



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: 4th August 2017

Appeal Ref: APP/D3640/W/16/3160535

Vernon House, 16 Southwell Park Road, Camberley, Surrey GU15 3PX

- 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 W Dunphy against the decision of Surrey Heath Borough Council.
 - The application Ref 15/0701, dated 4 August 2015, was refused by notice dated 16 August 2016.
 - The development proposed is demolition of existing 3 storey residential building and construction of five new 2 –bedroom flats on three levels.
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Decision

1. The appeal is dismissed.

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 proposed scheme on the amenity of the area in terms of the use of the shared surface of Southern Road; and
 - the effect of the proposed development on the Thames Basin Heath Special Protection Area and whether adequate provision for affordable housing would be made.

Reasons

Character and appearance

3. The appeal site is located on the corner of Southwell Park Road and Southern Road on the edge of a residential area characterised by attractive dwellings from the late nineteenth century through to the interwar period. Immediately to the east is Camberley town centre which, with its modern large buildings, has a very different character.
4. Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document (CSDMP) requires high quality design that reflects local design features. In order to achieve this, it is expected that schemes will reflect design advice set out in relevant guidance. The supplementary planning document Western Urban Area Character (SPD) categorises the area in which the appeal property is located as the Edwardian Mosaic Character Area. Its features include well-articulated detached or semi-detached buildings, two to two and a half storeys in height with brick or render used externally and slate or clay roofing tiles.

5. The proposed scheme has been designed in response to a previous proposal dismissed on appeal for a building containing 8 flats on the appeal site¹. The proposed building would face Southern Road and would be level with the front building line of the adjacent houses on this road and Southwell Park Road. Although longer and wider than the house it would replace, as a result of its set back from both roads and the width of gaps separating the building from its immediate neighbours, the development would make efficient use of the site whilst sitting comfortably within its plot. As a consequence, it would complement the grain of development that characterises the area.
6. The location of parking predominantly to the side of the building would ensure that it would not detract from the contribution that the building would make to the street scene. With gardens surrounding the majority of the building, there would be sufficient space for landscaping to soften its appearance. The vehicular cross over that would be created to gain access from Southern Road would involve the loss of a section of landscaped verge within the highway. However, the length of verge that would be lost would be too small to have a material adverse effect on the character and appearance of the area.
7. In combination with its height, which would be less than the neighbouring house on Southwell Park Road, and the varied relief of its street facing elevations, the scale and mass of the building would be sufficiently well articulated for it to complement the street scene. With the steep pitch of the building's roof, proposed perimeter wall and scope for controlling the external materials used in the construction of the building, a well-designed development that would complement the Edwardian Mosaic Character Area would result.
8. For all of these reasons, I therefore conclude that the proposed development would be well designed and would complement the character and appearance of the area in compliance with policy DM9 of the CSDMP and the SPD. It would therefore also comply with a core planning principle of the National Planning Policy Framework ('the Framework') which seeks high quality design.

Use of Southern Road

9. Southern Road is a shared surface used by motor vehicles to access dwellings along this road, as well as by pedestrians and cyclists to access the town centre and other facilities. The proposed development would introduce vehicle movements onto Southern Road from the appeal site, thereby adding to the movements that already take place from other houses along this road. In keeping with other dwellings, these movements would include reversing either onto or off the appeal site.
10. However, the appellant states that the number of movements would be a maximum of 10 to 15 a day and this assertion has not been challenged by the Council. On this basis, and the visibility that exists at the site access, the Council do not object on highway safety grounds. Subject to the provision of adequate pedestrian visibility splays, I agree with that position. In my judgement, the vehicle movements generated by the proposed development onto Southern Road would be far too low to harm the amenity of the area, or result in an unneighbourly form of development. The proposed development would therefore comply with policy DM9 of the CSDMP and the associated core planning principle of the Framework, both of which, as I have noted, seek good design.

