



Appeal Decision

Site Visit made on 9 August 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2021

Appeal Ref: APP/D3640/W/21/3267684

63 Le Marchant Road, Camberley GU15 1HZ

- 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 S Lawrence against the decision of Surrey Heath Borough Council.
 - The application Ref 20/0526/FFU, dated 18 June 2020, was refused by notice dated 21 August 2020.
 - The development proposed is the erection of a detached dwelling and detached double garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (The Framework) was published with immediate effect on 20 July 2021. Policies within the revised Framework are material considerations which should be taken into account in decision making. Main parties have been given an opportunity to comment on this and I have taken into account any subsequent comments received in arriving at my decision.

Main Issues

3. The main issues are:
 - The effect of the proposed dwelling on the character and appearance of the area,
 - The effect of the proposal on the living conditions of 61 and 63 Le Marchant Road (No's 61 and 63) with respect to privacy and outlook and on future occupiers in regard to privacy and access to daylight and sunlight, and
 - Whether the proposed dwelling would affect the integrity of the Thames Basin Heaths Special Protection Area (TBHSPA).

Reasons

Character and appearance

4. Le Marchant Road is a residential road of post war housing. Dwellings are diverse in styles and scale. Although these are predominantly two-storey houses that stand within long plots where built form creates a clearly defined street pattern. In contrast, Portsmouth Road is largely enclosed by landscape

screening, with limited residential frontages and accesses, conveying a strong verdant character. The appeal site would address Portsmouth Road. Its frontage contains a dense and tall planted boundary with the host dwelling and rear garden being largely hidden from views from this road. The access into the site also provides some views of landscaped gardens through and beyond the site. Accordingly, the appeal site makes a positive contribution to the verdant setting of Portsmouth Road.

5. The Western Urban Area Character Supplementary Planning Document (WUAC) identifies the site as being located within a post war council estate character area. In this area the predominant character consists of long regular street and plot patterns. The document notes that a key pressure, that would undermine this character, would be the introduction of discordant rooflines. It also notes the importance of planted green space as a positive feature.
6. Views of the proposed dwelling would be possible from the highway through the gap of the existing access. The mature tree frontage is protected from removal by a group Tree Preservation Order¹. However, the majority of the frontage screening consists of a fir tree hedge that is not protected from removal. The proposed dwelling would be taller and substantially wider than 89 and 91 Portsmouth Road. Its roof form would be especially dominant within the streetscene. The proposal would be out of scale with the adjacent dwellings and would be overt in this otherwise verdant context. It would also be taller than the host dwelling despite the local rise in landform placing the appeal dwelling on lower land. Therefore, despite its partly screened location, it would be noticeably at odds to the scale of nearby dwellings. The proposal, and especially its roofline, would therefore not follow the rhythm of local built form.
7. The proposal would stand within a plot that would be shallower than its neighbours. Therefore, whilst the overall size of the plot would be comparable to neighbouring plots, its limited depth would place the dwelling nearer to the highway than neighbouring dwellings, thus increasing its prominence. This would therefore result in development that would be out of character with adjacent plots and building heights and would appear cramped. This impact would be exacerbated, if the frontage fir tree hedge were removed, due to its proximity to the proposed dwelling.
8. As a result, the proposal would not accord with 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 2012 (CS). This seeks, among other matters, for development to respect and enhance the local character. The proposed dwelling would also fail to satisfy Guiding Principles PC1(e), PC2 and PC4 of the WUAC and the Council's Residential Design Guide (2017) (RDG). These seek, inter alia, for development to respect the shape and size of local plots and to reflect original ridgeline heights. These policies are generally consistent with the Framework which seeks development to be sympathetic to the local character and the surrounding built environment.

Living conditions

9. Many rear windows of the proposed dwelling would serve habitable rooms. Its rear would be close to the shared boundary of No 61. This boundary includes hedge planting and would provide a partial screen between the appeal site and

¹ TPO 63 Le Marchant Road, made 7 July 2000

the garden of No 61. However, the majority of planting, especially in a zone between the appeal dwelling and the dwelling of No 61, is within the appeal site and could be removed. The Council's RDG employs a standard of 15m between built form, of rear to side relationships, to prevent substantive overlooking. This would be achieved. However, occupiers of No 61 would be substantially overlooked within both the patio area and the majority of their garden due to the proximity of the proposal.

10. The proposal would have only a moderate effect on the outlook of occupiers of No 61 from the dwelling itself due to its separation distance and orientation. However, the proposal would have a demonstrably overbearing impact on occupier's enjoyment of their immediate garden. Furthermore, any removal of the boundary planting would increase this harmful effect.
11. During my visit I observed that the rear garden of No 63 has no landscaping within it aside from perimeter planting. The rear elevation of the existing dwelling includes windows that serve habitable rooms at ground and first floor. These currently receive an unimpeded outlook over the rear garden. The proposed dwelling would be a tall structure within close proximity of the existing dwelling. Therefore, whilst being set on lower land, its overall impact would be substantial being of a greater scale and taller than the host dwelling, as shown on the streetscene elevation. As a result, the proposed dwelling would fundamentally alter the current outlook with development that would be both oppressive and dominating to occupiers of No 63. However, the privacy concerns raised by the Council, as a result of this relationship, could be adequately resolved through the imposition of a condition requiring obscure glazing had I been minded to allow the appeal.
12. The proposed garden area is dispersed around the appeal dwelling and therefore arranged in a disorganised manner. Also, much of the space is located within the frontage adjacent to parking areas, limiting its usefulness. The largest single area is to the northeast of the dwelling, providing some reasonable amenity value to future occupiers. However, this area would be adjacent to a retaining wall and boundary fence. It would be overlooked by occupiers of the dwelling of No 63 and be adjacent to a dense hedge/tree screen. Although on site trees, adjacent to the rear boundary could be removed to reduce shading, this would exacerbate the impact on overlooking and outlook for occupiers of No 61. As a result, whilst the overall quantum of garden space would meet principle 8.4 of the RDG, the garden areas would be poor quality.
13. Taking the above points together, the proposed dwelling would adversely and demonstrably harm the living conditions of the occupiers of No 63 through impact on outlook. It would also harm the living conditions of occupiers, of No 61 and future occupiers of the proposal, through a loss of privacy and on future occupiers with respect to a poor-quality garden area. Consequently, the proposal would not accord with policy DM9 of the CS. This, among other matters, seeks development to provide sufficient private amenity space and to respect the amenities of occupiers of neighbouring properties. The proposal would also fail to accord with the RDG, which requires development to not adversely affect the amenity of neighbours and for outdoor garden space to be roughly rectangular without heavy overshadowing. These policies are largely consistent with the Framework which seeks development to create a high standard for existing and future users.

Special Protection Area (SPA)

14. The site is within the zone of influence of the TBHSPA. It would have been necessary for me to undertake an Appropriate Assessment as the competent authority if the proposal had been acceptable in planning terms. However, as I have concluded that the proposed development would conflict with other development plan policies, and, given my decision to dismiss this appeal, it has not been necessary for me to consider this matter further.

Other Matters

15. The proposed dwelling would consist of brick with tile hanging on the front gable and a tiled roof. The use of these materials and other design features would generally accord with the design and materials of dwellings found in the local area. However, these merits do not outweigh the concerns I have identified with respect to the overall scale and plot arrangement of the scheme.
16. The site is opposite an approved dwelling at 54 Le Marchant Road. The dwelling is in a prominent corner plot with limited boundary screening alongside Portsmouth Road. It is an overt addition that, whilst being in accordance with the linear form of the adjacent established pattern of development, intrudes into the predominantly verdant character of Portsmouth Road. This is a material consideration that weights in favour of the proposal. However, whilst consistency in decision making is important for public confidence in the decision-making process, it was approved around 2012. It also has a substantially different relationship with surrounding built form and the highway than the proposed scheme. Furthermore, the approval also preceded the adoption of the Council's WUAC and its Residential Design Guide, which are material to this decision. As such, for these reasons the approved scheme has not provided a compelling reason to allow the appeal.

Planning balance and Conclusion

17. The proposal would harm the character and appearance of the area and living conditions and therefore would conflict with the development plan when taken as a whole.
18. The Council cannot demonstrate a 5-year Housing Land Supply with a housing supply provision of around 4.85 years, to which I afford significant weight. The Framework seeks to significantly boost the supply of housing. The proposal would make efficient use of previously developed land and is within a large settlement enabling future occupiers access to a range of goods and services. It would deliver a self-build family home and provide some economic benefits associated with construction. Whilst I attach substantial weight to these benefits, one dwelling would do very little to address the housing supply and the fairly limited shortfall. Furthermore, even when I attach substantial additional weight to the benefit of housing provision in the absence of the five-year supply, the combined benefits are relatively modest. Thus, even with the tilted balance engaged the combined benefits of the scheme are significantly and demonstrably outweighed by the identified harm when assessed against the Framework as a whole. Consequently, the proposed development would not benefit from the presumption of sustainable development.

19. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

B Plenty

INSPECTOR

