



Appeal Decision

Site visit made on 9 December 2021

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2021

Appeal Ref: APP/D3640/D/21/3274967

9 Morton Close, Frimley

- 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 & Mrs Lancaster against the decision of Surrey Heath Borough Council.
 - The application Ref 20/1149/FFU dated 3 December 2020, was refused by notice dated 5 March 2021.
 - The development proposed is two storey side extension including replacement of existing garage with new garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. Since refusal of this application the revised National Planning Policy Framework (the Framework) was published on 20th July 2021. The Framework does not, of course, change the starting point for determination as being the Local Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. Given the main issues to be considered within this appeal I do not find that this revision to the Framework impacts upon the basis of determination for this appeal.
4. There appears to be some confusion regarding adjoining house numbers. The refusal reason relates to No. 7 Morton Close, however, it would appear from documentation including the proposed plans (854-1), the completed Certificate B and third party comments that the refusal reason stated actually relates to no. 11 Morton Close. The Council's report is also confused between reference to no. 7 and no. 11 respectively but confirms in paragraph 6.3.1 that no. 7 is located to the head of the small cul-de-sac and would not be adversely affected. I have therefore taken the refusal reason to in fact relate to no. 11 Morton Close and not no. 7 as stated in the refusal reason. This is, for the avoidance of doubt, the property immediately to the right of the appeal site as stood in front of the appeal site itself.

Main Issues

5. The main issues are the impact of the proposal upon i) the host dwelling and appearance of the street scene and ii) the residential amenity of no. 11 Morton Close (no. 11) with regard to outlook.

Reasons

Host dwelling and appearance of the street scene

6. The appeal site is part of a pair of two-storey, link-detached, dwellings. The appeal site currently benefits from a garage to the side of the property which, as can be seen from the existing floor plans, is positioned notably back from the front elevation of the host dwelling, approximately halfway down the side elevation. This results in the existing single storey garage being set back slightly from the front elevation of the neighbouring dwelling which itself is set back notably from the front elevation of the appeal site.
7. The proposal seeks to demolish the existing garage and replace it with a two storey side extension (which would include a new garage). The proposal would bring two-storey built form up to the front elevation of the host dwelling as well as hard up to the boundary with the neighbouring property. The ridge height and eave height of the proposal would mirror that of the host dwelling and I do not find the proposal respects the host dwelling as far as it makes no attempt to present as a subservient addition.
8. The appeal site stands within a row of three dwellings which are similar in scale, style and design but the appeal site is prominent from the head of the cul-de-sac due to its positioning forward of no. 11. This results in the entire side elevation being highly visible from the service road of Morton Close. There would be no gap at all left between the boundary of the appeal site and no. 11 which I find would result in an intrusive form of development over two-storeys for the full depth of the appeal site. The lack of subservience, combined with the overall scale, I find would result in a prominent feature within the street scene which would be harmful to the character and appearance of the area.
9. The West Urban Area Character and Supplementary Planning Document 2012 (SPD) Guiding Principle P02 states that development which results in loss of gaps between buildings and the creation of a terracing effect will be strongly resisted. The proposal would bring development into the existing first floor gap at two storeys up to the appeal site boundary. It would not result in a total loss of the gap between the properties, when stood directly in front of the appeal site, but this is only as a result of the gap which would be retained over the garage at the adjoining property.
10. Despite this I find that the most common public view of the appeal proposal within the wider street scene would be from the internal road junction in Morton Close and that it is visible from a short distance into Morton Close when entering from Dunbar Road. Due to the orientation of the appeal site I find that in certain angles, when viewed from, Morton Close the proposal would close the gap sufficiently to create a terraced effect and present as a total loss of the gap. I find this would result in unacceptable diminution of the character and quality of the area and contribute to the proposals dominance and prominence.
11. The proposal would be contrary to Core Strategy and Development Management Policies Document 2012 (CS) Policy DM9 which seeks to respect and enhance local character with regard to scale, massing bulk and density, the Residential Design Guide Supplementary Planning Document 2017 (SPD2) which advises that extensions need to relate to the main building and be subordinate and the SPD guidance regarding loss of gaps.

Residential amenity

12. I do not accept the appellant's contention that what they consider to be an already compromised outlook would make it acceptable to introduce further built form as proposed. The appeal site is noted to already be forward of no. 11, however, the introduction of built form at two storeys hard up to the boundary with the driveway would result in a featureless brick wall being brought notably closer to, and forward of, the neighbouring dwelling. I find that this would result in an enclosing effect to the front of no. 11 which would result in a dominant and overbearing impact. This would be unacceptably harmful to the amenity of the occupiers of no. 11 with regard to outlook due to the poor relationship which would be caused due to the height and bulk of the development.
13. The proposal would be contrary to CS Policy DM9 which requires development to respect the amenities of occupiers of neighbouring properties and the SPD2 guidance which advises that residents should be able to enjoy good quality outlook from habitable rooms without adjacent buildings or walls being overbearing.

Other Matters

14. The appellant has made reference to other sites including "5 Morton Close et al", however, I have no information before me as to any alterations made to this property nor the timings of any decisions or similar to be able to attribute weight to them. It is noted that the appellant states that there was correspondence which suggested that the case officer recommended approval. I have no evidence before me to support this as whilst the appeal statement states that copies are enclosed, they have not been and are not before me. In any case, each case must be considered on its own merits against the relevant Local Plan policies and informal officer correspondence prior to the final decision cannot carry weight.
15. I note the objections and comments from third parties in relation to this proposal. Comments in support are a neutral consideration. Matters relating to access to property damage, property values, maintaining private rights of way and party wall issues are not material planning considerations and are therefore outside the scope of this appeal. There are no highways and/or parking reasons for refusal before me. I note that concerns have been raised regarding additional noise associated with the proposal but the construction period for a small development would likely be limited and, as such, it would not warrant a refusal of this application. A time condition regarding construction works can be applied to any consent granted in order to protect the amenities of neighbouring residents to ensure this during the construction phase.

Conclusion

16. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR