
Appeal Decision

Site visit made on 28 November 2016

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 11th January 2017

Appeal Ref: APP/D3640/W/16/3154360

49 Bosman Drive, Windlesham, Surrey GU20 6JN

- 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 Gareth Bertram against the decision of Surrey Heath Borough Council.
 - The application Ref 16/0320, dated 5 March 2016, was refused by notice dated 5 July 2016.
 - The development proposed is subdivision of existing 4-bedroom property to create two x 2-bedroom dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for subdivision of existing 4-bedroom property to create two x 2-bedroom dwellings at 49 Bosman Drive, Windlesham, Surrey GU20 6JN in accordance with the terms of the application, Ref 16/0320, dated 5 March 2016, subject to the conditions set out in the Schedule attached to this decision.

Main Issue

2. The main issue in this case is the effect on the character and appearance of the area.

Reasons

3. No 49 is one of a pair of semi-detached houses and has been extended laterally to increase from a two-bedroom to a four-bedroom dwelling. This pair of houses is sited perpendicular to the estate road, adjacent to where the cul-de-sac ends at a hammerhead. Access to these semi-detached houses is from the northern arm of the hammerhead and No 49 is the furthest of the pair from the road.
 4. The modern houses in the surrounding estate are of a similar design, scale and density and comprise medium-sized, predominantly detached houses which are quite compactly arranged and set back slightly from the street with small front gardens. Other than its perpendicular siting and the fact it is semi-detached, No 49 is similar in scale and design to the surrounding houses.
 5. The appeal property is situated on the northern edge of this estate, where its boundary runs up to the side of the main A30 London Road. In this location Bosman Drive turns east as a cul-de-sac to run parallel with the A30, and there are two further semi-detached pairs of houses to the west of the appeal property which are similarly positioned. This arrangement provides No 49 with
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- a relatively secluded position, whereby its side boundary abuts the A30 to the north and it does not face directly onto the estate road.
6. No 49 is partly screened by a tall leylandii hedge along the boundary with the facing houses on the opposite side of the drive. The layout also provides No 49 with a reasonably wide garden to the rear, which is well-screened by mature trees and vegetation, from both the A30 at the side and from the next pair of semi-detached dwellings west and to its rear.
 7. The appellant has undertaken work, partially completed but which has currently ceased, to convert the extended part to the northern side of No 49 into a separate dwelling. This is the subject of the appeal, and the scheme proposed would turn the existing four bedroom dwelling into a couple of two-bedroom houses. The existing pair of semi-detached houses would therefore become a short terrace of three dwellings.
 8. The back garden of No 49 has already been divided into two by a close-boarded timber fence. The resulting back gardens would be of an adequate size to serve the two dwellings created. The space to the front of No 49 would provide four car parking spaces sited against the far boundary, which would be adequate to serve the proposed two dwellings. The additional house would be accessed from an existing door on the end elevation. There would be no change to the external appearance of the property and the new dwelling created would be in a relatively secluded position towards the edge of the housing estate and not visually prominent in the street scene.
 9. Policy DM9 of the Core Strategy and Development Management Policies 2012 (CSDMP) sets out a number of design principles which it seeks new development to achieve. The policy requires, *inter alia*, the design of new development to respect and enhance local character, paying particular regard to a number of issues which include density. CSDMP Policy CP2 deals with sustainable development and design. This requires that developments ensure that all land is used efficiently provided this is within the context of the surroundings and respects and enhances the quality of the urban environment.
 10. Whilst relatively secluded the Council believes the proposal would be visible in the street scene, where a terrace of three houses would be out of keeping with the surrounding mainly larger, detached houses, with the narrower plots disrupting the rhythm of the prevailing arrangement. The Council's reason for refusal, reflecting a concern expressed by a number of nearby residents, is that the development would be out of character as a result. In failing to respect and enhance local character in this regard I find there would be some degree of conflict with the aims of policies DM9 and CP2.

