



Appeal Decision

Site Visit made on 22 November 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2022

Appeal Ref: APP/D3640/W/21/3273004

93 Worsley Road, Frimley, Camberley, GU16 9BB

- 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 Bell against the decision of Surrey Heath Borough Council.
 - The application Ref 20/0638/FFU, dated 24 July 2020, was refused by notice dated 20 October 2020.
 - The development proposed is erection of a new detached three bed chalet bungalow with associated car parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area,
 - The effect on the living conditions of neighbouring occupiers; and,
 - The effect on the Thames Basin Heath Special Protection Area.

Reasons

Character and appearance

3. The proposed bungalow would face onto Dunbar Road, which rises significantly from its junction with Worsley Road to an apex just beyond the appeal site. The site lies between two defined Character Areas. The Post War Council Estates Character Area is characterised by a regimented layout dating from the 1950s with houses facing a crescent-shaped green. The Post War Open Estates Character Area is characterised by housing built in the 1970s and 1980s. The deep rear garden of No 93, which projects along Dunbar Road, provides separation between the houses in the two Areas. Those houses backing onto Dunbar Road from Morton Close are visible in the street scene but are separated from the frontage by their rear gardens.
4. The proposed chalet bungalow would lie between No 93 and the houses on Morton Close that back onto Dunbar Road, and would be prominent in the street scene due to its width and height, with a largely open frontage in front of the house. It would interrupt the space separating the two Character Areas and

would relate poorly to the neighbouring properties on Worsley Road due to its differing height and appearance.

5. The appeal proposal is for a bungalow in an area comprising predominantly two-storey houses. While there are bungalows present in the wider area, including several in Sandringham Way, these are outside of the immediate vicinity of the appeal site so do not contribute to the context in which the appeal proposal would be viewed. The proposed development would therefore also be an incongruous form in the street scene, not in keeping with the form of development characteristic of the immediately surrounding area.
6. I note that planning permission was granted for a two-storey house on the site opposite at the rear of 91 Worsley Road. This followed an earlier refusal that was dismissed on appeal in which the Inspector found that the development would fail to achieve a successful transition between the two Character Areas. While the appeal site is similar to the site on which permission was granted, I note that the approved two-storey house is more in keeping with the surrounding scale of development in the immediate vicinity of Dunbar Road and Worsley Road. I also note that there are houses built up to the street frontage of Dunbar Road beyond the new house, and they would have been considered as part of the context for granting permission at the rear of No 91. There are therefore differences to the appeal site and proposal to that earlier permission, which lessens the weight that it can be accorded in determining this appeal.
7. The appeal proposal would be harmful to the character and appearance of the surrounding area. It would therefore conflict with Policy DM9 of the Surrey Heath Core Strategy & Development Management Policies 2012 (the CS), which, amongst other criteria, requires that development achieve high quality design that respects and enhances the local character of the environment. It would also be contrary to guidance in the Western Urban Area Character Supplementary Planning Document 2012 and the Residential Design Guide Supplementary Planning Document 2017 (the RDG) which, taken together, advise that buildings in suburban areas of the borough be of two storeys in height and that new development pay regard to locally distinctive and valued patterns of the development.

Neighbour living conditions

8. The proposed bungalow would be close to the shared boundary with No 95 Worsley Road. While set away from the neighbouring house, it would be an imposing and dominant feature when seen from the rear garden of the neighbouring property, with a dormer and gable wall adding to the bulk of the building facing the shared boundary. It would consequently be harmful to the living conditions of the occupiers of No 95.
9. The bungalow would be sited immediately to the rear of No 93, with a significantly elevated ground level. The ridgeline of the bungalow would be approximately level with that of No 93, with a full hip facing towards that house. The bungalow would be a prominent feature when seen from No 93, although the harm to outlook would be mitigated by the hipped roof and relatively low ridgeline. The appellant has suggested that an additional window could be provided to the nearest habitable room to No 93, a ground floor bedroom, to provide further outlook for the occupiers of that property. If I were minded to allow the appeal, I am satisfied that an appropriately worded condition could secure this, as No 93 is in the appellants' ownership.

10. The main window to bedroom 2 of the proposed bungalow would be in the flank elevation, directly facing the rear gardens of the neighbouring houses on Morton Close. If I were minded to allow this appeal, an appropriately worded condition could require that this window be fitted with obscured glass and fixed shut to a height that would preserve the privacy of neighbouring occupiers. Acceptable outlook from this room would be provided by the rooflights in the front roof slope in that instance.
11. Overall, the proposed development would cause unacceptable harm to the living conditions of the neighbouring occupiers of No 95 Worsley Road. It would therefore conflict with Policy DM9 of the CS and Principle 8.1 of the RDG. Amongst other criteria these require that development respect the amenities of occupiers of neighbouring property.

Thames Basin Heath Special Protection Area

12. The appeal site lies within the 5 kilometre buffer zone around the Thames Basin Heaths Special Protection Area (the SPA). Policy CP14B of the CS requires that new residential development in the Borough provide appropriate measures to avoid adverse effects upon the SPA. As the competent authority it is necessary for me to carry out an appropriate assessment to ensure no significant adverse effects would arise from the proposed development.
13. The appellant has provided a unilateral undertaking securing funding for mitigation measures towards the monitoring and maintenance of alternative green space within the borough. This measure is supported by the Council and Natural England, and the Council has confirmed that the undertaking is acceptable.
14. The development would not therefore result in a significant adverse effect on the integrity of the SPA.

Planning Balance

15. The Council cannot demonstrate a five year supply of housing land. There is therefore a presumption in favour of sustainable development.
16. The development would result in the creation of one new house. This would support the Government's objective of significantly boosting the supply of homes. The site is in a built-up area, and there is no suggestion that the principle of residential development is not acceptable in this location. The site is close to schools and a recreation ground, with nearby access to public transport. The Council's shortfall in housing land means that the benefits of creating one new home carry moderate weight in the overall balance.
17. The development would cause harm to the character and appearance of the area. The bungalow would occupy a prominent position in the street scene and intrude on the gap that serves as a visual transition between the neighbouring Character Areas. This therefore attracts considerable weight.
18. The development would also cause harm to the living conditions of the occupiers of No 95 due to the overall size and proximity of the bungalow to the shared boundary. As the bungalow would be sited away from the house and the site orientation would mean there would be no loss of natural light to No 95, the harm would only be through loss of outlook from the garden. This attracts moderate weight in the overall balance.

19. Overall, the cumulative harm would in this instance clearly and demonstrably outweigh the benefits of the proposed development. There are therefore no material considerations in this instance that lead me to conclude that this appeal should be determined otherwise than in accordance with the development plan.

Conclusion

20. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR