
Appeal Decision

Site visit made on 17 January 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 6 February 2017

Appeal Ref: APP/D3640/W/16/3161626

Thornacott, 37 Brimshot Lane, Chobham, Surrey GU24 8RN

- 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 Dale Greenhead against the decision of Surrey Heath Borough Council.
 - The application Ref 16/0533, dated 12 May 2016, was refused by notice dated 8 September 2016.
 - The development proposed is new replacement residential 3 bedroom dwelling after demolition of existing residential dwelling and garage/carport.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have confirmed during the appeal process that the site lies within the Chobham Settlement Area. As a consequence, although the site is washed over by the Green Belt, it is not necessary for me to consider the appeal with reference to the National Planning Policy Framework (the Framework) or relevant development plan policies in respect of the Green Belt.
3. The Council has cited the Framework in both reasons for refusal but has not identified specific paragraphs. The parish council's objection has also quoted the Framework in general terms. As such, I have relied primarily on the cited development plan policies in my reasoning, with supporting policies from the Framework only where I consider them of relevance.
4. A letter from Chobham Parish Council is dated 2016¹, but as it clearly refers to this appeal, I have taken it to be incorrectly dated.

Application for costs

5. An application for costs was made by Mr Dale Greenhead against Surrey Heath Borough Council. This application is the subject of a separate Decision.

Main Issues

6. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and,

¹ Chobham Parish Council, 5 January 2016

- the living conditions of occupiers of 8 Brimshot Lane (No 8), with particular regard to privacy; and,
- the living conditions of occupiers of 39 Brimshot Lane (No 39), with particular regard to outlook.

Reasons

Character and appearance

7. The appeal site is a modest and slightly tapering corner plot on Brimshot Lane (the lane), an unmetalled and narrow lane lined with dwellings of varying style and form. The underlying building pattern is irregular but the recent development of 35 Brimshot Lane (No 35) on the adjoining plot, is set some distance back from the lane, as are No 8 and 10 Brimshot Lane (No 10) which are opposite the appeal site. Although the former elongated bungalow has now been demolished, I note from the evidence before me that there was similar separation between it and this section of the lane.
8. The development would be an L-shaped two-storey dwelling (No 37). One arm would run parallel to the boundary with No 39 and a shorter arm would be positioned along the boundary with No 35.
9. The parish council has highlighted that the dwelling would be significantly larger than the original bungalow and would dominate the plot. I note from the layout that the shorter arm of No 37 would project significantly beyond No 35's front building line. Although I note there would be a catslide roof on this arm of No 37, it would contain a large dormer window and as such would appear bulky.
10. I appreciate that the Council did not raise a concern in this regard, and the officers report notes that the design takes its height and footprint cues from other larger dwellings within the streetscape that sit on comparable plots. However, I disagree with this view. Although No 37 would have a similar design style to that of No 35, No 35 is set further back which reduces its overbearing effect on the lane. Nos 8 and 10, opposite No 37, are chalet bungalows, and as such are inherently less bulky in the street scene as well as being set further back from the lane than proposed here. By contrast, the front elevation of this arm of No 37 would be at best some 3 metres from the lane.
11. Consequently, given the narrowness of the lane, on balance, I consider No 37's scale and positioning would appear to dominate the site and appear unduly bulky. There would be an overbearing effect and it would not respect its setting.
12. There would also be a large area of hardstanding between the dwelling and the new vehicular access, and the Council is concerned that this would be a harsh and austere feature in an otherwise verdant streetscape. However, most dwellings along the lane have substantial areas of hardstanding on their frontages, and that proposed here would be partially screened by boundary treatment. As such, I disagree with the Council that the hardstanding would represent overdevelopment or be particularly incongruous.
13. However, in the light of the above I conclude that the development would not respect its setting as it would dominate a tapered corner plot. This would be

contrary to Policy DM9 of the Local Plan² (LP) which requires development to respect the local character, paying particular regard to scale, massing, bulk and density amongst other issues.

14. The Council has quoted LP Policy CP2 in relation to the hardstanding, but I have not found harm in relation to this aspect of the dwelling and consequently the development would not be contrary to this particular policy. In any case, the appearance of the hardstanding could be mitigated by condition if the appeal was allowed.

