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# Appeal Decision

Site visit made on 13 January 2023

**by Lewis Condé BSc (Hons), MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 January 2023**

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**Appeal Ref: APP/D3640/W/22/3304255**

**15 Milden Close, Frimley Green, Camberley, Surrey GU16 6PX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Ms Tracey West against Surrey Heath Borough Council.
  - The application Ref 22/0408/FFU, is dated 23 April 2022.
  - The development proposed is described as 'Conversion of approved garage to form an annexe for use of a dependent relative'.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey building to be used as an annexe building ancillary to the existing single-family dwelling at 15 Milden Close, Frimley Green, Camberley, Surrey GU16 6PX in accordance with the terms of the application, Ref 22/0408/FFU, dated 23 April 2022, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The Council do not contest the application, however as this is an appeal against non-determination, I have a duty to deal with the case before me.
3. The description of development in the banner heading above is taken directly from the original application form. I understand that the appellant has secured a separate planning permission that includes a detached garage at the site (ref: 20/0521/FFU). Whilst that permission appears to have been implemented the garage element has not been complete. As such, during the course of the application the description of development was altered by the local planning authority to '*Erection of a single-storey building to be used as an annexe building ancillary to the existing single-family dwelling*'. I consider that this description reflects the proposed development more accurately and it is on this basis that I have determined the appeal.
4. The name of the appellant in the banner heading above differs from that stated on the original application form, however, it is as per correspondence received.

## Main Issues

5. The main issues are whether the principle of development in this location is acceptable, and if it is, the effect of the proposed development on a) the character and appearance of the area; b) the living conditions of neighbouring occupiers; and c) highway safety.

## Reasons

### *Principle of Development*

6. The proposal involves the creation of a residential annex in the curtilage of no. 15 Milden Close. The appeal site is located within a predominantly residential location, within an established settlement area. Policy CP1 of the Surrey Heath Core Strategy and Development Management Policies 2011 – 2028 (adopted 2012) ('Core Strategy') sets out the Council's spatial strategy, to provide the most sustainable approach to accommodating growth. It directs new development predominantly to the western part of the borough within designated settlement areas. This includes limited opportunities for housing growth through redevelopment of existing sites in Frimley Green.
7. The proposed development complies with the spatial strategy established under Policy CP1 and therefore the principle of development is acceptable in this location.

### *Character of the Area*

8. Milden Close predominantly comprises of semi-detached and detached bungalows, that share a general consistency in their overall scale, design, and use of materials.
9. The appeal site itself is a semi-detached bungalow that has previously been altered including being extended to the rear. It is located towards the end of a quiet cul-de-sac. The site though occupies a corner plot due to its position adjacent to a private drive. The drive serves a backland development of two-storey dwellings to the north of the appeal site.
10. The proposed development would occupy a position to the side of the existing dwellinghouse and set back from the front elevation and highway. Alongside its relatively modest footprint, the proposed annex would have a pitched roof with low eaves and modest ridge height. As such, it would appear as a subservient outbuilding to the main dwelling. The proposal's footprint could also be accommodated on the site, with sufficient garden space remaining to serve the property. Therefore, despite being located near to the side elevation of the host dwelling, it would not result in a cramped form of development.
11. Furthermore, the proposed annex would have the appearance of a conventional residential outbuilding and would not be inconsistent or appear out of place in the garden of the appeal dwelling. Indeed, there is an extant permission for a garage at the site that would occupy the same position as the current appeal proposal and is of a very similar design/scale.
12. The outbuilding would be visible from public vantage points within Milden Close, albeit would not be highly prominent. I am satisfied that subject to a condition relating to the final finishing materials, it would not give rise to any adverse impact to visual amenity. This is due to its overall scale, design, positioning and the garden context in which it would be viewed.
13. Consequently, I find that the proposal would preserve the character and appearance of the host dwelling and surrounding area. The proposal therefore complies with Policies CP2 and DM9 of the Core Strategy. These policies, together amongst other matters, indicates that development will be acceptable where it achieves a high quality design that respects and enhances the local,

natural or historic character of the environment, paying particular regard to scale, materials, massing, bulk and density. The proposal would also reflect the overarching design principles set out in the Council's Residential Design Guide Supplementary Planning Document (adopted 2017) (SPD). Similarly, the aims of the National Planning Policy Framework (the Framework) in respect of design quality would also be adhered to.

#### *Living Conditions*

14. The overall height and mass of the proposed building alongside its siting with neighbouring dwellings would not lead to any harmful loss of light or overbearing impacts. Notably, the proposal is set away from the shared boundary with no. 13 Mildens Close. The neighbouring dwellings to the rear of the appeal site are also sufficiently set away from the proposal and at a higher level.
15. Similarly, the single storey nature of the proposal, together with the proposed window placements and relationship with neighbouring residential properties, would ensure that there would be no harmful overlooking or loss of privacy to neighbouring residents.
16. I note that concerns have been expressed from nearby residents about the potential for noise disturbance to be caused, particularly should the development be let out for short-term holiday rentals. The proposed use is for ancillary annex accommodation to serve an elderly relative, which I do not envisage would cause adverse noise impacts. Nevertheless, short-term rentals are capable of being an ancillary use to a host property, subject to the precise scale and nature of the operations. As such, there would be potential for the proposal to be used in such a manner in the future. However, given the siting of the proposed annex, any noise caused by its occupants is likely to affect the residents of the host property most acutely. It is reasonable to expect in such instance that the residents of the host property would also not wish to suffer from noise and disturbance arising from those occupying the annex, and therefore would manage its use accordingly. As such, I am satisfied that subject to a condition requiring the development to remain ancillary to the main dwelling, the proposal should not result in harmful levels of noise or disturbance to neighbouring residents.
17. Overall, I am satisfied that the proposed development accords with Core Strategy Policy DM9. The policy, amongst other matters, seeks to ensure development respects neighbouring occupiers' amenity. It would also reflect the guidance within Section 8 of the Council's Residential Design Guide SPD, which relates to the amenity implications of new developments.

#### *Highway Safety*

18. No alterations are proposed to the site's vehicle access. The proposed development would enable a further resident(s) to live at the site, whilst it would also result in the loss of a garage that was to serve the extended host property as previously approved (ref: 20/0521/FFU). Nevertheless, the appeal site would continue to be served by two off-road parking spaces.
19. Majority of the properties within the street are served by off-street parking capable of accommodating multiple vehicles. Indeed, at the time of my site visit (which I appreciate was only a snapshot in time) there did not appear to

be significant demand for on-street parking within Milden Close. Additionally, there did not appear to be issues with parking capacity within neighbouring residential streets. I also note that the highway authority has previously set out that it had no requirements or comments to make on the application. As such, I am satisfied that the proposed parking arrangements to serve the appeal site would be adequate.

20. Accordingly, the proposal is not considered to result in any harm to highway safety. It therefore complies with Core Strategy Policies CP11 and DM11. Together these policies amongst other matters seek for new development to be served by appropriate provision of parking and not adversely impact upon highway safety.

### **Other Matters**

21. I am aware that planning permission has previously been refused for a garage/annex development at 12 Milden Close (no. 12) opposite the appeal site. Although I do not have the precise details of the refused scheme, I understand that the context was quite different from the appeal proposal before me. This includes that the proposed development to no. 12 was two storeys in height and to be located to the front of the property.
22. Issues relating to the potential use of and/or blocking of an adjoining private drive by the appellant are civil matters between the relevant parties. Similarly, party wall implications associated with the proposed development are matters to be addressed under the relevant legislation and are not pertinent to the determination of this appeal.
23. The appeal site is located within Flood Zone 1 and would have a similar footprint as the garage previously approved at the site. Concerns expressed by a third party regarding the proposal's impacts on flooding do not appear to be founded on any robust evidence. Similarly, my decision does not turn on the concerns that have been expressed regarding the sustainability credentials of the proposal.
24. Concerns expressed in relation to the splitting of the appeal site's curtilage and the potential separate sale of the annex can be suitably addressed through the proposal being for an ancillary residential annex, as well as relevant associated conditions.
25. The appellant's dissatisfaction over the Council's handling of the original application is noted. However, the appeal has been determined on its own merits.

### **Conditions**

26. The Council has suggested five conditions which I have considered against advice in the Framework and the Planning Practice Guidance (PPG). I have amended them for consistency and clarity.
27. In addition to securing commencement within the relevant statutory timeframe, I have also imposed conditions requiring adherence to the approved plans and that matching materials should be used to ensure the proposal integrates acceptably with the character and appearance of the area.

28. A condition has also been attached that requires the proposed development to remain ancillary to the main dwellinghouse. However, the specific wording suggested by the Council has been amended as it was unnecessarily overly prescriptive. The condition is needed to ensure the development is not used as a separate unit of accommodation, in the interests of residential amenity and to safeguard the character of the area.
29. Finally, a condition removing permitted development rights preventing the erection of means of enclosure (except maintaining or replacing those to the existing external boundaries of the site) is also necessary. This is to prevent the sub-division of the appeal site and in the interests of the character and appearance of the area.

### **Conclusion**

30. For the reasons above, the proposed development would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations that would indicate a decision otherwise. The appeal should, therefore, be allowed and planning permission granted.

*Lewis Condé*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location and Proposed Block Plan, Drawing reference: 1713-05 01, Dated 26.06.2020; and Annex\_Floor Plan and Elevation, Drawing reference: 1713-06, Dated 28.03.2022.
- 3) The development hereby permitted shall be constructed in external facing materials to match those of the existing dwellinghouse.
- 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 15 Milden Close.
- 5) Notwithstanding the provisions set out in Schedule 2 Part 1 Class E and Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) other than for works to maintain or replace the existing fencing or walls forming the external boundaries of the application property no means of enclosure, gates, fences or walls shall be erected, installed, formed or sited anywhere within the curtilage of the application property.

Any development under the Classes stated above undertaken or implemented between the date of this decision and the commencement of the development hereby approved shall be demolished and all material debris resulting permanently removed from the land within one month of the development hereby approved commencing.

*End of Conditions*