



Appeal Decision

Hearing held on 26 November 2019

Site visit made on 26 November 2019

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2019

Appeal Ref: APP/D3640/W/19/3223140

Land adjacent 94 Bagshot Green, Bagshot, GU19 9JT

- 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 Pan English Developments Ltd against the decision of Surrey Heath Borough Council.
 - The application Ref 18/0605, dated 6 July 2018, was refused by notice dated 20 November 2018.
 - The development proposed is described as “five Passivhaus affordable dwellings with associated parking and garden areas following demolition of the existing garages”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The postcode for the site contained in the planning application form was stated incorrectly. I have used the corrected postcode above, which was agreed by the parties at the Hearing.
3. It was agreed between the parties in advance of the Hearing that, having regard to the Council’s Interim 5 Year Housing Land Supply 2019-2024, Addendum Report (October 2019), that the Council can currently demonstrate a deliverable five-year housing land supply.

Main Issue

4. The main issue is the effect on the character and appearance of the area.

Reasons

5. The site comprises a row of brick-built garages and an area of hard standing at the end of a residential street. Properties on Bagshot Green are a mix of well-spaced semi-detached and terraced two storey dwellings set back from the street behind front gardens. Much of Bagshot Green also has wide grass verges and tree planting that creates a verdant and spacious character. The spur of the street leading to the appeal site is much narrower and verges are absent but landscaping within gardens and a tall tree covered railway embankment terminating the view down the street maintain a green appearance.
6. The proposed development would introduce five apartments at a much higher density than the surrounding two storey houses. The buildings have been

designed with some attempt to reflect the scale and form of existing properties, particularly on the site frontage where the row of existing houses would be maintained, albeit with a splayed footprint leading into the site.

7. However, the development would look quite different indeed on approach and for users of the public footpaths passing by the site to the side and rear. The buildings would be located closer together and at odds with the linear pattern of development otherwise apparent in Bagshot Green. Small, irregularly shaped rear gardens would be fenced off from the street and the remainder of the site would be given over to hard surfaced parking and turning areas with little or no opportunity for any meaningful landscaping.
8. The proposed buildings would appear cramped within the site in clear contrast to the more spacious pattern of development prevailing. This development would be prominent from public viewpoints and would appear as an anomaly in the street, to the detriment of its character and appearance. This would be in conflict with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies (2012) (CS&DMP); design advice contained within the Council's Residential Design Guide Supplementary Planning Document (2017) (Design SPD); and the design principles contained within the National Planning Policy Framework (the Framework), which together seek high quality design that is appropriate to its context.

Other Matters

9. The Council raised concern that the gardens proposed would be insufficient and unusable by future occupants, particularly as some were not directly accessible and/or overshadowed by trees. The gardens would be small, noticeably smaller than other gardens in the area, but each property would be provided with its own private area.
10. The Council's Design SPD seeks direct access to gardens for all ground floor flats, which would be achieved in the proposed scheme. There is no expectation that first floor occupants should have direct access and it is beneficial that some dedicated space would be available close by. Some overshadowing of gardens would result from the existing trees on the southern boundary of the site but with appropriate management, I see no reason why this should prevent the gardens from being usable. The Design SPD does not specify minimum garden areas and given the flattened nature of the scheme and relatively small properties proposed, I am satisfied that the existing gardens would be sufficient to dry washing or sit outside. As such, the proposed gardens would not compromise the living conditions of future occupants.
11. The appellant has identified a range of benefits that would arise from the development. These include the efficient redevelopment of a brownfield site in an accessible location; delivery of small houses in an area where there is an identified need; and the environmental and economic benefits that would arise from building to Passivhaus standards. The scale of the development proposed is such that these benefits would be relatively limited and I attach them limited weight.
12. It is also argued that the dwellings would be affordable units, but it was accepted that there is no mechanism in place to secure them as such and nothing to prevent them being sold as open market units. Under these circumstances, I attach this matter little weight.

Conclusion

13. The development would result in significant harm to the character and appearance of the area in conflict with Policy DM9 of the CS&DMP, the Design SPD and the Framework. I have had regard to the benefits of the scheme and other material considerations, but these do not indicate a decision other than in accordance with the development plan.
14. In light of the above, the appeal is dismissed.

Michael Boniface

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Emily Hadden	Senior Planner, DHA Planning
Chris Hawkins	Associate Director, DHA Planning

FOR THE LOCAL PLANNING AUTHORITY:

Sarita Bishop	Planning Officer
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INTERESTED PERSONS:

Peter Burfield	Local resident
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DOCUMENTS SUBMITTED AT THE HEARING

- 1 List of conditions agreed between the parties
- 2 Revised list of conditions agreed between the parties