



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: 03 FEBRUARY 2023

Appeal Ref: APP/D3640/W/22/3301699

2 Tremayne Walk, Camberley GU15 1AH

- 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 Miss Claudia Wentworth against the decision of Surrey Heath Borough Council.
 - The application Ref 22/0091/FFU, dated 1 February 2022, was refused by notice dated 24 March 2022.
 - The development proposed is described as '*Erection of a two storey detached 3 bedroom dwelling with off-street parking and garden amenity space, to the land at the rear of No.2 Tremayne Walk*'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey detached 3 bedroom dwelling with off-street parking and garden amenity space, to the land at the rear of No.2 Tremayne Walk, Camberley GU15 1AH in accordance with the terms of the application, Ref 22/0091/FFU, dated 1 February 2022, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is an existing two storey semi-detached dwelling, located on the corner of Tremayne Walk and Cumberland Road. The appeal dwelling fronts onto Tremayne Walk and is set back from street level in a slightly elevated position. The property is served by a relatively sizeable garden that predominantly extends to the side of the dwellinghouse, along Tremayne Walk, and is enclosed by timber fencing.
4. The surrounding area has a suburban residential character comprising of late 20th century dwellings. It contains a mix of two-storey, detached, semi-detached and terraced properties. Several nearby properties have also been extended. As such, dwellings in the surrounding area vary in their precise scale and form, albeit they share a general consistency due to the use of a similar palette of materials.
5. Immediate neighbouring properties and those along Tremayne Walk are mostly served by sizeable plots, primarily due to their large rear gardens. Be that as it may, this is not entirely apparent from public vantage points. The wider surrounding area also seemingly has a mix of plot sizes. This is reflected in the

West Urban Area Character Supplementary Planning Document (the WUAC) (adopted 2012), which highlights that the contemporary paved estates (that the site is located within) generally have irregular plot shapes of varying sizes.

6. The proposal would result in both the existing and proposed dwellings at the appeal site being served by smaller plots than their neighbouring properties. This would be contrary to Principle 6.6 of the Council's Residential Design Guide (the RDG) (adopted 2017), which sets an expectation that new residential development will respond to the size and shape of surrounding plot layouts.
7. However, neither dwelling would appear cramped within the resultant proposed plots. This is due to several factors, including that the overall scale of the dwelling and the plot width would be reflective of those nearby. Additionally, the separation distances between the proposed dwelling and adjacent properties would be typical of that found in the surrounding built form. The proposed dwelling would also closely reflect the existing building line of the adjacent properties.
8. Furthermore, it is the enclosed rear/side gardens of both the existing and proposed dwelling that would generally be smaller than that of nearby neighbouring properties. The difference in plot sizes would therefore not be particularly appreciable from public vantage points. As such, I find the smaller plot sizes would not materially harm the character or appearance of the area, despite not meeting the specific aims of Principle 6.6 of the RDG.
9. As indicated above, the spacing of the proposed dwelling to neighbouring properties is deemed appropriate. Additionally, the proposed height of the dwelling, its simple pitched roof form, and its footprint would not appear incongruous with the surrounding residential context. Accordingly, I am satisfied that Principles 7.4 and 7.5 of the RDG that the Council has referred to would be met.
10. The Council has also referred to guiding principles CP1 and CP2 of the WUAC. These highlight several design considerations that new developments within the Contemporary Paved Estates should follow. This includes the maintenance of gaps between buildings, with the guidance highlighting that the erosion of existing gaps will be resisted where they help to provide an open feel and appearance.
11. The side garden to the appeal property is largely enclosed, but still provides a sense of spaciousness between the existing dwelling and the adjacent no. 4 Tremayne Walk. However, this level of spaciousness is not typical of the area, with only limited gaps between most adjacent dwellings in the street. Similarly, I found that the rather open feel that the site currently displays was not highly characteristic of corner plots within the surrounding estate, which tended to have a much tighter urban knit with neighbouring dwellings. The proposal would also maintain a significant level of open frontage to both the existing and proposed dwelling. Accordingly, whilst the proposal would lead to erosion of an existing gap in the built form, it would not result in an uncharacteristic or harmful form of development.
12. The Council has drawn my attention to the fact that the appeal scheme would be at odds with no. 1 Tremayne Walk (opposite the appeal site) which currently shares a similar plot size and configuration. Whilst there are currently similarities between the sites, from my on-site observations these were not

highly appreciable. This is in part because No. 1 is set at a different level. It also feels far less open and spacious due to the presence of significant levels of mature vegetation, and because it's high boundary fence directly abuts the public highway. Accordingly, this does not change my view of the proposed development.

13. Overall, I am satisfied that the proposed development is of a suitable scale and design that would not harm the character and appearance of the area. The proposal therefore complies with Policy DM9 of the Council's Core Strategy & Development Management Policies 2011 – 2028 (adopted 2012). The policy, 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.
14. Whilst the proposal would not satisfy all the design principles set out within the Council's RDG and WUCA, I am nevertheless satisfied that it would meet their overarching aims of achieving good design that respects the character of the area. Similarly, the design aims of the National Planning Policy Framework (the Framework) and the National Design Guide would also be adhered to.

Other Matters

15. I have also considered the various other concerns previously raised by neighbouring parties, including potential impacts relating to parking and highway safety, and drainage. However, none of the other matters raised outweigh or alter my conclusion on the main issue.

Conditions

16. The Council has suggested conditions in the event the appeal is allowed, which the appellant has commented upon. I have considered the suggested conditions and amended and reordered them as necessary in the interests of precision and clarity, as well as to comply with advice in the Framework and Planning Practice Guidance (PPG).
17. The Council has suggested a time-limit of 1 year for implementation of the permission. However, the PPG advises that the relevant time limit for commencing development should be not later than 3 years beginning with the date on which the permission is granted. The PPG further advises that a shorter period may be appropriate where it would encourage the commencement of development and non-commencement has previously had negative impacts. I am not aware of any negative impacts through previous non-commencement of development at the appeal site, while the Council has not provided a robust justification for the reduced timescale for implementation. As such, I have imposed a standard time-limit of 3 years.
18. A condition is needed to secure compliance with the approved plans and documents, for the avoidance of doubt and in the interests of proper planning. Conditions requiring the approval of sample materials including details of hardstandings are necessary in the interest of the character and appearance of the area.
19. A condition requiring the use of obscure glazing to first floor windows in the north west elevation of the proposed dwelling is needed to protect the living conditions of the adjacent property.

20. Conditions in respect of protection of existing trees at the site and details of proposed tree planting are reasonable and necessary in the interest of the visual amenity of the site and surrounding area. While a condition requiring the provision of ecological enhancements at the site is necessary in the interest of biodiversity.
21. Conditions in relation to the construction of the proposed vehicular access, the provision of the approved parking and cycles spaces and adherence to the construction site layout plan are necessary in the interest of highway safety and to provide facilities in accordance with development plan policies. Additionally, a condition requiring the installation of an electric vehicle charging point is reasonable and necessary on sustainability grounds, having regard to development plan policies.
22. Finally, I consider the removal of permitted development rights in relation to the enlargement of the proposed dwelling, additions or other alterations to its roof, and preventing the erection of building or structures incidental to the enjoyment of the dwellinghouse is deemed reasonable and necessary. This is due to the reduced plot sizes that both the host dwelling and proposed new dwelling would be served by. As such, the condition is needed to safeguard the living conditions of neighbouring residents and future occupiers of the proposed dwellings. Further extending the properties could also lead to a cramped form of development arising that could adversely impact on the character and appearance of the area.

Conclusion

23. For the reasons given above, having regard to the development plan, and all other material considerations raised, the appeal is allowed.

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:
 - Existing & Proposed Location & Block Plans, Drawing No. RS-01 Rev A – Date: Feb 2021;
 - Proposed Site Plan, Drawing No. RS-03 Rev A – Date: Feb 2021
 - Proposed Site/Topography & Parking Plan, Drawing No. RS-04 Rev A – Date: Feb 2021;
 - Proposed Plans, Drawing No. RS-05 Rev A – Date: Feb 2021;
 - Proposed Elevations, Drawing No. RS-06 Rev A – Date: Feb 2021;
 - Existing & Proposed Site Section, Drawing no. RS-07 Rev A – Date: Feb 2021;
 - Existing & Proposed Street Scene Elevation, Drawing No. RS-08 Rev A – Date: Feb 2021;
 - Dimension & Construction Site Layout Plan & Site Photos, Drawing No. RS-09 Rev A – Date: Feb 2021
- 3) No external facing materials shall be used on or in the development hereby approved until samples and details of them have been submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out using only the agreed materials.
- 4) No hardstanding materials shall be used on or in the development hereby approved until samples and/or details of them have been submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out using only the agreed materials.
- 5) Before the first occupation of the development hereby approved the first floor windows serving the bathroom and ensuite in the north western elevation facing neighbour at no. 20 Cumberland Road, shall be completed in obscure glazing and any opening shall be at high level only (greater than 1.7m above finished floor level) and retained as such at all times. No additional openings shall be created in north western and north east elevation.
- 6) Prior to the commencement of any works (including site clearance, demolition and construction works) and before any equipment, machinery or materials are brought on to the site, the protection of any retained tree and any other protection specified shall be undertaken in accordance with the submitted Arboricultural Assessment (prepared by SMW(Tree) Consultancy, dated 22 November 2021), and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site.
 - No development or other operations shall take place except in complete accordance with the approved arboricultural assessment.

- Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned.
 - Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, the protective fencing as proposed and shall be retained intact, for the full duration of the development hereby approved and shall not be removed or repositioned.
 - All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
 - Prior to first occupation, details of the satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction (where working within RPA is shown) shall be submitted to and approved in writing by the Local Planning Authority.
- 7) Prior to completion or first occupation of the dwelling hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years following the completion of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.
- 8) The dwelling hereby approved shall not be occupied until the proposed vehicular access to Tremayne Walk has been constructed (in accordance with drawing no. RS-03 Revision A) and provided with the means within the private land of preventing private water from entering the highway. The vehicular access shall also be provided with a minimum 2.4 x 25m visibility splays prior to the occupation of the approved dwelling and thereafter the visibility splays shall be kept permanently clear of any obstruction over 0.6 metres high.
- 9) The dwelling hereby approved shall not be occupied until space has been laid out within the site in accordance with drawing no. RS-04 for two vehicles to be. Thereafter the parking areas shall be retained and maintained for their designed purpose.
- 10) The development shall be undertaken in accordance with the approved Construction Management details (Construction Site Layout Plan Drawing RS-09).

- 11) The dwelling hereby approved shall not be occupied until it is first provided with a fast charge socket (minimum requirement 7 kw Mode 3 with Type 2 connector - 230 v AC 32 AMP single phase dedicated supply).
- 12) The approved dwelling shall not be occupied until space has been laid out within the site, in accordance with drawing no. RS-04 Revision A, for two bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 13) No development shall take place above ground level, until a scheme of ecological enhancements that would result in a net gain in biodiversity at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The ecological enhancement measures shall be implemented in line with the approved scheme, prior to the occupation of the new dwelling.
- 14) Notwithstanding the provisions of Class A, Class B, and Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) no further extensions, roof alterations, outbuildings shall be erected or undertaken without the prior approval in writing of the Local Planning Authority.

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 coming into first use.

End of conditions