
Appeal Decision

Site visit made on 7 November 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 9 January 2018

Appeal Ref: APP/D3640/W/17/3180508

Burwood House, 15 London Road, Camberley GU15 3UG

- 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 Ms Pia Barrington-Leach against the decision of Surrey Heath Borough Council.
 - The application Ref 16/1163, dated 10 December 2016, was refused by notice dated 18 May 2017.
 - The development proposed is erection of 2 No. Semi-detached mews houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: **first**, the effect of the proposed development on the character and appearance of the surrounding area; **second**, its effect on the living conditions of neighbours at Little Burwood with special reference to visual impact; and **third**, its effect on matters of nature conservation importance.

Reasons

Character and appearance

3. The appeal site comprises a parcel of land at the rear of Burwood House, which was once a hotel but has permission for conversion into flats. At the rear of Burwood House, in the south-western corner of its site, is a car parking area. The application site is on this land and lies adjacent to Napier Drive and Little Burwood, a dwelling in this residential road. The site is currently screened from Napier Drive by a tree/hedgerow.
4. The proposed development is for a 2-storey mews style property at the rear of the appeal site. Its rear elevation would run parallel to the side garden boundary of Little Burwood and it would have a gable flank elevation facing onto Napier Drive.
5. As a small mews style development the proposal would fit in well with the character and appearance of the much larger Burwood House. However, the proposed development would not only be seen in relation to this property. It would also be seen in the context of the residential development in Napier Drive and be seen as filling in a gap between 2 houses. Development in this

road comprises large detached houses in generally spacious settings, some dating from the 1960s and some from the 1980s. In this context the proposed mews house with its much smaller scale, notably different appearance and a narrow gable facing onto Napier Drive would appear out of keeping. Whilst at present the site is well screened by the tree/hedgerow adjoining the road it is intended that this would be removed and replaced upon completion of the project. However, it would take a considerable time for such screening to grow and the limited space available for it suggests that it would be unlikely to provide an effective screen.

6. In arriving at this view I have taken into account the existence of planning permission for a small garage block in broadly the same location as the proposal before me. However, this single-storey hipped roof building would appear far less intrusive and would be set back further from the boundary with Napier Road thus affording a potential to retain screening. Were this to be built it would not cause the harm that the appeal scheme would.
7. It is concluded that the proposed development would detract from the character and appearance of the surrounding area. It would be contrary to Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document (CSDM) 2012 which require new development to respect the qualities of the environment.

Neighbour's living conditions (visual impact)

8. The Council's concern on this issue is limited to the effect of the proposal on those at Little Burwood. The proposed development would have a rear elevation running parallel with, and in close proximity to, the side garden boundary with Little Burwood. Given the eaves height of the proposed mews house and its proximity to the boundary it would appear visually intrusive seen from side windows in Little Burwood and also from the rear garden of that house when looking down the gap between the 2 properties. The permitted garage block would, with a lower eaves height, be notably less intrusive.
9. It is concluded that the proposed development would have a detrimental impact on the living conditions of those at Little Burwood with special reference to visual impact. There would be conflict with CSDM Policy DM9 which requires new development to respect neighbour amenities.

Matters of nature conservation importance

10. CS Policy CP14B, reflecting UK and European legislation, says that development should only be permitted where the Council is satisfied that it will not give rise to likely significant adverse effects upon the integrity of the Thames Basin Heaths Special Protection Area (TBHSPA). All new residential development within 5km of this area is considered to give rise to the possibility of likely significant effects. The appeal site lies within 5km of the TBHSPA.
11. To enable development to still be undertaken within such proximity to the TBHSPA the Council has in place a regime for the provision of Suitable Alternative Natural Green Space (SANGS) and for Strategic Access Management and Monitoring (SAMM). With contributions towards those measures in place it is possible to avoid or mitigate any significant adverse effects upon the integrity of the TBHSPA.

12. Contributions towards SANGS are now collected under CIL and thus need concern me no further in this appeal. However, SAMM contributions are not included within CIL and thus a separate financial contribution is required. The appellant does not dispute this. However, no legal agreement is in place for it. To ensure that the contribution is made an agreement would need to be in place before a decision to grant permission. The Council appears to suggest that this could be potentially overcome by a payment unconnected with any legal agreement. However, this would not provide the necessary degree of transparency and in any event would still need to have been paid before permission was granted.
13. Without one of the required measures in place to mitigate against harm to the TBHSPA I conclude that I cannot be satisfied that there would be no harm to its special features. The proposed development would therefore be contrary to CS Policy CP14B.

Other matters

14. I am satisfied that appropriately conditioned to provide obscure glazing there would be no unacceptable loss of privacy to the occupiers of Little Burwood. Nor given the orientation of the proposed development to No. 10 Napier Drive, and its distance from that property, would any unacceptable harm through overlooking or disturbance be caused to its occupants. A small residential development within a housing area should generally cause no undue noise and disturbance to those in the locality. However, lack of harm in these respects do not make the proposal more acceptable given the harm found on the 3 main issues

Conclusion

15. There would be some economic and social benefit from the proposed development, albeit minor given the scale of the proposal. However, this is greatly outweighed by the substantial environmental and other harm found on the 3 main issues. The proposal would not be sustainable development in terms of the National Planning Policy Framework and would be contrary to the development plan.
16. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR