



Appeal Decision

Site visit made on 16 March 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2020

Appeal Ref: APP/D3640/W/19/3238020

226 London Road, Bagshot GU19 5EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Georgiou against the decision of Surrey Heath Borough Council.
 - The application Ref 18/1058, dated 30 November 2018, was refused by notice dated 21 June 2019.
 - The development proposed is demolition of existing dwelling and erection of 9 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. My attention has been drawn to the Council's 2018 Preferred Options draft document. However, as it still is at a very early stage of preparation, very little weight can be afforded to this emerging document.
3. The appellant has submitted a signed and dated Unilateral Undertaking (UU) pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). I shall return to this later in my decision.

Main Issues

4. The main issues are:
 - Whether the proposal would be acceptable, having regard to the requirements of planning policies seeking to manage the location of residential development and its effect on the character and appearance of the countryside; and
 - The effect of the proposal on the living conditions of the neighbouring occupiers of no 1 Lupin Close and future occupiers of plot no 1, having particular regard to privacy.

Reasons

Location/Character and appearance

5. The appeal site comprises a bungalow set within a spacious plot, which forms part of an area of mixed character on the edge of Bagshot. Along this part of London Road, the southern side, which is primarily characterised by detached properties typically set back from the road frontage, contrasts with the woodland areas on the northern side. The size of the plot, together with the

mature landscaping along the frontage and the rear boundary of the site, make an important contribution to the spacious and semi-rural character of the locality.

6. Policy CS1 of the Surrey Heath Core Strategy and Development Management Policies 2011-2028¹ (CS) sets out the Council's spatial strategy. It seeks to concentrate new development in locations which are or can be made sustainable, and by focusing on the redevelopment of previously developed land in the western part of the Borough. Insofar as is relevant to this appeal, the Council's spatial strategy is considered to be in general conformity with the National Planning Policy Framework (the Framework).
7. The appeal site lies on the edge of Bagshot, which Policy CP1 describes as a larger village with limited capacity to accommodate new development. The policy adds that this will be achieved primarily through redevelopment of existing sites. CS Policy CP3, which sets out in detail the scale and distribution of new housing across the Borough, requires 270 dwellings to be delivered in Bagshot by 2025. It is only if insufficient sites have come forward within settlement areas that the Council will consider the release of sustainable sites in the Countryside beyond the Green Belt. I understand that the Council would be seeking to achieve this through the preparation of a Site Allocations Development Plan Document.
8. For the purposes of the Council's Green Belt and Countryside Study², the site was included within a larger parcel which, together with others, were identified as functioning particularly strongly to check the sprawl of the built area. However, as the appeal site comprises an existing dwelling situated within a row of properties and on the basis of the available evidence, I am satisfied that the proposal would not lead to the coalescence between the settlements of Bagshot and Camberley.
9. Nevertheless, as stated within the Council's submissions, the site is not located within the western part of the Borough. It falls outside the defined settlement area for Bagshot and therefore lies, for planning policy purposes, within the Countryside beyond the Green Belt. The appellant contends that the appeal site represents previously developed land (PDL). However, the definition of PDL provided in Annex 2 to the Framework excludes, amongst other things, land in built-up areas such as residential gardens. The site lies outside the defined settlement area, but it forms part of a built-up area on the edge of Bagshot. Although part of the appeal site represents PDL, the proposed scheme would nevertheless span across a major part of the area which has not been previously developed. For these reasons, the development proposal would not accord with the Council's spatial strategy.
10. Turning to the effect on the character and appearance of the countryside, the appeal scheme would represent a significant intensification of development on the plot, having regard to the number of dwellings proposed, the resultant massing and site coverage of the new properties and associated garages, as well as their proximity to plots boundaries. In an area predominantly characterised by detached dwellings set within spacious plots, the introduction of terraced houses and properties connected by garages would appear out of

¹ Adopted February 2012.

² October 2017.

kilter with the prevailing, more spacious pattern of development in the locality. This would be exacerbated by the extensive areas of hardstanding which would be created to provide access to and parking for all the properties, leading to the loss of much of the undeveloped garden space.

11. The incongruous nature of the development would also be exemplified by the dwelling within plot 9, which would sit noticeably further forward than other properties along this stretch of London Road. The distance of this proposed dwelling in relation to the road frontage would, in this particular context, remain insufficient. Although it is designed to remain subservient to the host dwelling and not be visible from London Road, the scale and footprint of the outbuilding within plot 6 would appear excessive within its immediate surroundings. In particular, it is of note that this outbuilding would be of a similar footprint to the dwelling on plot 8.
12. Cumulatively, these elements would significantly erode the spacious nature of the appeal site and its contribution to the surrounding landscape, but also lead to a stark urbanisation of the plot, which would detract from the prevailing rural character of the area. The proposed development would be widely visible, especially from the proposed access, but limited details have been provided to justify the detailed design approach of the proposal. Although the design of the proposed dwellings is unobjectionable per se and some of the details could be conditioned, it nevertheless remains unclear, having regard to the evidence before me, how the appeal development would reflect local distinctiveness.
13. I also share the concerns raised by the Council regarding the visual impact of the proposed acoustic fence along the site's front boundary. This would contrast with the forms of front boundary treatments which prevail in this area, thus drawing further attention to the proposal. Although it is argued that a new indigenous hedge could be introduced, notably to screen the proposed acoustic fence, I have been provided with limited information to illustrate the form that any such landscaping might take. Furthermore, any additional planting would inevitably take time to mature before it would provide any effective screening, either for the proposed acoustic fence or the development as a whole. As such, these elements do not persuade me to alter my view regarding the visual effect of the development.
14. My attention has been drawn to a number of properties with tall forms of boundary treatments on the road frontage, which are situated within proximity to the appeal site. However, there is no substantive evidence before me to demonstrate that these have been installed with the benefit of planning permission, and I cannot therefore be certain that these examples represent a direct parallel to the appeal proposal which, in any event, I am required to determine on its individual merits.
15. I appreciate that the appellant sought to replicate a similar layout to the neighbouring cul-de-sac known as Lupin Close, which is characterised by properties of a similar appearance set within proportionately sized plots, with a landscaped area to the front. However, in many respects, the appeal proposal fails to mirror this neighbouring cul-de-sac, having notably regard to the size of the plots, the degree of separation between buildings and the overall scale of the development.
16. Taking these considerations together, although it would be situated in a relatively accessible location, the appeal scheme would conflict with the

Council's spatial strategy and cause unacceptable harm to the character and appearance of the countryside, having particular regard to the quantum of development proposed, scale, massing, layout and its overall detailed design approach. It would therefore fail to comply with CS Policies CP1 and CP3, but also CS Policy CP2 which, amongst other things, requires development proposals to ensure that all land is used efficiently within the context of its surroundings and respect and enhance the quality of the rural environment.

17. The proposal would also not accord with the design aims of CS Policy DM9, as well as the Council's Residential Design Guide Supplementary Planning Document³ (SPD) and the Framework which notably seek to ensure that development proposals function well and add to the overall quality of the area, and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Living conditions

18. Three of the proposed plots would share their rear boundary with a number of two-storey properties fronting Lupin Close. At the nearest point, the proposed dwelling within plot 1 would be approximately 17.5 metres from the rear elevation of no 1 Lupin Close (no 1). This would fall short of the recommendations set within paragraph 8.4 of the Council's Residential Design Guide SPD, which states that a minimum distance of 20 metres is the generally accepted guideline for there to be no material loss of privacy between the rear of two storey buildings directly facing each other.
19. The orientation of the first floor windows of this proposed dwelling towards the rear garden of no 1 would enable any future occupiers to overlook directly, and from a relatively modest distance, a large part of the private amenity area of no 1. In the same manner, the first floor windows on the rear elevation of no 1 would give rise to a loss of privacy for the future occupiers of plot 1. By reason of the proximity of the two adjacent dwellings, this would lead to a level of mutual overlooking, which would be harmful to the living conditions of both the neighbouring residents of no 1 and the future occupiers of plot 1.
20. Although there is mature landscaping on the boundary shared by the appeal site and no 1 which presently provides some screening, there is no guarantee that it would be retained for the lifetime of the development, notably because the existing tree and hedge may not survive for many more years. The proposal includes the installation of an acoustic fence in that location, but this would only provide screening at ground floor level.
21. For the foregoing reasons, I conclude that the development would have a detrimental impact on the living conditions of the neighbouring residents of no 1 and the future occupiers of plot 1, with particular regard to privacy. It would therefore fail to accord with CS Policy DM9(iii) and the recommendations of the Council's Residential Design Guide SPD, which notably require development proposals to respect the amenities of occupiers of neighbouring property and uses. There would also be conflict with paragraph 127 of the Framework, which seeks to ensure that development proposals provide a high standard of amenity for existing and future users.

³ September 2017.

Other Matters

22. The appeal site lies within 5km of the Thames Basin Heaths Special Protection Area (SPA), which is recognised under the Conservation of Habitats and Species Regulations 2017 as being of international importance for supporting significant numbers of nightjars, woodlarks and Dartford warblers in particular. The Council consider that the proposal would have, in combination with other plans and projects, a likely significant effect on these internationally designated sites, as a result of the increased recreational pressure which residential development places on these sensitive areas. As noted above, the appellant has submitted a signed UU which seeks to secure a financial contribution towards mitigating the effect of the development on the Thames Basin Heaths SPA.
23. As I am dismissing this appeal on other substantive grounds, this is not a matter which needs to be considered further here. However, it should be noted that had the development been considered acceptable in all other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment to ensure that the proposal would not adversely affect the integrity of the SPA, in accordance with the Habitats Regulations.
24. I understand that the appeal site has been identified within the Council's Strategic Land Availability Assessment (SLAA). As noted within the Case Officer's report, the inclusion of a site within the SLAA does not necessarily mean that it will be allocated for development or gain planning permission. Proposals are not immune from consideration against relevant development plan policies which, in this particular instance, I have found conflicts with.
25. At the time of the determination of the planning application, the Council was unable to demonstrate a five-year supply of deliverable housing sites. In October 2019, an Addendum Report to the Interim Five Year Housing Land Supply 2019-2024 was however published, which suggests that the Council can currently demonstrate 5.52 years of housing land supply. Although this is contested by the appellant, I have been provided with limited information regarding the extent of the alleged shortfall.
26. My attention has been drawn by the appellant to a recent appeal decision⁴, where it was argued that the Council only has a five-year housing land supply of 4.52 years. In this decision, the Inspector found that the Interim Report could demonstrate a five-year housing land supply which reliably totals at least 5.15 years. Having regard to the evidence before me, there are no reasons for me to consider that the Council is unable to demonstrate a five-year supply of deliverable housing sites and the presumption in favour of sustainable development as set in paragraph 11d) of the Framework is therefore not engaged in this particular instance.

Planning Balance

27. The Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. There are services and facilities available in Bagshot, which are located within relative proximity to the appeal site and can be accessed by a

⁴ APP/D3640/W/19/3235041.

range of alternative modes of transport to the private car. In my view, there would be an appropriate level of services, facilities and infrastructure nearby to serve the scale of development proposed.

28. The construction of the proposed dwellings would support the local economy to some degree, through the creation of work opportunities and demand for materials during the construction phase. Beyond that, future occupants may use local services and facilities. In addition, the proposal would only modestly boost housing supply and choice. By reason of the scale of the development, I ascribe limited weight to these benefits.
29. I have also had regard to the provision of affordable housing as part of the proposal. However, no mechanism, such as a planning obligation, has been brought to my attention to secure this type of housing in land use planning terms. This therefore limits the weight which can be afforded to this consideration.
30. Despite its relatively accessible location, the proposal would conflict with the Council's spatial strategy. Furthermore, it would cause unacceptable harm to the character and appearance of the area and to the living conditions of neighbouring residents and future occupiers of the development. Overall, the limited benefits associated with the proposal would not outweigh the harm that has been identified and thus the conflict with the development plan.

Conclusion

31. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR