
Appeal Decision

Site visit made on 20 July 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2022

Appeal Ref: APP/D3640/W/22/3293469

39 Wood Road, Camberley GU15 2RN

- 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 Foster Properties Fleet Ltd against the decision of Surrey Heath Borough Council.
 - The application Ref 21/1291/FFU, dated 22 November 2021, was refused by notice dated 11 February 2022.
 - The development proposed is the demolition of double garage, garden buildings, conservatory and timber panel boundary fences and erection of a detached 3-bedroom house, access, parking, cycle store sheds, new trees and soft landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the site and surrounding area.

Reasons

3. The appeal site comprises a corner plot occupied by a semi-detached property with garage, domestic outbuildings and garden area. It is enclosed along its boundaries by a high timber fence. Together with the adjoining 37 Wood Road, the pair of semi-detached properties sit in reasonably spacious gardens, separating them somewhat from nearby properties.
4. Properties surrounding the site are varied, both in their position within plots and in their detailed design. A mixture of predominantly terraced and semi-detached properties exist and these vary in age, with contemporary properties interspersing more historic development.
5. The site lies within the 'Intense Terrace Character Area' as set out within the Surrey Heath Development Framework 2006-2028 Western Urban Area Character Supplementary Planning Document ('SPD') (adopted 2012). The SPD describes this character area as comprising 'highly intense development in small pockets, in the form of terraces at 3 storeys or greater'. A number of characteristics are set out for the area, including: limited vegetation; buildings set close to the road with blocks of flats in parkland settings; variable plot sizes; and street scenes dominated by buildings and parking. The guidance sets out that development that intensifies the existing building mass without providing softening elements in the form of landscaping and articulation of facades will be resisted.

6. I concur with the appellant that surrounding properties are of a varied design and the transition from one character area to the next is not immediately obvious. This is emphasised here as the appeal property forms a semi-detached rather than terraced property and does not necessarily closely reflect the SPD's description of the character area.
7. Irrespective of this and despite it not being protected open or public space, the open nature of the site, formed of the reasonably large private garden, provides physical and visual relief to the surrounding built form within the street scene. The fact that this is not explicitly mentioned within policy or design guidance does not mean this is not the case. Despite the presence of an existing fence, the physical gap provided by the undeveloped garden of the site allows views through and beyond it towards mature landscaping within other rear gardens and, from certain vantage points within Wood Road, towards mature trees within the public realm. This gap positively contributes to the character and appearance of the surrounding area and works in combination with grass verges and landscaping within communal gardens and the public realm to soften the street scene. Moreover, due to their position relative to adjacent roads, including Newlands Road and Mayfield Road, the site and adjoining property are reasonably prominent within the street scene.
8. The proposed development would be positioned within the existing garden area of No 39. It would comprise a detached two-storey property of brick construction. The building line of the proposed dwelling would closely align with Nos 37 and 39 with a roof ridge and eaves level of a similar height. Notwithstanding its traditional layout and that the proposed dwelling would generally reflect the scale and design of Nos 37 and 39, it would result in the loss of the open gap in this part of Wood Road. This would have the effect of intensifying the urban built form here and would disrupt the balance and rhythm of the pair of semi-detached properties, appearing cramped in its plot despite the separation with No 39. Consequently, the proposed dwelling would appear incongruous in the street scene. In coming to this view, I have taken into account that there is no specific local policy or guidance which resists the development of garden land.
9. I acknowledge that the proposed development would introduce hard and soft landscaping along the Wood Road boundaries which could positively soften the edges of the site, currently bounded by inactive high boundary treatments. However, the enhancement of the site in this way does not lead me to a different conclusion and is also, in my view, not inherent on the redevelopment of the site.
10. Whilst I note the limited number of window openings to the rear of the proposed development, this is not atypical and the proposed windows and rear outrigger would break up the overall massing along this elevation. I therefore do not consider this element of the scheme or its general appearance and detached form to be incongruous or out of character in this particular location.
11. Although I have found the proposed development to be acceptable in some respects, I conclude for the above reasons that it would harmfully intensify the site and street scene, appearing cramped and incongruous. The proposed development would therefore harm the character and appearance of the surrounding area, contrary to the relevant provisions of Policies CP2 and DM9 of the Surrey Heath Borough Council Core Strategy and Development

Management Policies 2011-2028 (adopted 2012), which in summary seek to achieve high quality design in development. This is in a similar vein to the objectives of the SPD, Residential Design Guide (2017) and the National Planning Policy Framework (Framework), insofar as good design is concerned.

Other Matters and Planning Balance

12. At the time of the original planning application, the Council did not have evidence to demonstrate a five year housing land supply, then standing at a 4.85 year supply. From that perspective, the provisions of Framework paragraph 11(d) would apply. However, since this time, the Council has confirmed that it can now demonstrate a 7.2 year supply. As clarified in the Planning Inspectorate procedural guide to appeals, I must make the decision under the circumstances existing at the time I make the decision. Although I note the appellant's concern in this respect¹, I have nevertheless followed the foregoing approach.
13. I note comments made in respect of the age of the Core Strategy and the Western Urban Area Character SPD. However, the amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. As set out in the Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework, and due weight should be given to them according to their degree of consistency with it. In this instance, I consider the objectives of the Core Strategy and SPD to be in a similar vein to the objectives of the Framework in terms of seeking to high quality design in development. The policies that are most important for determining the appeal proposal, as covered in the main issue above, are also broadly consistent with the Framework. Accordingly, they are not out of date, I have had full regard to them in making my decision, and the approach set out in Framework paragraph 11d is not applicable in this case.
14. I acknowledge the economic, and social and environmental benefits of the scheme. This includes providing a contribution to housing supply in the borough through the windfall infill-development for a three-bed family dwelling within the settlement boundary, providing employment and local spend during construction and occupation, and the planting of additional trees and soft landscaping. However, these benefits would inevitably be relatively limited due to the scale of the scheme and would not therefore outweigh the harm that I have identified above and the resulting conflict with the development plan.
15. I note the appellant's comments in respect of the site being constraint free, not designated, the proposed development making efficient use of land, its sustainable and accessible location, promoting a range of housing types, respecting neighbour amenities, having the potential to improve biodiversity and securing sustainable energy efficient design and construction. Nevertheless, none of these matters change my conclusion on the main issue or outweigh the harm I have identified and the conflict with the development plan. The lack of objections from third parties, the proposal's accordance with various other local policies and Framework provisions, and the Council

¹ Including in respect of the Green Lane Chertsey (Developments) Limited v Secretary of State for Housing, Communities and Local Government, Runnymede Borough Council [2019] EWHC 990 (29 March 2019) and Oxtan Farm v Harrogate Borough Council & D Noble Limited [2020] EWCA Civ 805.

indicating that the proposal is acceptable in principle and not raising concerns regarding other issues do also not lead me to a different conclusion.

16. My attention has been drawn to 2 and 12 Mayfield Road, 16 Newlands Road and 35A and 49 Wood Road and a series of other houses in the locality, which comprise either new build properties on garden plots or detached properties. However, I do not have the full details of those cases before me. In any case, in my view and based on site observations, the circumstances between those sites and the appeal site are not directly comparable in terms of plot size, position relative to adjacent roads or detailed design. I have reasoned above why I have identified harm based on the proposals before me and observations on site. Ultimately, the existence of those properties does not lead me to change my conclusion in respect of the appeal site.
17. In respect of the Thames Basin Heath Special Protection Area, I note the appellant's inclusion of a draft Section 106 Agreement in relation to the provision of contributions towards strategic access management and monitoring measures. However, Habitats Regulation 63(1) states that 'a competent authority, before deciding to...give any consent [or] permission... must make an appropriate assessment of the implications of the plan or project for that site'. Given my reasoning in respect of the main issue and that the appeal is dismissed, there is therefore no requirement upon me in that regard, and even were I to find that the proposal was acceptable in this respect, it would be neutral in my determination of the case.

Conclusion

18. For the reasons above, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR