



Appeal Decision

Site visit made on 25 January 2021

By Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/D3640/W/20/3260693

27 London Road, CAMBERLEY, GU15 3UQ

- 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 Sian Bates, Abode With Us Ltd / Forays Homes (Southern) Ltd against the decision of Surrey Heath Borough Council.
 - The application Ref 20/0178/FFU, dated 20 February 2020, was refused by notice dated 27 August 2020.
 - The development proposed is two storey 1-bedroom cottage with associated amenity and parking space following demolition of detached double garage with accommodation above.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council advise that the appellant has satisfactorily discharged their financial contribution towards the strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2019). Thus, the Council advise that the third reason for refusal on the decision notice is therefore withdrawn. I shall return to this matter later.

Background and Main Issue

3. There is no dispute between the main parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The Council states that its most up-to-date figures show a housing land supply of 4.85 years. Therefore, the presumption in favour of sustainable development contained in Paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
4. In the context of the above, the main issues are:
 - (i) the effect of the proposed development upon the character and appearance of the area; and
 - (ii) whether adequate living conditions would be provided for future occupiers of the proposed dwelling in respect of useable outside space.

Reasons

Character and appearance

5. The appeal site relates to a parcel of land, which currently comprises a detached double garage. It is located in the south west corner of No 27 London Road, a substantial detached building, that was subdivided into four flats some time ago, set within a generous plot with mature trees and other vegetation. The site lies within the Wooded Hills Character Area (WHCA), as defined within the Western Urban Area Character Supplementary Planning Document (the SPD). The SPD identifies that, despite its proximity to Camberley town centre, the WHCA is semi-rural in character with mostly substantial detached buildings set within generous plots.
6. Another development comprising two maisonettes, allowed at appeal¹, which at the time of my visit was under construction, is located to the front of No 27. However, notwithstanding this additional building within its grounds No 27, by virtue of the spaciousness around the buildings and verdant appearance, is distinctly semi-rural in character and so positively contributes to the character and appearance of the WHCA. Furthermore, in this regard, although No 27 adjoins the Post War Open Estates Character Area, for the aforementioned reasons, it is not reflective of the more urban character of the adjoining area, which the SPD identifies is an area with buildings which are mostly detached or link detached but with some terraces, set within plots which are small and medium in size and where vegetation tends to be small scale.
7. The proposal is for the demolition of the garage and the erection of a two storey one-bedroom cottage of comparable footprint, size, height and appearance to that of the garage which it would replace. The dwelling would have associated amenity and parking space, as delineated on the submitted plans. The associated amenity space, which would include space for refuse and recycling storage, would be a modest area of land measuring around 8.9 metres by 11.1 metres adjacent to the west elevation of the proposed dwelling.
8. It is acknowledged that upon completion of the building to the front of No 27 there will be six separate dwellings on the site. However, whilst it would replace the existing built form of the garage, the proposed development would nonetheless introduce a small dwelling with modest amenity space and the inevitable associated domestic paraphernalia. The proposal would also include a hard surfaced parking area for two vehicles to the front and side of the building, which would dominate the plot owing to its modest size and as a result of the parking area being tight to the access drive to No 29 London Road. The development would therefore create an independent residential unit within a separate building which, in combination with the existing development on the site, would result in No 27 appearing significantly more urban in character. Consequently, the proposal would fail to respect the prevailing pattern of development within the WHCA which is distinctly semi-rural in character with mostly substantial detached buildings.
9. Owing to the presence of existing mature trees, the existing communal amenity space and the access drive, the site is physically heavily constrained. The proposed development would be 'squeezed' into the south west corner of No 27 and owing to the aforementioned constraints would give rise to a small

¹ Reference: APP/D3640/W/18/3209110

plot, substantially different from the generous plots that characterise the WHCA. In this regard, it would result in an incongruous form of development, materially at odds with, and hence harmful to the spacious character of most other residential development within the WHCA. Although the proposed dwelling would not be readily visible from London Road due to its set back position behind dense vegetation, it would still have a localised adverse visual impact in views from No 27 and No 29.

10. Overall, for the above reasons, the proposed development would fail to integrate appropriately within its surroundings within the WHCA, and so would cause significant harm to the character and appearance of the area.
11. Consequently, in this regard, it would conflict with Policies CP2 and DM9 of the Surrey Heath Borough Council Core Strategy & Development Management Policies (2012) (CS) which, amongst other things, seek to ensure development proposals respect and enhance the quality of local character and reflect character measures as set out in area specific SPD. In this regard it would conflict with Guiding Principles for development WH1, WH2, WH3, WUA 2 and WUA 3 of the SPD which, collectively, set out to ensure new development pay particular regard to the locally distinctive and valued patterns of development of the Character Area that the site sits within.
12. The proposed development would also conflict with Principles 6.6, 6.8 and 7.4 of the Council's Residential Design Guide Supplementary Planning Document 2017 (the Design Guide). These principles expect new residential development to respond to the size of surrounding plot layouts and reflect the size of existing buildings, especially when these are local historic patterns, and ensure parking areas do not dominate the appearance of the plot.
13. The proposal would also conflict with paragraph 127 c) of the Framework which seeks to ensure that developments are sympathetic to local character including the surrounding built environment.

Living conditions

14. In terms of its size the Council raise no objection to the proposed private outdoor garden space. Based on the evidence before me I see no reason to disagree. However, owing to the dense tree cover located in the south west corner of No 27 and within the garden area of No 29 in proximity to the appeal site, the private outdoor garden space where future occupiers would sit out and have direct access to the natural environment would more or less be entirely heavily overshadowed.
15. Thus, irrespective of the fact that the application site and neighbouring properties contain a number of trees that are subject to a Tree Preservation Order², the development would fail to comply with Principal 8.4 of the Design Guide which states that private outdoor gardens space should, amongst other things, not be heavily overshadowed by trees.
16. The appellant contends that the communal garden area within the grounds of No 27 would also be available for the occupiers of the proposed dwelling. Be that as it may, taking into account that the description of development clearly states that the cottage would have "*associated amenity*" space, I consider that the area of land demarcated on the submitted plans to the west

² Tree Preservation Order No.7/71

of the proposed dwelling can reasonably be interpreted as a private outdoor garden. It is, therefore, necessary to assess the proposal based on the submitted plans, which indicate that the proposal would have private outdoor garden space, most of which would be heavily overshadowed.

17. For the reasons outlined above, I conclude that adequate living conditions for future occupiers of the proposed dwelling would not be provided for in respect of an acceptable level of useable private outside space. Consequently, it would conflict with the living conditions aims of Policy DM9 of the CS. Furthermore, the proposal would conflict with paragraph 127 f) of the Framework which seeks to create places with a high standard of amenity for future occupiers.

Other Matters

18. The appeal site is located within the 5 km buffer zone of the Thames Basin Heaths Special Protection Area. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. Thus, although the Council advise that the third reason for refusal is withdrawn, given my overall conclusion on the main issues, it is not necessary for me to consider this matter in any further detail.

Planning Balance

19. The proposal would seek to boost the supply of housing in the context that the Council cannot currently demonstrate a deliverable five-year supply of housing land. However, the proposal is for only one new dwelling. Consequently, the modest contribution that the proposal would make in housing supply terms is a matter that weighs in its favour to only a limited degree.
20. I have found that the proposed development would cause significant harm to the character and appearance of the area and would not provide adequate living conditions for future occupiers. I afford substantial weight to these matters as part of the determination of this appeal noting conflict with both development plan and Framework policies.
21. In this case, the identified adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

22. The proposal would be contrary to the development plan as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

Andrew Bremford

INSPECTOR