



Appeal Decision

Site visit made on 21 June 2019

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/D3640/W/18/3212262

4 Le Marchant Road, Frimley, Camberley GU16 8RW

- 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 and Mrs Steven and Jayne Wallis against the decision of Surrey Heath Borough Council.
 - The application Ref 2018/0625, dated 11 July 2018, was refused by notice dated 4 September 2018.
 - The development proposed is erection of a detached 2 bedroom dwelling with associated parking and garden area, following demolition of existing garage and retention of existing dwelling on a reduced curtilage with new driveway and dropped kerb to existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's third reason for refusing planning permission refers to the absence of a payment or completed legal agreement in relation to mitigation of impacts on the Thames Basin Heaths Special Protection Area (TBHSPA). The appellant has since made a payment towards Strategic Access Management and Monitoring measures that satisfies the Council's requirements. The proposal is not deemed to harm the significance of the TBHSPA and the Council is not defending the third reason for refusal. I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect on the character and appearance of the area.
 - The effect on the living conditions of the occupants of No 4 Le Marchant Road with regards outlook.

Reasons

Character and Appearance

4. The appeal site is a semi-detached house located on a bend in the road opposite the access to Raleigh Way. The corner position of the property means that it has a side garden as well as one to the front and rear. As the road

- rounds the bend the gap between the property and a separate garage is clearly visible contributing to the spacious character and appearance of the area.
5. Although wider, the site is shorter in length than other plots in the road which are more rectangular in shape with long rear gardens. The appellant has identified examples of tapered gardens in the vicinity. However, they are not a defining feature of the area. Whilst noting that some properties have been subject to some extension and alteration, the area is still characterised by a mix of similarly styled semi and detached dwellings that fall within the Post War Council Estates Housing Character Area of the Western Urban Area Character Supplementary Planning Document 2012 (WUAC SPD).
 6. The proposal would lead to the sub division of an already small plot. The bulk and mass of the proposal would appear as an incongruous and obtrusive addition to the street scene that would detract from the spacious character and appearance of the area. Whilst I note that the appellant has sought to mirror the materials and design features of properties found elsewhere in the road, this is insufficient to overcome the harm I have identified. The retention of the red brick wall to the front of the garden of the existing property and extension to it in front of the proposal would do little to ameliorate the harm.
 7. The appellant has identified extensions to neighbouring properties, suggesting that this has led to a change in the appearance of the area and in places obscured views of the rear of properties. Nevertheless, in such instances it is clear that the extensions still form part of the host dwellings and are not distinct from them which distinguishes these properties from the proposal before me. Whilst the appellant has noted the loss of dwarf walls to the front of some properties, I do not consider this to be so significant as to undermine the existing post war character of the area.
 8. Amendments have been made to the design of the scheme in an attempt to overcome the reason for refusal of a previous planning application¹. Whilst the amendments are acknowledged, they are not sufficient to overcome the harm the revised scheme would generate. The proposal may be an efficient use of land but it would not enhance the street scene by providing a link between No 2 and No 4 Le Marchant Road, as suggested by the appellant.
 9. The development would harm the character and appearance of the area and as such would conflict with the part of Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2011-2028 (CSDMP) which requires new development to be of high quality design and respect and enhance local character. It would also conflict with the relevant guiding principles of Post War Council Estates contained in the WUAC SPD, which among other things seeks to ensure new development maintains the space between and around gardens and that new development reflects the rhythm of existing plots. Similarly, it would also conflict with the relevant principles in the Surrey Heath Residential Design Guide Supplementary Planning Document 2017 which requires new development to respond to the size, shape and rhythm of surrounding plot layouts and promotes the location of on plot parking to the side or rear of properties and where it does not dominate the appearance of the plot.

¹ Council planning application reference 18/0237.

Living Conditions

10. The angled layout of the proposal would mean that the rear elevation of the scheme would be orientated close to the garden of the neighbouring property, No 4 Le Marchant Road. Despite the obscure glazing to the first floor window, the close proximity would create a perception of overlooking and would have an overbearing impact as a consequence of the 2 storey height of the property. This is irrespective of the absence of any trees with amenity value in the vicinity, as suggested by the appellant.
11. The appellant says the existing occupiers of No 4 do not consider that the dwelling would be overbearing. Be that as it may, it does not make the development acceptable. Whilst the appellant notes that the scheme and No 4 would be in private owner occupation, the living conditions created would be inappropriate irrespective of the nature of the tenancy.
12. The appellant has identified that the scheme meets the minimum required standards in terms of garden size and internal space standards and that rooms would be served by sufficient daylight and sunlight. Even if this were the case, it would not overcome the harm identified.
13. The proposal would harm the living conditions of the occupants of No 4 Le Marchant Road and therefore would conflict with the part of Policy DM9 of the CSDMP which requires new development to respect the amenities of neighbouring properties.

Planning Balance and Conclusion

14. The Council is currently unable to demonstrate a 5 year housing land supply. Paragraph 11 of the NPPF says that in such instances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate that development should be restricted. The development of an additional dwelling in an existing residential area would lead to social and economic benefits, both during construction and occupation of the property thereafter. However, the scale of the benefits would be limited by the very modest size of the development.
15. Against this I have identified harm to the character and appearance of the area and to the living conditions of the occupants of the neighbouring property which significantly and demonstrably outweighs the benefits of the proposal when considered against the NPPF as a whole. The presumption in favour of sustainable development set out in paragraph 11 of the NPPF does not therefore apply.
16. For the reasons identified, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR