelling details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i. existing and proposed finished levels;
 - ii. boundary treatments;
 - iii. hard surfacing materials;
 - iv. existing trees and hedges to be retained;
 - v. planting plans including species, supply sizes and planting densities;

The landscaping works shall be carried out in accordance with the approved details before the new dwelling is first occupied. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the new dwelling or the completion of the development, whichever is the sooner; and 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.

- 6) Prior to the occupation of the new dwelling, the vehicular access to King's Ride and to the back garden of 76 King's Ride as indicated on drawing TUR/02 revA shall have been provided and surfaced in accordance with the approved drawings. It shall be kept available for the access of motor vehicles at all times.
- 7) Prior to the occupation of the new dwelling, the vehicle parking and turning space for the new dwelling shall have been provided and surfaced in accordance with the approved drawings. The vehicle parking and turning space for the new dwelling shall be kept available for the parking and turning of motor vehicles at all times. The parking and turning space for the new dwelling shall be used solely for the benefit of the occupants of the new dwelling and their visitors and for no other purpose and permanently retained as such thereafter.
- 8) Prior to the occupation of the new dwelling the visibility zones shown on the approved drawings shall have been provided. They shall thereafter be kept clear of any obstruction over 1.05m high.
- 9) 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), no enlargement to the new dwelling and no building incidental to the enjoyment of the new dwelling within the curtilage of the new dwelling as provided for within Schedule 2, Part 1, Classes A and E of that Order shall be constructed.

End of Schedule of Conditions