



Appeal Decision

Site visit made on 22 March 2022

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH April 2022

Appeal Ref: APP/D3640/D/22/3293507

1 Middle Close, Camberley GU15 1NZ

- 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 Bob Mugdal against the decision of Surrey Heath Borough Council.
 - The application Ref 20/0514/FFU, dated 17 June 2020, was refused by notice dated 01 February 2022.
 - The development proposed is 'Proposed single storey front extension including two roof lights, a two storey extension to the western side elevation following demolition of the existing garage, change to main roof form, six roof lights to main front roof slope, two rear dormers and fenestration alterations (this application is a resubmission of 19/0701 to allow for alterations to the height of the building and the front gables, alterations to the dormers and fenestration, and the installation of fixed plant for heating and cooling units)- retrospective'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was amended following submission of the application; I have utilised the amended description.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the host building and surrounding area; and,
 - The effect of the proposal on the living conditions of occupiers of neighbouring property.

Reasons

Character and appearance

4. The appeal site is a detached two storey dwelling situated within Middle Close, a residential cul-de-sac. Despite the predominance of large, detached dwellings, the area surrounding the appeal site has an open and verdant character by virtue of generous plot sizes, set backs from the street and mature landscaping both within the public realm and private gardens. Middle Close is particularly open and verdant in character due to the orientation of buildings around the cul-de-sac and the lack of any buildings fronting the side

of the road opposite the appeal site. The topography of Middle Close drops away significantly towards the dead-end and the appeal site, situated at a midpoint of the road, is therefore more naturally prominent than other dwellings within the close which are set back and set down the slope.

5. The appeal proposal seeks to retrospectively regularise changes made to the dwelling from a previously approved scheme (Council ref. 19/0701) which was not constructed in accordance with the approved plans. This previously approved scheme represents a precedent and a 'fallback position'¹ to which I give significant weight.
6. The key changes made by the appeal scheme are that the overall ridge height has been marginally reduced and the scale and height of the front dormers has been increased, as has the extent of fenestration within one of those dormers. The appeal scheme also includes several air conditioning units and pipes on the flank elevation.
7. Whilst the appeal scheme has marginally reduced the overall ridge height of the previously approved scheme, the difference is barely perceptible from within the streetscene. As such, the reduction in height of the roof does not have an adverse impact on the character and appearance of the area.
8. The increase in scale and height of the front gables and the much larger area of fenestration within one of the dormers, which continues to the top of the gable, is more prominent than that of the approved scheme. Whilst these gables comply with some of the advice within the Residential Design Guide (RDG) in respect of set-ins, they are not subservient in appearance to the host dwelling. Indeed, combined with the limited setback from the road and surrounding topography, the gables appear to loom over the boundary hedge and road in an overbearing manner, exacerbating the existing prominence of the dwelling. Whilst large glazing elements and varied fenestration are visible within the area, the siting, design and materials utilised appear incongruous within the immediate built context. The reduction of ridge height does not reduce the prominent appearance and mass of the gables. The gables dominate the host dwelling and streetscene as a result and undermine the open character of the surroundings.
9. Although only two air conditioning units and pipes are visible from the street, the flank elevation nonetheless appears cluttered by these accretions, resulting in poor designed.
10. Therefore, the proposal is contrary to policy DM9 of the Core Strategy and Development Management Policies (DMP), adopted in 2012, and the National Planning Policy Framework (the Framework). These policies seek, amongst other things, development of a high standard of design which provides a good standard of amenity, which integrates well with its surroundings and maintains the character of the area.

Living conditions

11. The flank wall upon which the proposed air conditioning units and related external pipe work are situated is most visible within the private rear garden space of no.3 Middle Close. Three of those units and a network of at least

¹ As a best case scenario, depending on whether the previous approval may be regarded as implemented and remains extant.

seven pipes are prominent, visually intrusive features of the flank wall. The prominence of these features is not reduced by the minimal one metre set-in of the flank wall from the boundary. The flank elevation appears poorly designed and cluttered as a result of these accretions, resulting in an unacceptable adverse outlook from the neighbouring property.

12. The 'fallback position' of a single air conditioning unit benefitting from permitted development rights is not directly comparable to the addition of several units and pipework, which has an exponentially greater adverse impact on the outlook from neighbouring properties than a single permitted development unit would.
13. For this reason, the proposal is contrary to policy DM9 of the DMP.

Conclusions

14. For the reasons stated above, I find that the appeal proposal is contrary to the relevant policies of the Development Plan. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR