



Appeal Decision

Site visit made on 10 November 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/D3640/W/21/3286415

Pinecroft, Ravenswood Drive, Camberley, Surrey GU15 2BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Martin Ross against the decision of Surrey Heath Borough Council.
 - The application Ref 20/0884/OOU, dated 18 September 2020, was refused by notice dated 15 October 2021.
 - The development proposed is the erection of a residential dwelling in the garden of the property 'Pinecroft'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An outline planning permission is sought with access, layout and scale to be considered. I have dealt with the appeal on this basis and have treated any details relating to appearance and landscaping which are not to be considered at this stage as being illustrative only.
3. A revised Community Infrastructure Levy form has been submitted with the appeal. This confirms the proposal is not intended as a self-build development. As this does not materially change the substance of the proposal, and would not prejudice any party, I have taken the revised form into account and considered the appeal on this basis.

Main Issues

4. I consider the main issues are the effect of the proposed development on:
 - the character and appearance of the area,
 - the Thames Basin Heaths Special Protection Area (SPA), and
 - the living conditions of the occupiers of Pinecroft with particular regard to outlook and sunlight.

Reasons

Character and Appearance

5. The appeal site comprises of a detached dwelling situated on a private cul-de-sac. The surrounding area is predominantly residential and formed of a variety of large, detached dwellings that are set back at varying distances from the

road. The road does not have a footway and is bounded by tall, mature vegetation and other forms of boundary treatment which gives the area a secluded, verdant character akin to a semi-rural area.

6. The proposed dwelling would occupy what is currently the side garden of Pinecroft. It would have a plot width of around 17.8m with the existing dwelling, Pinecroft, also having a much-reduced plot width. However, plot widths vary along Ravenswood Drive, including those of a similar width to that proposed for the new dwelling, but wider, irregular shaped plots predominate.
7. The appeal site has a strong visual relationship with nearby properties on the northern side of Ravenswood Drive, some of which extend close to the boundaries, but the character of an area is not narrowly defined by reference to a small number of properties but rather the wider setting. In this case, it comprises of properties set within generous plots that contribute to the area's semi-rural character.
8. Given the restricted width of the plot, the proposed layout would appear cramped within the site, particularly given the width of the existing hedgerow to the side boundary which the two storey structure would extend close to. Although additional planting could be secured through a landscaping scheme at reserved matters stage, and this could be devised to provide some enclosure to the southern frontage, the proposal would nevertheless result in part of the established front boundary hedgerow being removed in order to provide access to the dwelling. Whilst the front hedging could be removed at any point, I have not been provided with any information that demonstrates that this likely to occur. Although views from the road would be glimpsed, the additional opening and views of the proposed dwelling would nevertheless harmfully erode the verdant, semi-rural character of the area.
9. The Council are concerned that the proposed dwelling would obstruct views of mature trees to the rear, but given the height of the trees, the scale of the dwelling proposed, and the existing boundary hedging, I do not consider that there would be any adverse effects in this regard.
10. Although a scheme could be devised to provide a dwelling with high quality fenestration and to secure more suitable planting, neither matter nor the density of the proposal would address my findings arising from the increase in built form, and a reduction in the verdancy from the additional opening.
11. I conclude, on this issue, that the proposed development would have an adverse impact on the character and appearance of the area. As such, it would conflict with Policy DM9 of the Surrey Heath Core Strategy & Development Management Policies 2011-2018 (CS & DM Policies), which seeks, amongst other matters, high quality design that respects and enhances local character. It would also be contrary to Principles 6.4, 7.4 and 7.8 of the Residential Design Guide Supplementary Planning Document (RDG SPD) and the National Planning Policy Framework (Framework), which seek development that is sympathetic to local character and reflects the spacing, heights and building footprints of existing buildings.
12. Reference is made to the Western Urban Area Character Supplementary Planning Document (WUAC) not conforming to the Framework's support for development that makes efficient use of land. However, the Framework also sets out the need to take account of an area's prevailing character and setting

and I therefore attribute significant weight to the WUAC. The proposal would be contrary to this guidance which seeks good design that respects and enhances character. The appellant has referenced the Planning Practice Guidance (PPG) which sets out many different aspects of design. This includes considering the layout and form of the development and the proposal would conflict with the PPG for the reasons set out.