Other Matters

11. Consideration has been given to the further concerns raised by the Council and interested parties. The increase in general domestic activity and traffic movements generated by two two-bedroom houses, compared to a four bedroom house, would not be sufficient to result in material harm to the living conditions of neighbouring occupants. The proposal would not generate a sufficiently greater amount of vehicular movements to be contrary to the interests of the safety or convenience of existing road users. Enough on-site spaces would be provided such that this proposal would not be likely to cause a significantly greater incidence of on-street parking.

12. That the Council conditioned the approved side extension not to become a separate dwelling, and also that this proposal might establish a precedent for further such developments, should not prevent this proposal being assessed on its individual merits. The position of the proposed dwelling is such that there would be no material harm to the living conditions of any neighbouring occupiers due to overlooking or loss of privacy.
13. A number of other concerns are raised which cannot be taken as valid planning considerations. These include effects on property values and the prestige of the area, the social class of future occupiers, the works having originally started without consent and any internal changes that have or may be made to the property. Any temporary noise, disturbance or disruption arising from the building works would not comprise a reasonable planning objection. Furthermore, there is no evidence that this proposal could not be adequately served by existing utilities, such as drainage.
14. Mitigation for the effects on the Thames Basin Heaths Special Protection Area would be addressed by the funds already collected through the Community Infrastructure Levy and the contribution already made by the appellant towards Strategic Access Monitoring and Maintenance.

Planning Balance

15. The appellant has referred to the Council not currently having a five-year housing supply, which is undisputed. CSDMP policies DM9 and CP2 both set out design criteria which can influence development decisions, as in this case. Consequently these policies are relevant to the supply of housing and, under paragraph 49 of the National Planning Policy Framework (the Framework), should not be considered up-to-date.
16. In such cases, the presumption in favour of sustainable development set out in paragraph 14 of the Framework is invoked. Where relevant development plan policies are out-of-date this would mean granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. Although this proposal would provide for just a single additional dwelling, and its contribution to housing supply would be small, this would nonetheless be a positive social benefit. Although there would be some conflict in relation to the existing character of this area, there would be little harm as a consequence of this development. Any adverse impacts of arising from this proposal would not significantly and demonstrably outweigh the benefits of this additional dwelling. This would mean that this proposal should be supported under the presumption in favour of sustainable development as set out in the Framework.

Conditions

18. Consideration has been given to the conditions suggested by the Council. In addition to the standard time limit for commencement, it is necessary a condition specifies the approved plans which the development should accord with, in the interests of certainty. A condition is necessary to remove specific permitted development rights in order to control any fencing sub-dividing the area at the front of the dwellings, in the interests of character and appearance. The exceptional circumstances would not exist to support a condition that

further removed permitted development rights for extensions, additions or outbuildings.

Conclusion

19. The proposal would not alter the appearance of the property and the resulting increase in the density of housing would be of no material harm to the overall character of this area. For the reasons given, having taken account of all other matters raised, I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR

Schedule of Conditions
Appeal Ref: APP/D3640/W/16/3154360
49 Bosman Drive, Windlesham, Surrey GU20 6JN

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and block plan 1550 P110A, Proposed Ground Floor Plan 1550 P104A, Proposed First Floor and Roof Plan 1550 P105A, Proposed Elevations 1550 P106A.
- 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) no gates, fences or walls shall be erected under Schedule 2, Part 2, Class A of that Order other than along the existing boundaries defining the curtilage of 49 Bosman Drive as shown in red on the Location and block plan 1550 P110A and along the boundary between the rear gardens of the two new dwellings as shown on the Proposed Ground Floor Plan 1550 P104A, without the prior approval in writing of the Local Planning Authority.
- 4) The parking area to the front of the properties as shown on Location and block plan 1550 P110A shall be retained as such at all times unless the prior approval has been obtained in writing from the Local Planning Authority.

---End of Conditions---