Living conditions

15. One of bedroom 1's primary windows would be directly opposite No 8. This is a modest chalet bungalow set gable end to the lane, with windows serving two ground floor habitable rooms at a distance of 14 metres from the development. There would consequently be some overlooking from No 37 to the habitable rooms of No 8.
16. The appellant has argued that there is no screening provided within the frontage of No 8. However, it sits on a fairly narrow plot and the area between its front elevation and the lane is surfaced and appears to be used for vehicle parking. As on-street parking along the lane appears to be limited, I do not consider it unreasonable for No 8 to use its frontage for parking rather than screening. In any case, I am not satisfied that it is incumbent upon occupiers of existing dwellings to provide mitigation to make adjoining development acceptable.
17. The Council has suggested that if the appeal was allowed, mitigation could be achieved through the imposition of a condition requiring obscure glazing. However, the obscure glazing of this large dormer window would appear contrived. Whilst I concur that obscure glazing could provide mitigation, its overall effect on the appearance of No 37 reflects my concerns regarding the positioning of this arm of the dwelling relative to the lane.
18. Whilst I appreciate that No 8 has first floor dormer windows which face the dwellings on either side, I noted on my visit that these do not appear to look into habitable rooms in adjacent dwellings and as such I give this argument little weight.
19. I also appreciate that a hedge would be planted along the lane boundary of the appeal site, and that this would provide screening between No 37 and No 8 at ground floor level. However, I am not satisfied that the hedge would provide screening at sufficient height to mitigate the overlooking from the first floor of No 37.
20. The appellant has argued that the occupiers of 6 Brimshot Lane and No 10 have not raised objections to the development but neither of these dwellings would be directly opposite the development and as such I give this argument little weight.
21. The dwelling would be located about a metre from the boundary with No 39. This is an elongated bungalow whose garden lies between it and the boundary with No 37. The footprint of the dwelling would be some 13 metres

² Surrey Heath Core Strategy and Development Management Policies Documents 2012

from No 39's flank wall, which appears to have windows serving habitable rooms.

22. There would, by virtue of the development's position and additional storey, be an overshadowing effect on No 39's garden in excess of that from the original bungalow. It would also give an enclosing and overbearing effect. However, given the irregularity of the building pattern in the vicinity of the appeal site and associated separation distances, I am not satisfied that this would cause significant harm to the living conditions of occupiers of No 39. Were it the only concern I would not consider it sufficient to warrant dismissal of the appeal. Nonetheless, in combination with my observations in relation to the living conditions of occupiers of No 8, and the setting of the development, it adds weight to my overall concern that the dwelling would dominate the plot.
23. The appellant argues that the occupiers of No 39 have not raised any concerns in relation to the appeal. However, the lack of objection does not necessarily indicate a lack of harm as there may be many reasons why occupiers do not raise a formal objection.
24. The appellant argues that the proposed separation of the dwelling from its neighbours conforms to policy guidelines, but no guidelines have been provided and the Council has confirmed that there are none within the relevant policies of the Local Plan.
25. In the light of the above, I consider there would be some loss of privacy for occupiers of No 8, which would be to the detriment of their living conditions. There would also be an overbearing and overshadowing effect on the living conditions of occupiers of No 39, albeit to a lesser extent. As such the development would be contrary to LP Policy DM9 which states that development will be acceptable where it respects the amenities of occupiers of neighbouring properties and uses.
26. With regard to privacy and outlook issues, the development would also be contrary to Paragraph 17 of the Framework which states that planning should also seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

27. The occupiers of No 35 have raised a concern that the development would be closer to No 35 than they had anticipated but there would be a flank to flank relationship between the two dwellings and as such I find no harm in the lateral separation proposed.
28. The appellant received pre-application advice from the Council for a proposal for a similar dwelling³. This was of similar bulk to the proposal before me and had a similar footprint, but bedroom 1's primary windows faced the flank wall of No 35. Having compared the pre-application advice with the officer's report I concur with the appellant that there is considerable inconsistency between the two. Whilst I appreciate the appellant's frustration, I have to determine the appeal before me and the Council's procedures are outside the scope of this decision.

³ Statement of Case, Appendices A - E

29. The parish council has raised a concern in relation to the boundary hedge. However, if the appeal was to be allowed, its protection could be addressed through condition.

Conclusion

30. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR