
Appeal Decision

Site visit made on 30 March 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 12TH April 2017

Appeal Ref: APP/D3640/W/16/3161330

**Land adjacent to White Lodge, Maywood Drive, Camberley, Surrey
GU15 1LH**

- 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 P Newberry against the decision of Surrey Heath Borough Council.
 - The application Ref 16/0374, dated 11 April 2016, was refused by notice dated 14 July 2016.
 - The development proposed is the erection of a two bedroom chalet bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two bedroom chalet bungalow at land adjacent to White Lodge, Maywood Drive, Camberley, Surrey GU15 1LH in accordance with the terms of the application, Ref 16/0374, dated 11 April 2016, subject to the conditions in the Schedule below.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, including on the adjacent evergreen trees on the boundary to Maywood Lodge.

Reasons

3. Maywood Drive appears to be a private cul-de-sac, which provides access to a dozen or so generally large houses in large plots. White Lodge lies on its northern corner with the A325 Portsmouth Road and has a wide and deep garden, as does its immediate neighbour at Maywood Lodge. The proposal is to sever the southern part of the garden abutting this neighbour and erect a chalet bungalow with two bedrooms and ensuite bathrooms at first floor level.
 4. The area lies within the Wooded Hills designation as defined by the *Western Urban Area Character Supplementary Planning Document* (SPD), which derives its character from the large wooded Victorian estates that sat on the heathy hills and spurs of the Chobham Ridges. The SPD says that the streetscape in this area is characterised by irregular spacious plots, with generous space between buildings and mature vegetation contributing to a semi-rural residential character, despite its proximity to Camberley town centre. Guiding principles WH1-WH3 together state that new development should retain this character including by retaining large trees and mature vegetation.
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- WH2 states that net densities above 9 dwellings/ha are considered to be out of keeping with this soft enclosed semi-rural character and will be opposed.
5. In terms of density the proposal would be well above that specified in WH2, but it would only be about 25 dwellings/ha, as the appellant makes clear. Although higher than the norm in this area such a density is not excessively so. Density is a very crude measure as an indication of the proposal's likely effect on the character of the area, and 9 dwellings/ha is a very low standard to apply to proposals for infilling within the settlement area. It is more relevant to assess the specific impact of the proposed dwelling within its context.
 6. The Council is concerned about the limited space around the proposed dwelling, particularly to its side boundaries. But there would be a 1.7m gap to its northern boundary and a 2.3m gap to its southern boundary and many of the other houses in the area, including in Maywood Drive, have similar gaps to their side boundaries. Whilst the plot size would be smaller than many in Maywood Drive it would not be excessively so and would not be substantially smaller than many of the plots on Portsmouth Road nearby. Indeed the proposed plot is as wide as or wider than many plots in the area, such as those on Hillcrest Road to the rear or on Portsmouth Road.
 7. The Council also opposes the proposal on the grounds that the dwelling would be much smaller than the large houses on the road and would therefore be at odds with its character, which is one of large houses. Whilst the dwelling would be a chalet bungalow and be narrower than for instance, the houses opposite, those dwellings are themselves chalet bungalows. The footprint of the new dwelling would be similar to White Lodge and its opposite neighbour Ashram.
 8. There is also concern about the location of the new dwelling in terms of its possible effect on the mature Cypress trees located in the garden of Maywood Lodge located next to the boundary of the appeal site. These consist of 11 trees in total including one Holly tree which together effectively form a high boundary hedge. There is a difference of opinion between the appellant's arboricultarist¹ and the Council's Arboricultural Officer². The former states that the construction works will not impinge more than 20% into the Root Protection Area (RPA) of the trees³ whilst the latter indicates that they will exceed this British Standard allowable incursion.
 9. It is clear from SMW's drawing showing the extent of the trees' RPA that there is about a 20% incursion by the proposed building. But I agree with SMW that the trees are in vigorous good health and, subject to the indicated construction method of the foundations within the RPA, which the Council does not object to, I am confident that the location of the proposed house would not be likely to compromise the longevity of the Leyland/Lawson Cypress hedge.
 10. The Council is also concerned that the proximity of the new dwelling to these trees will create pressure to remove or severely prune them. I acknowledge that this may be the case but they are located in the neighbour's garden and so are not in the gift of the appellant or whoever occupies the new house to fell them. Any future occupier would be able to prune them to his boundary line but they are strong and healthy, as such trees often are, and any such pruning

¹ Steve Wood of SMW (Tree) Consultancy Ltd

² Paul Watts in his Tree Assessment for the appeal

³ In the SMW Appeal Development Tree Report dated 4 October 2016

would be unlikely to compromise their long term health and preservation as a landscape screen.

11. In summary, for the above reasons I consider that the proposed dwelling would comprise acceptable infill development within the settlement area and would not harm the character or appearance of the area. Whilst there may be some technical conflict with parts of the SPD's guiding principles WH1-WH3, I conclude that the proposal would comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document, specifically that it would respect the character of the area and would protect existing trees likely to be affected by it (parts i and iv of Policy DM9).

Other Matters

12. When I visited the site I also viewed it from the garden and first floor bedroom window of the neighbours at 2 Hillcrest Road, the property abutting the rear of the site. I note that the Council raise no objections to the proposal on grounds of overlooking or any other neighbour impacts and, having inspected the site from the gardens of both White Lodge and 2 Hillcrest Road I do not disagree with its conclusion because the new dwelling would be a considerable distance away from both these existing houses.

Conditions

13. The Council has suggested seven conditions. I do not see the need to limit permitted development rights to the new dwelling because this would be an excessive unjustified restriction on future owners. Neither do I accept the need for a detailed landscaping scheme for one infill dwelling since that is a matter for the future owner/occupiers.
14. A condition listing the approved drawings is required in the interests of precision. A condition requiring the development to be constructed in accordance with the methodology set out in the appellant's latest arboricultural report is necessary in order to mitigate any impact on the Cypress trees to the neighbour's boundary and protect other trees to be retained and I also agree that no pipe runs for services or drains should be sited within their RPAs accordingly.

Conclusion

15. Subject to the conditions below and for the reasons given above I conclude that the appeal should be allowed.

Nick Fagan

INSPECTOR

Schedule of Conditions

- 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: 651-12 Rev A, 651-13, 651-20 & 651-22.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) The development shall be carried out wholly in accordance with the construction methodology indicated in the submitted Arboricultural Report prepared by Steve Wood of SMW (Tree) Consultancy Ltd dated 4 October 2016. No development shall commence until the tree protection measures in the report have been implemented and photographs of such provided to the Council's Arboricultural Officer. These measures shall be retained in situ until all works hereby permitted have been completed. No trenches, pipe runs for services or drains shall be sited within the Root Protection Areas of the trees indicated in the report as being retained.

End of Conditions