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# Appeal Decision

Site visit made on 1 August 2017

**by AJ Steen BA (Hons) DipTP MRTPI**

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

**Decision date: 16 August 2017**

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**Appeal Ref: APP/D3640/W/17/3174233**

**Bovingdon Cottage, Bracknell Road, Bagshot GU19 5HX**

- 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 Richard Waple of Lovelace Homes Ltd against the decision of Surrey Heath Borough Council.
  - The application Ref 16/0678, dated 8 July 2016, was refused by notice dated 24 November 2016.
  - The development proposed is the demolition of the existing house and associated Cattery and Kennels and replacement with three dwellings.
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## Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing house and associated Cattery and Kennels and replacement with three dwellings at Bovingdon Cottage, Bracknell Road, Bagshot GU19 5HX in accordance with the terms of the application, Ref 16/0678, dated 8 July 2016, subject to the conditions contained within the schedule at the end of this decision.

## Preliminary Matter

2. A Bat Emergence and Re-Entry Survey Report and a Reptile Presence/Likely Absence Survey Report were submitted with the final comments on the appeal that sought to address the relevant reason for refusal. The Council have had the opportunity to comment and have confirmed that the surveys address their concerns, subject to a condition. I have taken these comments into account in coming to my decision.

## Main Issues

3. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
  - The effect of the proposal on the character and appearance of the surrounding area;
  - Whether there are other considerations weighing in favour of the proposal; and

- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

## **Reasons**

### *Inappropriate development*

4. The National Planning Policy Framework (the Framework) confirms that new buildings should be considered inappropriate within the Green Belt with a number of exceptions, including the redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development and the replacement of a building providing that it is not materially larger than the one it replaces.
5. In this case, the proposal includes the replacement of the existing dwelling, along with redevelopment of the cattery and kennels to provide an additional two dwellings. The built development would be located in the area of the existing bungalow and cattery such that it would comprise a replacement building and redevelopment of a previously developed site.
6. The existing dwelling is a bungalow with a pitched roof and large garage, the cattery comprising a number of caged buildings for the cats, with supporting sheds and a greenhouse. To the rear of the dwelling and on the opposite side of the site from the cattery is a long single storey kennel building. The replacement dwelling would not be materially larger than the existing. Given the modest height of the dwellings, location within the area comprising existing built development and modest increase in volume, the proposed development would not result in greater impact on the openness of the Green Belt than the existing development.
7. For these reasons, I conclude that the proposed development would not comprise inappropriate development and would not have a greater impact on the openness of the Green Belt than the existing development.

### *Character and appearance*

8. Bracknell Road is a busy dual carriageway along which are located a number of houses. These houses are set back a short distance from the road such that they are not easily visible except through driveway openings in the road frontage. Most houses are two storey detached properties of varied character and appearance set within substantial gardens. The existing property on the appeal site is a bungalow that is visible through the existing gates to the property with the cattery and kennel outbuildings hidden behind the building or frontage planting.
9. The proposed dwellings would be modest low pitched roof bungalows of a modern design within more modest gardens than most of those surrounding. Whilst the appearance would differ from those of surrounding properties, they would contribute to the varied character and appearance of development in the locality. The dwelling in the position of the existing bungalow would be visible through the entrance gates, but given its low height would not be prominent. The closest dwelling to the road would be much closer than other neighbouring dwellings, but is located within the existing developed area of the site. In addition, its limited height and the retained planting on the frontage mean that

there would be limited views of it from the road. Given this lack of visibility from the road, the increased density of the site due to modest garden areas compared to surrounding development would not be visible and so would not affect the character and appearance of the surrounding area.

10. For these reasons, whilst the modern design differs from that of other dwellings in the locality, the dwellings would not harm the character and appearance of the surrounding area. As such, the proposed development would comply with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies (CSDMP) and the Framework that seek high quality design that respect the character and quality of the local environment.

#### *Other considerations*

11. The site lies within the zone of influence of the Thames Basin Heaths Special Protection Area (TBHSPA) that is designated under the Habitats Directive. Policy NRM6 of the South East Plan (SEP) and Policy CP14B of the CSDMP require appropriate avoidance and/or mitigation measures be provided to mitigate the effects of recreational disturbance on those sites from residents of new residential development. Contributions made via Community Infrastructure Levy (CIL) would be put toward the Council's costs in providing and maintaining areas of Suitable Accessible Natural Greenspace (SANG), in accordance with the TBHSPA Avoidance Strategy Supplementary Planning Document. In addition, contributions are required toward Strategic Access Management and Monitoring (SAMM) of the TBHSPA.
12. For these reasons, I conclude that the financial contribution that has been paid toward SAMM, along with CIL contributions, would mitigate the effects of the proposed dwellings on the TBHSPA. As such, the proposed development would be in accordance with Policy NRM6 of the SEP and Policy CP14B of the CSDMP that seek to mitigate the effects of recreational disturbance on the TBHSPA from residents of new residential development.
13. The additional information submitted within the Bat Emergence and Re-Entry Survey Report and Reptile Presence/Likely Absence Survey Report demonstrates that the development can take place without harm to protected species, subject to appropriate mitigation measures. As such, the development would comply with ODPM Circular 06/2005 and Policy CP14A of the CSDMP that seeks to conserve and enhance biodiversity.
14. Access to the site is from the A322, which is a dual carriageway on which vehicles travel at speed, and I understand that there have been a number of accidents on this stretch of the road. The existing lawful use of the site is for a single dwelling with kennels and cattery that would have attracted traffic to the site, which would be replaced by three dwellings. The number of vehicles accessing the site would not be greater than this existing lawful use and sufficient parking would be provided on site, such that there would not be an adverse impact on highway safety.
15. The Council confirm that they do not have a five year supply of deliverable housing sites as required by the Framework, such that relevant policies for the supply of housing should not be considered up-to-date. Where relevant policies of the development plan are out-of-date, the Framework confirms that permission should be granted unless the adverse impacts of doing so would

