
Appeal Decision

Site visit made on 11 July 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 31st July 2017

Appeal Ref: APP/D3640/W/17/3170419

London Court, 116 London Road, Camberley GU15 3TJ

- 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 Donnington Properties Limited against the decision of Surrey Heath Borough Council.
 - The application Ref 16/1084, dated 17 November 2016, was refused by notice dated 13 January 2017.
 - The development proposed is the erection of a single storey dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey dwelling at London Court, 116 London Road, Camberley GU15 3TJ in accordance with the terms of the application, Ref 16/1084, dated 17 November 2016, subject to the conditions in the schedule at the end of this decision.

Main Issues

2. The main issues in this appeal are;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposal on the living conditions of neighbours with regards to outlook at 10 Kings Ride and amenity space provision at London Court;
 - whether the proposal would result in acceptable living conditions for future residents with regard to outlook, levels of daylight and privacy; and,
 - the effect of the proposed development on the Thames Basin Heath Special Protection Area.

Reasons

3. The appeal site is located within the settlement of Camberley where residential development is acceptable in principle.

Character and appearance

4. As the site is garden land it does not constitute previously developed land which the National Planning Policy Framework ('the Framework') encourages the re-use of. At paragraph 53 the Framework advises that local planning authorities should consider setting out policies to resist inappropriate development of garden land. Policies CP2 and DM9 of the Surrey Heath Core

Strategy and Development Management Policies (CSDMP) fulfil this role by recognising the need for new development to respect and enhance the character of the environment.

5. The supplementary planning document Western Urban Area Character (SPD) provides guidance on the key features of the different character areas in this part of the Borough and identifies how proposals for new development should respond. The majority of London Court falls within Camberley Town Centre. However, the rear half of the back garden, where the proposed bungalow would be located, has been placed within the Historic Routes Character Area (HRCA). London Court is on the periphery of the town centre, beyond a gateway into it, and has more in common with the residential area on the northern side of the London Road within the HRCA than the commercial buildings within the town centre to the south. Taking all these matters into account, I therefore find that it is within the context of the HRCA that the proposed development should be assessed.
6. The rear half of the back garden has not been included within any of the subdivided categories of the HRCA and is not visible from public vantage points within this character area. As a result, only the general guiding design principles in the SPD apply to this part of the site. Of the policies referred to, I therefore consider policies CP2 and DM9 of the CSDMP and Guiding Principle MT1 of the SPD to be the most relevant to this appeal.
7. The pattern of development in the area is varied. On either side of London Court are large closely spaced dwellings set back from the road with rear gardens of varying depth. Two buildings on to the east, modest twentieth century terraced houses on narrow plots facing away from London Road and set well back from it form part of the street scene. Surrounding the rear of the appeal site are semi-detached dwellings on long narrow plots and detached houses on wider plots. As a result, the area is characterised by a very mixed urban grain.
8. The garden at present is green and largely open. However, the existing flat roofed outbuilding is an unattractive utilitarian structure. Together with a low rectangular walled structure by the eastern side of the garden built development within the garden is of poor quality.
9. The proposed development, set in from the sides and rear of its plot, would complement the varied pattern of development that characterises the area and would not appear cramped. In terms of overall height, at 3.1m to the roof ridge the bungalow would be particularly low. As a result, it would be clearly subservient to surrounding houses and London Court. The plot is enclosed on three sides by tall, dense evergreen hedging which would mean that the building largely would not be visible from adjoining dwellings. It is proposed that these hedges would be retained. This could be secured as part of a landscaping condition. The varied relief of the bungalow's front elevation and use of render, timber and slate would provide interest and result in an attractive well designed dwelling.
10. In terms of the street scene, the rear garden to London Court makes little material contribution. It is visible in part only in the briefest of acute views in the gap between Nos 116 and 114. Given that the bungalow would be set approximately 50m back from London Road, and with the hedging and amenity space that would be retained, subject to a suitable front boundary treatment the proposed development would complement and enhance its surroundings.

11. For all of these reasons, I therefore conclude that the proposed development would complement and enhance the character and appearance of the area. It would accord with Guiding Principle MT1 of the SPD in that single storey development is not excluded, sufficient garden space would remain for the proposal to maintain its open green character, hedges would be retained, gaps through to the rear garden would not be interfered with, the front garden would be appropriately enclosed, and the rhythm of plot widths would be maintained. It would therefore constitute good design and accord with policy CP2 and DM9 of the Surrey Heath Core Strategy and a core planning principle of the Framework.

Living conditions

Neighbours

12. The rear boundary to the back garden at London Court forms the side boundary to the back garden of 10 Kings Ride. The proposed bungalow would be located towards the rear boundary and would occupy most of the width of the plot. However, an evergreen hedge along this boundary within the appeal site would be retained. As the hedge is taller than the proposed bungalow, the development would not be visible from the rear of 10 Kings Ride and so the outlook from within it would not be altered by the proposal.
13. The Council is of the view that the hedge cannot be relied upon in the longer term as future occupiers of the proposed development would want to remove it because it would be too close. For the reasons given in the subsequent section, I do not agree with that assessment. However, even if the hedge was not present the proposed bungalow would not harmfully enclose the outlook from the rear of No 10. This is because located 2m away from the rear boundary, and with an eaves height of 1.8m and a hipped roof reaching an overall height further away of 3.1m, it would not be close enough or tall enough to do so. The slope of the land means that some of the gardens along Kings Ride are at a lower level than the appeal site. However, the difference in ground levels is insufficient to result in the proposed dwelling being tall enough to be overbearing or result in a loss of light in relation to No 10 or any other property.
14. I therefore conclude that the proposed development would not harm the outlook enjoyed by the occupiers of 10 Kings Ride or levels of natural light enjoyed by it or any other property. Consequently, the proposed development would comply with policy DM9 of the CSDMPD and a core planning principle of the Framework which seeks a good standard of residential amenity.
15. In relation to amenity space provision for the occupiers of London Court, the proposed development with the parking spaces proposed would reduce by more than half the garden space available. However, the remaining area of lawn would be ample for residents of the five flats to sit out and relax during fine weather. Furthermore, I note that two of the flats have their own small patio areas. For these reasons, I therefore find that the size and quality of the amenity space that would remain for the occupiers of London Court as a result of the proposed development would be satisfactory. As a result, in this regard, policy DM9 of the CSDMPD and a core planning principle of the Framework which both seek a good standard of residential amenity would also be complied with.

Proposed dwelling

16. The bungalow would be located close to the rear and side boundaries of the site which are enclosed by tall hedges. However, the windows to the living room, bedroom and lounge would all face the front of the property and its garden area. As a result, acceptable levels of natural light would be achieved. Whilst a boundary treatment would be required to separate the bungalow's garden from London Court's communal garden and provide some privacy, as it would be several metres away from the front of the bungalow the outlook from these rooms would not be adversely affected. The bathroom and kitchen would have windows that would face the hedge along the rear boundary. However, these would be obscurely glazed and as secondary, rather than main habitable rooms, it is not necessary that they are provided with an outlook or normal levels of natural light.
17. In relation to privacy, the rear elevation of 6 Kings Ride would face the private amenity space to the front of the proposed dwelling. At present a tall mature hedge along the side boundary to the appeal site prevents overlooking. Retention of as much of this hedge as is possible together with suitable boundary treatment and planting in the location of the existing outbuilding in would safeguard privacy. Sufficient control would be provided for this to occur by a landscaping condition.
18. For these reasons, I therefore conclude that the proposed development would result in satisfactory living conditions for future residents of the proposed development in accordance with policy DM9 of the CSDMPD and the Framework.

Thames Basin Heath Special Protection Area (TBHSPA)

19. All of Surrey Heath lies within 5km of the TBHSPA. In accordance with saved policy NRM6 of the South East Plan, policy CP14B of the CSDMPD and the supplementary planning document TBHSPA Avoidance Strategy (SPD), all new smaller development is required to provide a financial contribution towards the provision of Suitable Alternative Green Space (SANG). This is collected via the Community Infrastructure Levy.
20. A separate payment, outside of CIL, in accordance with the stated development plan policies and SPD is sought for Strategic Access Monitoring and Maintenance (SAMM) of the SANG. At the request of the Council, the appellant has paid a sum of £368 for this purpose. The sum sought is necessary to make the development acceptable in planning terms, is directly related to it and is reasonably and fairly related in scale and kind.
21. The sum paid is not a large amount and it is a reasonable expectation that the Council will use it for the purpose sought. I therefore find that with the CIL that would be liable on the commencement of development the scheme would successfully mitigate its impact on the TBHSPA and comply with saved policy NRM6 of the South East Plan, policy CP14B of the CSDMPD and the SPD.

Other matters

22. As the area is residential in nature, in land use terms, a new dwelling would be in keeping with it. It is a reasonable expectation that future occupiers, whether owners or tenants, would behave in a reasonable manner and not create noise and disturbance that would affect neighbours. If they did, as with any other resident of the Borough, the Council has statutory powers to deal with such behaviour. I therefore find that the intensification of residential use resulting

from an additional small one bedroom dwelling would not result in levels of noise and disturbance that would harm the living conditions of local residents.

23. The proposed development is small in scale. As a result, its construction is unlikely to result in excessive noise, disturbance or the generation of dust. If this did occur, the Council has statutory powers to deal with such instances.
24. The proposed bungalow would be provided with one parking space and a sufficient amount of parking would continue to be provided for the flats at London Court. The Council does not object on the grounds of the impact of the proposal on the highway, parking and access and I see no reason to disagree with that position.

Conclusion

25. For the reasons given above, and having regard to all other matters raised, the appeal should be allowed.

Conditions

26. In the interests of certainty, I have imposed a condition specifying the relevant drawings that the development is to be carried out in accordance with. To ensure the privacy of the occupiers of 10 Kings Ride, in the unlikely event that at some point in the future the rear hedge is removed, the obscure glazed rear windows shown on the approved plans needs to be retained. In order that the development complements its surroundings further details are required regarding external materials and landscaping. To ensure the contribution of new and existing planting both need to be maintained. Given that the constrained nature of the site, which the limited height of the bungalow has helped address, permitted development rights which would allow extensions or alterations need to be removed.
27. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.

Ian Radcliffe

Inspector

Schedule

- 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: Proposed Plans and Elevations DPA 128 08 (P5) received 18.11.16, Proposed Landscape Plan DPA 128-07 (P5) received 18.11.16 and the obscure glazing to the windows in the rear elevation provided in accordance with plan ref DPA 128 08 (P5) shall thereafter be retained.
- 3) No development shall take place until details and samples of the external materials to be used in the construction of the development have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 4) Prior to commencement of development, full details of both hard and soft landscaping works shall be submitted to and agreed in writing by the Local Planning Authority. The submitted details should include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall specify species, sizes of plants and materials to be used. All plant material shall conform to BS3936 Part 1: Nursery stock specification for trees and shrubs, and materials used for paving shall be permeable. Any trees, hedges or plants, which within a period of five years of commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased shall be replaced as soon as practicable with others of similar size and species. The development shall be carried out fully in accordance with the approved details prior to first occupation.
- 5) Notwithstanding the provisions of the Schedule 2, Part 1, Classes A & B 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 extensions or additions or alterations to the roof shall occur.

-----End of Conditions Schedule-----