¹ APP/D3640/A/14/2217095

Thames Basin Heath Special Protection Area (TBHSPA)

11. The appeal site 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 (CIL).
12. A separate payment, outside of CIL, in accordance with the stated development plan policies and SPD is sought for Strategic Access Management and Monitoring (SAMM) of the SANG. The appellant states the sum sought for this purpose is £329. The Council has requested that payment is secured via a section 106 agreement. However, a completed agreement has not been provided.
13. The tests in paragraph 204 of the Framework and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) apply to sums sought in this manner. On the basis of the policies and SPD that have been cited, I am satisfied that the sum sought is necessary to make the development acceptable in planning terms, directly related to it and reasonably and fairly related in scale and kind. The contribution sought therefore satisfies the tests in the Framework and accords with Regulation 122. As SAMM relates to access management and monitoring it does not constitute provision of infrastructure and so it is not affected by the pooling restriction in Regulation 123(3).
14. The appellant states that all that is missing to complete the unilateral undertaking is the signature of the mortgagee who has stated that they will not sign the agreement in advance of planning permission being granted. However, the only undertaking that has been received has pages 7 to 10 missing, is undated and has been signed but not witnessed. In the absence of the whole properly completed document, I am unable to verify that the deed would achieve what is sought by the Council.
15. In my view, an appropriate assessment is that without a properly completed unilateral undertaking securing the payment of the sum sought, SAMM would be undermined and it is likely that without such access management and monitoring the integrity of the TBHSPA would be harmed. An alternative solution of providing the proposed flats far enough away from the TBHSPA for it to have a lesser effect on its integrity is not possible within Surrey Heath given that the entire Borough is located within 5km of the TBHSPA. Whilst the scheme is small, repeated many times over the cumulative adverse effects on the TBHSPA of granting permission without a SAMM contribution for small housing developments would be considerable. For these reasons, I find that in the absence of such a contribution the proposed development would be contrary to policy NRM6 of the South East Plan, policy CP14B of the CSDMPD, the SPD and paragraph 119 of the Framework. This paragraph states that the presumption in favour of sustainable development does not apply where development requires appropriate assessment under the Birds or Habitats Directives.

Affordable housing

16. The Frameworks seeks to create sustainable, inclusive mixed communities and to that end supports the provision of affordable housing. For a development of the size proposed policy CP5 of the CSDMPD requires that 20% of the dwellings

are affordable. In lieu of on-site provision a financial contribution can be made. On this basis the Council seeks a planning obligation to secure a contribution of £61,000.

17. National policy though, as expressed in the Written Ministerial Statement (dated 28 November 2014) in conjunction with changes to Planning Practice Guidance, makes it clear that in relation to schemes of less than 10 dwellings contributions should not be sought for affordable housing. This is an important material consideration to which I attach significant weight.
18. The Council states that affordability issues in Surrey Heath are such that they justify the application of policy CP5. However, no substantive evidence has been submitted to support this position. In the absence of such evidence, I conclude that national policy is a consideration of sufficient weight to outweigh policy CP5 and its requirement that the scheme contributes towards the provision of affordable housing. As a result, a planning obligation securing the contribution sought is not necessary to make the development acceptable in planning terms.

Overall conclusions

19. The Framework sets out a presumption in favour of sustainable development. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: environmental, social and economic.
20. Environmentally, the design of the proposed development and its relationship with its surroundings would be acceptable. However, in the absence of the payment being secured in relation to SAMM it is likely that the integrity of the TBHSPA would be harmed, contrary to the development plan.
21. Socially, the development would produce 8 new market homes helping to boost by a small amount the local supply of housing. Economically, the scheme would generate some construction employment, although by its nature this benefit would be short lived. A New Homes Bonus would be paid to the local authority to spend locally. Future occupants of the proposed dwelling would also help boost the spending power of the local economy slightly.
22. The appeal site is in an accessible location with services, facilities and public transport in the town centre within easy reach without relying on a car. Located within Camberley residential development on the site is supported by the development plan. The proposed development would also result in some social, economic and environmental benefits which I have described above.
23. However, in the absence of payment being secured in relation to SAMM harm is likely to be caused to the TBHSPA, contrary to the development plan and a specific policy of the Framework contained in paragraph 119. As a result, I therefore conclude that the proposed development would not comply with the development plan as a whole and would not be a sustainable development. Material considerations do not indicate that a decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

Ian Radcliffe

Inspector