significantly and demonstrably outweigh the benefits or specific policies, such as Green Belt policies, indicate development should be restricted.

### *Balance*

16. In conclusion, the proposed demolition of the dwelling, cattery and kennel buildings would not be inappropriate development, would not harm the openness of the Green Belt and would not harm the character and appearance of the surrounding areas. Two additional dwellings would be provided toward the supply of housing and a payment toward SAMM has been made that I have taken into account in coming to my decision. As such, the proposed development would comply with the development plan as a whole, and the Framework, including policies that seek to protect the Green Belt from inappropriate development.

### **Conditions**

17. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is necessary for samples of materials to be submitted and approved prior to development commencing to ensure that they would maintain the character and appearance of the area. A condition is necessary to ensure adequate parking and turning areas are provided to meet the needs of the occupiers of the proposed dwellings in order to protect highway safety. A condition requiring investigation of archaeology prior to development commencing is necessary to protect any archaeological or heritage remains on the site.
18. A condition is necessary to ensure the development is completed in accordance with the Reptile Survey to protect ecology and biodiversity. Approval, implementation and retention of landscaping works, including hard surfacing and means of enclosure, are necessary prior to development commencing in order to ensure the development would reflect the character and appearance of the area. A condition is necessary to protect retained trees on the site to maintain the character and appearance of the area.
19. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity. The appellant suggests amendments to some conditions that would allow alterations to details of the development in agreement with the Council. This is possible through application to the Council and I do not consider it appropriate to include the suggested clause within the conditions. The appellant suggest that the contribution to SAMM should be required to be reimbursed should the development not be commenced within 3 years of the decision, but I do not consider a condition is necessary as the payment has been made and any reimbursement would be a matter between the relevant parties at the appropriate time.
20. I have not included a condition removing permitted development rights as I do not consider it to be necessary and nor would be a condition requiring removal of any outbuildings constructed after this decision. Such rights should be removed only in instances of specific and precise justification. I find no exceptional circumstances in this case such as to warrant the wholesale removal of these rights.

## **Conclusion**

21. For the above reasons and taking into account all other matters raised I conclude that the appeal should succeed.

*AJ Steen*

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:
  - Amended Location Plan and Block Plan BC-02-005 P4
  - Amended Ground Floor Plan Type 1 Proposed BC-03-020 P5
  - Amended Ground Floor Plan Type 2 Proposed BC-03-030 P4
  - Amended Ground Floor Plan Type 3 Proposed BC-03-040 P4
  - Amended Proposed Elevations Type 1 BC-05-010 P5
  - Amended Proposed Elevations Type 2 BC-05-011 P4
  - Amended Proposed Elevations Type 3 BC-05-014 P4
  - Amended Proposed Site Plan Ground BC-03-010 P5
  - Amended Proposed Site Plan Roof BC-03-011 P4
  - Amended Proposed Roof Plan Type 1 BC-03-021 P4
  - Amended Proposed Roof Plan Type 2 BC-03-031 P4
  - Amended Proposed Roof Plan Type 3 BC-03-041 P4
- 3) No development shall take place until details and 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) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. BC-02-005 P4 for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 5) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved Scheme.
- 6) Prior to commencement of development, details of the biodiversity enhancements as set out in paragraph 4.3.2 of the Arbtech Reptile Survey dated 09/05/2017 shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and in accordance with the recommendations as set out in paragraph 4.3.1 of the above report.

- 7) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
  - i) earthworks showing existing and proposed finished levels or contours;
  - ii) means of enclosure and boundary treatments;
  - iii) hard surfacing materials;
  - iv) access features;
  - v) existing trees and hedges to be retained; and
  - vi) new planting to be carried out.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) The development hereby permitted shall be carried out wholly in accordance with the submitted Arboricultural Report prepared by Transform Landscapes Ltd. [Ben Clutterbuck] and dated 26 November 2015. No development shall commence until photographs have been provided by the retained Consultant and forwarded to and approved by the Council's Arboricultural Officer. This should record all aspects of tree and ground protection measures having been implemented in accordance with the Arboricultural Report. The tree protection measures shall be retained until completion of all works hereby permitted.