



Appeal Decision

Site visit made on 28 September 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2021

Appeal Ref: APP/D3640/W/21/3273195 10 Belton Road, Camberley GU15 2DE

- 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 Mark Randall of Mark Randall Developments Ltd against the decision of Surrey Heath Borough Council.
 - The application Ref 20/0804/FFU, dated 9 September 2020, was refused by notice dated 26 February 2021.
 - The development proposed is described as Erection of three bedroom two storey detached dwelling with attached single garage to the side of: 10, Belton Road Camberley, Surrey. GU15 2DE (following on from a pre-application enquiry, reference 22250).
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Decision

1. The appeal is allowed, and planning permission is granted for Erection of three bedroom two storey detached dwelling with attached single garage at 10 Belton Road, Camberley GU15 2DE, in accordance with the terms of application Ref 20/0804/FFU dated 9 September 2020, subject to the attached schedule of conditions.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. In the decision paragraph I have omitted the site address and the reference to a pre-application enquiry from the description of development, as these are not an act of development.
3. The Council's decision notice does not refer to effects of the development upon the Thames Basin Heaths Special Protection Area (the SPA) as a reason for refusing planning permission. However, the appeal site lies within the 0 – 5 km zone of influence of the SPA so I have considered this as a main issue.

Application for Costs

4. An application for costs was made by Mr Mark Randall of Mark Randall Developments Ltd against Surrey Heath Borough Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues are the effect of the proposed development upon:
 - the character and appearance of the area; and,

- the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Character and appearance

6. Belton Road is within the Wooded Hills Housing Character Area (the WHHCA). As a whole it is described as being characterised by large irregular plots, winding lanes, heavy vegetation, and a scattering of Victorian/Edwardian buildings, with a semi-rural character by the Western Urban Area Character Supplementary Planning Document (2012) (the WSPD). Belton Road is characterised by sizeable dwellings within generous verdant plots with moderate spacing between neighbouring buildings.
7. No 10 Belton Road is wider and more spacious than most nearby with a particularly wide side garden area. Most do not have the same degree of openness at the side of the plot, and to the north, south and east buildings are much closer to their boundaries which is a discernible characteristic of this area. The side garden is occupied by lawn, mature planting, trees, a swimming pool, hard surfacing, and a shed. Overall, it makes a minor positive contribution to the character and appearance of the area.
8. The new dwelling would be of a position, height, width, depth, scale, roof shape, design, and fenestration, in keeping with the area. It would have sufficient space between the dwelling, plot edge and neighbouring buildings, to not be cramped, or out of keeping with other buildings nearby such as at Nos 6 – 10 and 11 – 15. It does therefore not conflict with 7.4 of the Residential Design Guide Supplementary Planning Document (2017) (RDG) in respect of spacing, heights and building footprints.
9. At approximately 16m wide to the front reducing to approximately 12 – 14m around the dwelling, the front garden size would be in keeping with many nearby and would not result in any harmful enclosing effect. The plot depth would be in keeping with many nearby. Its width would not be incongruently narrow, and the narrowest point would have a highly localised visibility due to vegetation and the orientation of dwellings. It may result in a greater density than the 9 dwellings per hectare in WH2 of the WSPD, but the plot depth and width would not be harmful to the character and appearance of the area.
10. The development would result in the loss of a limited number of category C trees and shrubs. However, it would retain the trees of the most amenity value. There is scope for retention of and new planting of a sufficient amount and quality to retain the verdant appearance of the plot, secured by a suitably worded planning condition. The limited front access gap and planting would ensure sufficient landscaping of the front garden, to maintain a semi-rural verdant character. Overall, it would have a neutral effect upon the character and appearance of the area. As a consequence, the conflict with WH2 of the WSPD in respect of the loss and absence of a side garden, does not result in harm to the character and appearance of the area.
11. It is suggested that allowing this appeal could set a precedent and increase pressure upon the WHHCA. Each application must be considered on its own merits. No similar or comparable sites have been put forward and the space to the side of No 10 appears significantly different to other plots I was able to see nearby. Furthermore, as I have found the development would not be harmful

for the reasons set out above, I see no reason why allowing this particular appeal proposal would increase pressure on the WHHCA.

12. I do not have the full details and plans or full evidence before the Inspectors for Ref 19/0757/FFU and 18/0616 before me. From the details provided and what I saw, those proposals were redevelopments, and not within the visual context of this appeal site. Ref 16/0906 had a different plot arrangement with greater separation. The Inspector for Ref. APP/D3640/W/20/3260693 considered that dwelling would appear 'squeezed' onto a substantially differently sized plot significantly at odds with those surrounding it. I do not reach such a conclusion with this appeal proposal. Therefore, none of the examples referenced are directly comparable to this appeal proposal, which I have considered on its own merits.
13. For the reasons set above the development would be in keeping with and would not be harmful to the character and appearance of the area. Therefore, it would not conflict with Policies CP2 and DM9 of the Surrey Heath Core Strategy & Development Management Policies Document (2012) (the DMPD). Amongst other things these require design is of a high quality, that all land is used efficiently within the context of its surroundings, and development respects the quality of its environment. It would be compliant with paragraph 130(c) of the National Planning Policy Framework (2021) (the Framework) which states that developments should be sympathetic to the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change such as increased densities.
14. While there might be some conflicts with aspects of principles WUA2, WUA3 WH1, SH2 and WH3 of the WSPD, having regard to the Policies of the development plan, the development would not overall be harmful to the character and appearance of the area as a result of the conflicts.

Thames Basin Heaths SPA

15. The appeal site lies within the 5km zone of influence of the SPA. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) require where a project is likely to result in a likely significant effect on a European site (the SPA), a competent authority is required to make an Appropriate Assessment (AA) of its implications on the integrity of that site in view of its conservation objectives. Any likely significant effects from a development need to be considered alone and in combination with other development in the area, adopting the precautionary principle.
16. The SPA is a network of heathland sites which are designated for their ability to provide habitat for internationally protected populations of rare Nightjar, Woodlark and Dartford Warbler (the qualifying features). The conservation objectives for the SPA are to maintain and restore extent and distribution of the habitats of the qualifying features, the structure and function and processes of the habitats of the qualifying features, and the population and distribution of the qualifying features within the site. The three bird species nest on the ground and at low level and are disturbed or harmed by human activity. In particular this includes recreational activity such as walking and dog walking.
17. If constructed the development would result in an increase in the number of people living within a short drive or walk of the SPA. The Council's Thames Basin Heaths SPA Avoidance Strategy Supplementary Planning Document

- (2019) (the SPD) identifies a net gain of 1 or more dwellings will give rise to likely significant effects on the SPA through recreational pressure, so will be required to contribute towards avoidance measures. Therefore, when considered alone or cumulatively with other schemes, the development would have likely significant effects on the features of interest of the SPA.
18. Avoidance measures in the SPD comprise a contribution towards a Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) which are endorsed by Natural England (NE). The Council collects SANG contributions through its Community Infrastructure Levy (CIL) and SAMM contributions through an appropriate Legal Agreement. The SAMM is a joint project that manages and monitors the cumulative impact of new development and visitors across the SPA including through amongst other things increased wardening, equipment and materials. Contributions from developments are therefore an important component of avoidance measures to offset the harm of each new development upon the SPA.
 19. The Council and the appellant advise the SAMM contribution of £711 (for a 3 bedroom dwelling set out on page 17 of the SPD) has been paid. The Council has accepted that the sums, and that the payment mechanisms, are an appropriate method to address the required mitigation. I have received sufficient assurance that the correct money has been paid and that it would be used for the SAMM. NE has been consulted upon the appeal proposal and is satisfied the measures are deliverable and sufficient to avoid adverse impacts upon the SPA. I see no reason why the sum would not be directed in the manner intended towards the mitigation.
 20. Therefore, although payments do not bind the Council, based on the specific evidence before me it is a sufficient mechanism to enable the delivery of proportionate and relevant mitigation pursuant to the Avoidance Strategy. I am therefore satisfied, following Appropriate Assessment, that the proposed mitigation would be appropriately secured and delivered in a timely manner.
 21. For the reasons set out above the proposed development would accord with Policy CP14B of the DMPD which states that development will only be permitted where it can be satisfied that development will not give rise to likely significant adverse effects upon the integrity of the Thames Basin Heaths SPA.

Other Matters

22. Interested parties raise concerns in respect of future works to the property. However, my assessment of the proposal is based upon the appeal scheme before me, and I see no substantive evidence that demonstrates there might be harm from potential future works to the property. There would be no significant harm to the living conditions of neighbouring occupiers in respect of matters such as daylight, outlook, privacy, or overshadowing. There would be limited outlook from the proposed new side facing ground floor study. However, having regard to its function and the remaining outlook, it would not result in harmful living conditions to the future occupiers of the new dwelling.
23. There is no substantive evidence demonstrating this proposal for a single dwelling would place an unacceptable strain on infrastructure and services. It would be subject to the CIL based upon the Council's adopted Charging Schedule (2014). The Council has assessed the development as being compliant with Policy CP12 of the DMPD in respect of this matter, and based

upon the evidence before me I see no reason to disagree. A suitably worded condition as set out in the schedule would ensure the development would not result in harm to nesting birds. There is no substantive evidence that leads me to believe any other protected species would be harmfully affected.

24. The new dwelling would provide two external and one garage parking space, as well as additional driveway space for further vehicles, which would be sufficient for the size and needs of the dwelling. It would also generate very limited comings and goings. While my visit can only represent a brief snapshot in time there was no evidence of any on-street parking stress on Belton Road, with large extents of highway free from any parking.
25. The substantive evidence does not demonstrate any on-street parking generated would prevent emergency vehicles being able to access nearby locations. The scale of development would result in a limited generation of vehicles during construction, and I see no reason why these could not traverse Belton Road safely given the carriageway width and limited traffic. The Council's delegated report suggests the development is contrary to Policy DM11 of the DMPD. However, it does not express any concerns in this regard and there is also no objection from the Highway Authority. There is little substantive evidence before me in respect of any covenants, so this matter does not justify withholding permission.

Planning Balance

26. The Council has advised that it cannot demonstrate a 5 year housing land supply (HLS), although the precise magnitude of the current shortfall is not clear based upon the evidence before me. As the development would not result in harm to the integrity of the SPA, in accordance with paragraph 11d)i) of the Framework, the tilted balance applies.
27. There would be a small temporary economic benefit during construction, and once occupied a small benefit to the local economy. Even, if I were to assume the HLS shortfall was marginal the provision of one 3-bedroom dwelling would provide a limited social benefit. Therefore, the benefits of the development overall attract limited weight in favour of the scheme. The development would have a neutral effect upon the character and appearance of the area. Compliance with policies in respect of matters such as materials, energy and resource efficiency, the SPA, the living conditions of future and neighbouring occupiers, highway safety and accessibility are neutral matters attracting neutral weight.
28. Therefore, the benefits of the development outweigh any harm. Consequently, the adverse impacts of the development do not significantly or demonstrably outweigh the benefits of the development when assessed against the policies in the Framework taken as a whole. Therefore, the appeal should be allowed.

Conditions

29. I have considered the Council's suggested conditions and where appropriate amended the wording to more closely align with the Planning Practice Guidance. The Council has advised that a one-year implementation period is necessary to maintain SANG capacity for new development in Surrey Heath. I shall therefore limit the approval in accordance with this advice. For certainty a condition requiring the development is carried out in accordance with the

approved plans is necessary. In the interests of maintaining the character and appearance of the area conditions are necessary to first agree the external materials and landscaping with the Council, and implement tree protection. It is not necessary for these to be pre-commencement conditions.

30. To ensure the development would not result in harm to nesting birds it is necessary to impose a condition to ensure that tree removal works only take place outside the bird nesting season unless a survey or inspection is undertaken to prove their absence. In the interests of highway safety, it is necessary for the access and parking spaces to have been constructed for use prior to the first occupation of the dwelling. In the interests of minimising emissions to facilitate the uptake of electric vehicles, a condition is necessary to require the provision of a vehicle charging point.

Conclusion

31. There are no material considerations that indicate the application should be determined other than in accordance with the development plan and the Framework. For the reasons given above, I therefore conclude that the appeal should be allowed, and planning permission is granted.

Dan Szymanski

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun within one year of the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no 2155-20-1; Drawing no 2155-20-2; Drawing no 2155-20-3; Drawing no 2155-20-4; Drawing no 2155-20-5; Tree Protection Plan.
- 3) No development above slab level shall take place until details and samples of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall only be carried out using the approved materials.
- 4) No development above slab level shall take place until full details of hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and the details of the measures to be taken to protect existing features during the construction of the development. The scheme shall be carried out as approved prior to first occupation of the dwelling hereby permitted. Any landscaping which, within 5 years of the completion of the landscaping, dies, becomes diseased, is removed, damaged or becomes defective in anyway, shall be replaced with species of a similar size and age.
- 5) The development hereby permitted shall be commenced and implemented wholly in accordance with the Arboricultural Report prepared by Arborensse Arboricultural Consultants (3 September 2020). Digital photographs shall be provided by the retained Consultant and submitted to and approved by the Local Planning Authority upon written request by the LPA. The photographs shall record the implementation of facilitation tree works, physical tree and ground protection measures in accordance with the Arboricultural Report. The tree protection measures shall be retained until completion of all works hereby permitted.
- 6) There shall be no tree felling, vegetation clearance works, or other works that may affect nesting birds between March and August inclusive, unless the absence of nesting birds has been confirmed by survey or inspection carried out by a suitably qualified ecologist, the results of which shall have been first submitted to and approved in writing by the Local Planning Authority.
- 7) The development hereby permitted shall not be first occupied until the spaces for vehicular parking have been laid out within the site in accordance with the approved plans. Thereafter the parking area shall be retained and maintained for its designated purpose.
- 8) No part of the development shall be first occupied until the proposed vehicular access to Belton Road has been constructed in accordance with approved Drawing no 2155-20-1 – Proposed Site Layout Plan, received 9

September 2020. Thereafter the access shall be retained and maintained in accordance with the approved plan.

- 9) The development hereby permitted shall not be first occupied until a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) has been installed in accordance with a scheme that has been previously submitted to and approved in writing by the Local Planning Authority. The fast charge socket shall thereafter be retained and maintained as approved.

End of Schedule.