



Appeal Decision

Site visit made on 6 October 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/D3640/W/20/3244981

31 Chertsey Road, Windlesham GU20 6EW

- 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 Earley against the decision of Surrey Heath Borough Council.
 - The application Ref 19/0321, dated 3 April 2019, was refused by notice dated 20 August 2019.
 - The development proposed is the demolition of the existing bungalow and outbuildings and the erection of a two storey building comprising of 1no four bedroom and 1no 3 bedroom semi-detached dwellings with associated parking and access arrangements. Accommodation for the 3 bedroom dwelling will be partially contained within the roofspace.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted 2 new drawings¹ with the appeal, which would enlarge the hardstanding area to the front of the proposed building in order to increase the number of proposed on-site parking spaces from 4 to 6. The revised drawings also show that the proposed building would be sited further back.
3. These changes would significantly alter the proposal and I am very conscious of the Wheatcroft Principles derived from *Bernard Wheatcroft Ltd v SSE* (1982) which are further explained in the Procedural Guide: Planning Appeals – England. It is my firm view, in the interests of fairness, that this appeal must be determined on the basis of the plans on which the Council made its decision, and which have been subject to consultation, and not the revised plans. To do otherwise could prejudice unacceptably the interests of interested people and/or consultees who would not have been consulted on the amended proposals and who may have observations to make.

Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the area; (ii) the living conditions of the occupiers of No 29 Chertsey Road, with particular regard to the outlook from the ground floor side study window; and (iii) highway safety, with particular regard to on-site parking provision.

¹ Drawing numbers: ANH-1085-P101 Rev B and ANH-1085-P110 Rev B

Reasons

Character and appearance

5. The area predominantly consists of detached and semi-detached dwellings of varied architectural style. The dwellings in the vicinity of the appeal site are generally modest in scale and set back from the road. The gaps between them provide views of mature trees beyond, which, together with the hedging and planting in the front gardens, provides a green and spacious feel that contributes positively to the character and appearance of the street scene.
6. The proposed development would replace the existing single storey bungalow and outbuildings with a 2 storey building to provide 2 no semi-detached dwellings. The ridge and eaves heights of the proposed building would be compatible with the adjacent properties on the northern side of Chertsey Road. Nevertheless, the width of the building would be significant, and it would maintain only small gaps to the side boundaries. The main roof would have a long ridgeline, and the rear gables would only be set down a marginal amount from the main roof which would be glimpsed in views from the street. Taken together, these factors indicate that the proposal would appear bulky and out-of-scale with the modest neighbouring dwellings, and it would erode the spaciousness of the street scene.
7. I appreciate that on the opposite side of the road there is a building² of considerable width, which is sited in a forward position close to the road. However, that building departs from the prevailing pattern of development in the area and it would not justify the harm that I have identified.
8. In respect of the proposed on-site parking area for 4 cars, I saw examples of hard-surfacing in neighbouring front gardens, however these generally relate to individual properties and are broken up by hedging and planting. By contrast, the proposed parking area would consist of a large expanse of hard-surfacing which would cover the vast majority of the wide front garden. I appreciate that there would be space around the edge of the parking area to provide planting, however this would be quite limited and it would do little to break up the expanse of the hard surface. This would therefore detract from the green and spacious feel of the area.
9. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would therefore be contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2011 – 2028 Adopted February 2012 (the Core Strategy), Policies WNP 2.1 and WNP 2.2 of the Windlesham Neighbourhood Plan 2018-2028 (the Neighbourhood Plan) and guidance in the Residential Design Guide Supplementary Planning Document 2017, which, amongst other things, seek development that respects and enhances the local character of the environment and provides high quality hard and soft landscaping where appropriate.

Living conditions

10. The neighbouring property at No 29 Chertsey Road has a ground floor side window serving a study, which faces the boundary fence adjoining the appeal site. Whilst the proposed building would be conspicuous above the boundary

² Comprising Nos 36 – 38b Chertsey Road.

fence, an open outlook from the study cannot reasonably be expected given that its sole window overlooks adjoining land. The proposed building would be set in from the side boundary, which, together with the pitched roof design, would afford some degree of outlook from the study. Furthermore, the proposal would not adversely affect the outlook from the main living area of No 29, which would temper the effect of the proposal on the living conditions of the neighbouring occupiers.

11. For these reasons, I conclude that the proposed development would not be harmful to the living conditions of the occupiers of No 29 Chertsey Road. The proposal would therefore accord with Policy DM9 of the Core Strategy, which, amongst other things, seeks development that respects the amenities of the occupiers of neighbouring properties. It would also accord with paragraph 127 of the National Planning Policy Framework, which seeks a high standard of amenity for existing users.

Highway safety

12. Chertsey Road is subject of a 30mph speed limit and there are no on-street parking restrictions aside from sections of double yellow lines. Most nearby properties have on-site parking provision. Policy WNP 4.2 of the Neighbourhood Plan states: *"new residential developments should, where space permits, provide parking spaces within the boundaries of the development for 3 vehicles for 3+ bedroom or larger dwellings"*.
13. The proposed development would provide 2 on-site parking spaces for each dwelling. Whilst this would not provide the amount of on-site parking sought by Policy WNP 4.2 of the Neighbourhood Plan, the policy is expressed flexibly. I do not consider that the space to the front of the building would permit additional parking given my findings in relation to the effect of the proposal on the character and appearance of the area. There is no substantive evidence before me to suggest that the proposal would cause an unacceptable impact on highway safety, and I note that the Highway Authority has raised no objections in this regard.
14. For these reasons, I conclude that the proposed development would not be harmful to highway safety. The proposal would therefore accord with Policies CP11 and DM11 of the Core Strategy, which, amongst other things, state that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented.

Other Matters

15. The Council states that the proposed development would be located within the buffer zone of the Thames Basin Heaths Special Protection Area (the SPA). The SPA is a European designated site which is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). The appellant has submitted a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to make a financial contribution towards Strategic Access Management and Monitoring as set out in the Council's Thames Basin Heaths Special Protection Area Avoidance Strategy.

16. Had the proposal been acceptable in planning terms, it would have been necessary for me to have undertaken an Appropriate Assessment (AA) as the competent authority. However, regulation 63(1) of the Habitat Regulations indicates that the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. As I am dismissing the appeal for other reasons, it has not been necessary for me to consider this matter further.
17. The Council was unable to demonstrate a 5 year supply of deliverable housing sites at the time of the determination of the planning application. However, in October 2019 it published an Addendum Report to the Interim Five Year Housing Land Supply 2019-2024, which indicates that the Council can currently demonstrate a housing land supply of 5.52 years. This has not been disputed by the appellant. On the basis of the information before me, there is no evidence to suggest that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. Therefore, in this case, the presumption in favour of sustainable development as detailed in paragraph 11 d) of the Framework is not engaged.

Conclusion

18. I have found that the proposed development would not cause harm to the living conditions of the occupiers of No 29 Chertsey Road, or highway safety. However, the proposal would be harmful to the character and appearance of the area, and this is sufficient reason to dismiss the appeal. I therefore conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR