
Appeal Decision

Site visit made on 20 June 2022

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2022

Appeal Ref: APP/D3640/W/21/3284759

Rowena, School Lane, Windlesham, Surrey GU20 6EY

- 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 J Protheroe against the decision of Surrey Heath Borough Council.
 - The application Ref 20/0929/FFU, dated 8 October 2020, was refused by notice dated 30 April 2021.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposal upon the character and appearance of the area, including the effect upon existing trees;
 - Whether the proposed development would provide adequate living conditions for future residents of the proposed development, having regard to outlook, daylight and sunlight and outdoor space;
 - The effect of the proposal upon the living conditions of nearby residents, with particular regard to overshadowing and overbearing to Sunray; and
 - The effect of the proposed development on the integrity of the Thames Basin Heath Special Protection Area (the SPA).

Reasons

Character and appearance

3. The appeal site comprises an area of garden, located to the side of the host property. The surrounding area is predominately residential and comprises a mix of dwelling types and sizes. School Lane is an unmade, single-track road, lined by existing, well established boundary hedgerows. Dwellings are set back from the edge of the carriageway, generally behind existing landscaping. As a result, whilst there is no specific design pattern, a predominate feature is the presence of landscaping, which filters views of the buildings. This gives School Lane a verdant appearance that is further reinforced by the presence of mature trees, which, gives it a semi-rural, low-density character.
4. Due to its design, the front projection of the proposed dwelling would be positioned close to the front boundary of the appeal site with School Lane.

Whilst the remaining element of the proposed dwelling would be set back from the road, due to the position of the car parking spaces and associated access, it would result in a considerable aspect of the proposed development being visible. As a result, it would represent a form of development that would be prominent when viewed along School Lane. Owing to the lack of any landscaping and sufficient set back from School Road, it would introduce an incongruous form of development, which, due to its visual presence and relationship with School Lane, would be out of keeping with the character and appearance of the area. Furthermore, due to its prominence and given its position within the plot, along with its relationship with surrounding development, it would appear as a cramped form of development.

5. No landscaping proposals are before me at this time. Whilst this would normally be a matter that can be dealt with through the use of an appropriately worded condition, in this instance, given the importance of landscaping along School Lane and the position of the dwelling, I am not satisfied that the harm I have identified to the character and appearance of the area can be addressed through the provision of landscaping on its own.
6. There are a number of mature trees along the south-western boundary of the site, all of which appear to lie outside of the appeal site. The plans before me show that the dwelling would be constructed outside of the root protection areas of those trees. Furthermore, evidence submitted with the appeal indicates that the retention and protection of all trees during construction is possible. Whilst I have not been provided with any details to show how this would be satisfactorily achieved, from the information before me, it appears that this is a matter which could be addressed by a suitably worded planning condition.
7. The canopies of these trees extend over part of the appeal site which is proposed to form part of the rear garden area, which both the kitchen and living room of the proposed dwelling would open onto. At the time of my site visit, a large part of the site, along the south-western boundary was shaded by these trees. Due to the siting of the dwelling, it is therefore likely that the proposed rear garden space of the dwellings would be shaded by the presence of these trees. This could potentially lead to pressure for these trees to be reduced or removed, which would have an adverse effect upon the character of the area.
8. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and, in this respect, is contrary to Policy DM9 of the Core Strategy and Development Management Policies 2012 (CSDMP), Principles 7.4 and 8.4 of the Residential Design Guide Supplementary Planning Document 2017 (SPD), Policies 2.1 and 2.2 of the Windlesham Neighbourhood Plan (WNP) and the National Planning Policy Framework (the Framework). These policies, amongst other things, seek development to be sympathetic to the local character and the surrounding built environment.

Living conditions of future occupants

9. The proposed development would make provision for a garden area to the rear and side of the proposed dwelling. From the information before me, it would appear that the space to be provided is sufficient to meet the required space standards. However, as I have already identified, a substantial part of the rear

garden area is likely to be overshadowed by the presence of the mature trees along the south-western boundary of the appeal site. Therefore, whilst the level of provision is adequate, due to the presence and overshadowing effect of these trees, I consider that the proposal would provide an inadequate area of garden space to meet the needs of future occupants of the proposed dwelling.

10. The design of the proposed dwelling makes provision for bedrooms in the roof space, with each room served by a number of rear facing rooflights. These openings would serve as the only means of light and outlook for these rooms. Therefore, given the proximity of the trees and the overshadowing that they create, such provision would result in a poor level of daylight and sunlight into these rooms.
11. It has been put to me by the appellant that the level of internal space meets the required standards for a two bedroomed dwelling. Whilst I accept that this may be the case, I do not consider this to be a justification for the provision of poor living conditions for future occupiers.
12. For these reasons, I conclude that the proposed development would fail to provide adequate living conditions for future occupants of the dwelling and, in this respect, is contrary to DM9 of the CSDMP, Principles 8.2, 8.3 and 8.4 of the SPD, Policy 2.2 of the WNP and the Framework. These policies, amongst other matters, seeks development to provide sufficient private amenity space, that creates a high standard for existing and future users.

Living conditions of surrounding residents

13. To the south-east of the appeal site is Sunray, which has a number of ground floor windows that face towards the appeal site. The boundary between the appeal site and Sunray is identified by a close-boarded fence.
14. The proposed development would be single storey, with rooms in the roof space. No windows would be contained within the elevation facing towards Sunray, with the main bulk of the building being located away from this neighbouring property. Furthermore, due to the location of car parking to the side of the proposed dwelling, it would be set away from the south-eastern boundary of the site.
15. Therefore, whilst parts of the proposed development would be visible from the windows of Sunray, it would be set sufficient distance away and designed accordingly to ensure that there would be no adverse overshadowing or overbearing effect as a result. Therefore, whilst the proposed development would have some effect upon Sunray, I do not consider this to be of such a degree as to withhold planning permission on this basis alone.
16. For these reasons, I conclude that the proposed development would not harm the living conditions of surrounding residents and, in this respect, accords with Policies DM9 of the CSDMP, Principles 8.2, 8.3 and 8.4 of the SPD, Policy 2.2 of the WNP and the Framework. These policies, amongst other matters, seeks development to respect the living conditions of occupiers of neighbouring properties.

SPA

17. The appeal site is within the zone of influence of the SPA. 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, I have not considered this matter further.

Other Matters

18. The appellant has drawn my attention to the benefits the appeal proposal would deliver through the provision of a new, small dwelling within the village, on an under-used area of land. I do not seek to bring these into question, however, whilst these are benefits of the proposal, I do not consider that they are sufficient to outweigh the harm I have identified.

Conclusion

19. I have found that the proposed development would not have an adverse effect upon the living conditions of surrounding residents. However, this is outweighed by the harm to the character and appearance of the area and the living conditions of future residents. For the reasons given above, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR