
Appeal Decision

Site visit made on 21 March 2023

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2023

Appeal Ref: APP/D3640/W/22/3297939

8 Fowlers Mead, Chobham, Woking, GU24 8LF

- 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 Graeme Hooper against the decision of Surrey Heath Borough Council.
 - The application Ref 21/1057/FFU, dated 19 September 2021, was refused by notice dated 16 December 2021.
 - The development proposed is demolition of existing garage and single storey extension to retained dwellinghouse in connection with erection of new detached house and garage on land at No 8 Fowlers Mead Chobham.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- The effect of the proposed development on the character and appearance of the area,
- The effect on the living conditions of neighbouring occupiers, having regard to outlook,
- Whether it would provide acceptable living conditions for future occupiers having regard to outdoor amenity space; and,
- The effect on the Thames Basin Heaths Special Protection Area.

Reasons

Character and appearance

3. The appeal site is located at one end of Fowlers Mead. Houses on this street are predominantly semi-detached, but there is a detached house at the other end of the street, on the corner plot next to No 1. Furthermore, the wider area is characterised by a mix of terraced, semi-detached and detached houses at both one-storey and two-storeys in height. While Fowlers Mead is therefore broadly consistent in character along much of its length, there is variety from the existing detached house and in the wider area.
4. Notwithstanding this, the appeal proposal would be as tall as the existing houses with a gabled roof that would be out of keeping in comparison to the hipped roofs of the other houses in the street. Its height and form would be

emphasised by the significant step down to the neighbouring bungalows on Bowling Green Road. Given the extent of screening from the surrounding landscaping, the house would principally be viewed in the context of the Fowlers Mead street scene and the neighbouring bungalows. Within this context, it would appear as an incongruous and dominant feature in the street scene.

5. The detached house next to No 1 occupies a more prominent location at the entrance to Fowlers Mead. However, that property has a hipped roof. It therefore differs from the proposal before me, and I can only afford it moderate weight in determining this appeal.
6. The existing rear garden would be divided between the proposed and existing houses. The garden is an irregular shape, and the proposed house would have a much shorter garden than the existing. However, in my experience it is not uncommon for houses on or near corner plots to have shorter gardens. I do not consider that this element of the proposal would result in harm.
7. Nevertheless, overall the appeal proposal would be out of keeping in this location due to its roof form. It would therefore be harmful to the character and appearance of the area, contrary to Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies (the DMP). Taken together these policies require that development be of high quality design and respect and enhance the quality of the environment. It would also conflict with the Council's Residential Design Guide Supplementary Planning Document (the SPD), which advises that new development reflect discernible patterns of massing in existing residential areas.

Neighbour living conditions

8. The proposed house would be built close to the shared boundary with the bungalows at 2 and 4 Bowling Green Road. These bungalows have relatively shallow rear gardens compared to the existing house. Their rear windows would face the two-storey side wall of the proposed house at about 11 metres separation. The appellant contends that the present outlook from these properties is onto the flank wall and the dilapidated garage of the existing house. However, the proposed house would be much closer to the shared boundary with the bungalows, with a gabled roof. At this distance it would be a significantly more dominant presence in the outlook from these neighbouring properties and their gardens, particularly from No 2 as the rear windows to that bungalow all face directly towards the site of the proposed house. Consequently, it would be harmful to the outlook from those properties.
9. I note that 2 Bowling Green Road has a side garden that adds to the space available to its occupiers. However, this is surrounded by a low boundary and so is not as private as the garden area to the rear of the property. In addition, its presence does not affect the outlook from the rear windows of this bungalow, which would be onto the side wall of the proposed house.
10. Overall, therefore, the appeal proposal would result in harm to the living conditions of the neighbouring occupiers by reason of loss of outlook. It would therefore conflict with Policy DM9 of the DMP, which requires amongst other criteria that development respect the amenities of occupiers of neighbouring property.

Future occupiers

11. The SPD seeks a provision of 55 square metres of private outdoor amenity space for a house of the scale proposed. This is supported by DMP Policy DM9 which requires that development provide sufficient private amenity space.
12. The appellant states that the appeal proposal would provide 78.5 square metres of space to the front of the house and 46.2 square metres to the rear. The house would be located at the end of a cul-de-sac with some screening from the wider area from the extensive mature landscaping to the front of the site.
13. However, the front garden would nevertheless be open to Fowlers Mead, and much of it would typically be used for parking. Although details of landscaping could be secured by condition, the indicative layout on the proposed site plan shows that the front garden would be split by the proposed parking area. The rear garden would be of irregular size, with an existing storage building limiting its width and a triangular offshoot that would be very narrow.
14. The private garden to the rear of the house would therefore be significantly smaller than the 55 square metres sought in the SPD. While this figure is only guidance, I am mindful that the proposal is for a generously sized 3 bedroom house that would be suitable for family accommodation where a larger private garden would be of considerable value. Accordingly, the significant shortfall in this instance would result in a private amenity space that would be cramped and offer limited value to future occupiers.
15. The appellant argues that the front garden would be of value to future occupiers, and I acknowledge this. However, it would lack privacy and would be shared with parking for the house. As such it would be of less value to future occupiers than a dedicated, private space. It would not make up for the significant shortfall in size of the rear garden.
16. The appeal proposal would therefore fail to provide acceptable living conditions for future occupiers, contrary to the aims of Policy DM9 of the DPD and of the SPD set out above.

Special Protection Area

17. The appeal site lies within the 5 kilometre buffer zone around the Thames Basin Heaths Special Protection Area (the SPA). Residential development within the buffer zone requires a financial contribution, secured via legal agreement, to the provision of Suitable Alternative Natural Green Spaces. Such contributions are sought to avoid the likely significant effect on the SPA from increased recreational activity arising from new residential development.
18. No mechanism for securing the contribution is before me. The appellant has suggested that this could be secured by a suitably worded condition, but national planning practice guidance advises that such a condition is unlikely to be appropriate in the majority of cases. There is no evidence before me to suggest that the delivery of the development would otherwise be at serious risk that would justify the use of such a condition.
19. Accordingly, the appeal proposal would conflict with Policy CP14B of the DMP and the aims of the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document, which amongst other criteria

states that permission will only be granted where development will not give rise to a likely significant adverse effect upon the integrity of the SPA.

Planning Balance

20. The appeal proposal would deliver 1 new dwelling, supporting the Government's objective of significantly boosting the supply of homes. The Council acknowledge that it has a shortfall in its supply of deliverable housing land, and therefore this benefit attracts additional weight. Although the site is in the Green Belt, there is no suggestion that the proposal constitutes inappropriate development, and it would be a more efficient use of this site, which is within an existing village.
21. However, the appeal proposal fails to include a mechanism for securing the necessary financial contribution to offset the likely significant effect to the SPA. In such a case the application of policies in the National Planning Policy Framework that protect habitats sites provides a clear reason for refusing the development proposed, and therefore the presumption in favour of sustainable development is not engaged in this instance.
22. The appeal proposal would be harmful to the character and appearance of the area, as well as to the living conditions of neighbouring occupiers. It would also fail to provide acceptable living conditions for future occupiers, and there would be a likely significant effect to the integrity of the SPA from increased recreational activity. Taken together the cumulative harm arising from the proposed development would outweigh the benefits that it would deliver.

Conclusion

23. The appeal proposal would conflict with the development plan and there are no material considerations to indicate that this appeal should be determined otherwise than in accordance with it. Accordingly, the appeal fails.

M Chalk

INSPECTOR