Thames Basin Heaths SPA

13. The appeal site is situated around 1.6km from the Thames Basin Heaths SPA. The Habitat Regulations require that developments do not adversely impact on the integrity of the SPA which consists of a network of heathland sites that provide a habitat for internationally important bird species, namely, the nightjar, woodlark and dartford warbler. These species nest at low level and are easily disturbed by human activity such as recreational walking and predation by domestic cats. It is therefore likely that, given the proposed additional dwelling is within the zone of influence of the protected area, taken both in isolation and cumulatively, the proposal would have a significant adverse effect on the integrity of the SPA and, as the competent authority, it is necessary for me to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the SPA.
14. Policy CP14B of the CS & DM Policies states that new residential development within 5km of the SPA will be required to provide appropriate measures to avoid adverse effects on it. The measures set out in this policy include requiring new development to contribute towards the provision of Suitable Alternative Natural Green Spaces (SANGs). This is also recognised in the Council's Thames Basin Heaths Special Protection Area Avoidance Supplementary Planning Document (SPA SPD), which sets out further details on the collection of developer contributions towards SANGs and Strategic Access Management and Monitoring (SAMM).
15. The SANGs are areas that are not currently used for open space but are designed for recreational use in lieu of land within the SPA, thus negating potential adverse impacts. A SAMM contribution would be used to manage visitors across the publically accessible SPA. The main parties agree that measures are needed to avoid harm to the SPA from the proposed dwelling, which arises from additional recreational activity in such areas. Given the approach set out in Council policy and guidance, the SAMM contribution sought satisfies the three tests in Framework paragraph 57.
16. The Council's Community Infrastructure Levy (CIL) makes provision for the collection of a SANG contribution, and the amended CIL form would enable the SANG contribution to be provided. The Council has stated that they consider a SAMM payment could be secured at Reserved Matters stage. However, for development to be acceptable, a SAMM contribution, secured through a planning obligation must be in place prior to the granting of planning permission, as the reserved matters are not an application for planning permission. There is no section 106 obligation before me in respect of the SAMM contribution. Therefore, the appeal scheme would have a likely significant effect either alone or in combination with other developments due to the high likelihood of recreational disturbance to the SPA through additional activity associated with the proposed development, which has the potential to affect the integrity of the SPA.

17. The Habitats Regulations require me to consider whether there are any alternative solutions but there is no mechanism in place by which the required mitigation can be secured. No other solutions have been put to me and I have found none myself.
18. I must also assess whether there are any imperative reasons of overriding public interest. The provision of a single dwelling is not sufficient to amount to such overriding public interest. Consequently, having regard to the Habitat Regulations, permission must not be granted. I therefore conclude on this issue that the proposed development would result in significant harm to the integrity of the SPA. It would therefore be contrary to Policy CP14B of the CS & DM Policies and the SPA SPD which seek to permit development provided it would not give rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths SPA.

Living Conditions

19. The existing dwelling, Pinecroft, is set back towards the rear of the site and orientated at an angle to the road. Its front elevation would therefore partly face the proposed dwelling, which would largely be positioned forward of it. However, the existing dwelling would retain an outlook from its front windows more immediately over a garden area. At its closest point, the separation would only be around 6.5m, but having regard to the position of Pinecroft's front windows, and the angle of view from them, there would be a greater separation along much of the length of the boundary. Given these factors and the two storey scale proposed with part of the first floor accommodation in the roof space, I do not consider the outlook for Pinecroft's occupants within the property would be significantly diminished.
20. Part of the garden area to Pinecroft, including the patio area would be closer to the proposed property. This dwelling would however retain a generous garden area, large sections of which would be some distance from the proposed dwelling. I do not therefore consider the proximity of the proposed dwelling would have an overbearing impact on the users of Pinecroft's garden.
21. Reference has been made to a loss of light assessment and the proposed dwelling intersecting the 45 degree and 60 degree lines taken from the front of the dwelling. I've not been provided with the actual assessment and whilst I note reference to the RDG SPD, this document also states that these are indicators only and the acceptability of the proposal will be dependent on factors such as the orientation of buildings. Having regard to the position of the proposed dwelling relative to Pinecroft, there would be some overshadowing earlier in the day. However, given the height of the proposed house and the separation with the existing dwelling, as described earlier in this decision, the extent and timing of overshadowing would not be unduly harmful to occupants within the existing building. In addition, as Pinecroft would retain a generous garden, I do not consider that large parts of it would be cast in shadow to the extent that it would compromise the enjoyment of the outdoor amenity space, including the patio area.
22. Accordingly, I conclude that the proposed development would not have an unacceptable adverse impact on the living conditions of the occupiers of Pinecroft with particular regard to outlook and sunlight. As such, it would not be contrary to Policy DM9 of the CS & DM Policies, the Framework or the RDG

SPD which seek to ensure that development respects the amenities of occupiers.

Other Matters

23. The appeal site is situated in an accessible location within a residential area of Camberley and would provide future occupants with good living conditions without giving rise to harmful overlooking. There are no unacceptable impacts arising in terms of highway safety, on trees or on flooding and drainage. The appeal site is also not constrained by any designations such as those relating to heritage. These are however all neutral matters.
24. I recognise that the Framework supports the effective use of land and local guidance in the RDG SPD seeks high density. These documents also however require development to function well and to not compromise local character.
25. Reference has been made by both main parties to historical decisions from the 1970s on the appeal site. Limited details of these applications have been provided but given their age and the change in the local and national policy context, I am only able to afford them very limited weight.

Planning Balance

26. The proposal would harm the character and appearance of the area and result in significant harm to the integrity of the SPA. These are matters which attract substantial weight.
27. The Framework seeks to significantly boost the supply of housing and windfall sites can make an important contribution to housing delivery. A new family dwelling, such as that proposed, would contribute to the supply and mix of dwellings in the area. As it would only provide one net additional dwelling, I attach limited weight in favour of this, and to any corresponding economic benefits. The other considerations raised, such as those in relation to living conditions, highway safety and other identified points are neutral matters. As such, they would not outweigh the harm identified.
28. The main parties dispute whether the Council are able to demonstrate a five-year supply of deliverable housing sites. However, even if there was not a five-year supply to the extent as suggested by the appellant, the application of policies in the Framework that protect areas or assets of particular importance in footnote 7, which include habitat sites, provide a clear reason for refusing the development.

Conclusion

29. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR