



Appeal Decision

Site visit made on 2 May 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2023

Appeal Ref: APP/D3640/W/22/3312673

2 Glynswood, Camberley, Surrey GU15 1HU

- 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 Ms Chantelle Marie against the decision of Surrey Heath Borough Council.
 - The application Ref 22/0371/FFU, dated 8 April 2022, was refused by notice dated 25 October 2022.
 - The development proposed is erection of detached part single, part two storey dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of detached part single, part two storey dwelling, at 2 Glynswood, Camberley, Surrey GU15 1HU, in accordance with the terms of the application, Ref: 22/0371/FFU, dated 8 April 2022, the submitted information with that application, and the schedule of conditions appended to this Decision.

Main Issues

2. The main issues in this case are the effects of the proposal on the:
 - Character and appearance of the area; and
 - Integrity of the Thames Basin Heaths Special Protection Area.

Reasons

Character and Appearance

3. The appeal site is the side garden of an existing dwelling. This dwelling has a corner plot, on Glynswood, which is considerably larger than its immediate neighbours on that road. Glynswood is defined as being within a 'Post War Council Estate'.¹ It is a short cul-de-sac of mainly detached dwellings in good sized plots. Some dwellings in Glynswood are well spaced, and No 2 has space on its western side elevation. However, the appeal property is in a short row of dwellings that are generally built close to their respective shared side boundaries. As such, space, in this part of the cul-de-sac, is therefore largely confined to the front and rear of dwellings.
4. The appeal site also bounds Portsmouth Road. Although a busy main road, this road is flanked by grass verges, street trees and other verdant features which positively contribute to the appearance of this area. I saw that some gardens along this road also contribute to a sense of green space in the area. However,

¹ Western Urban Area Character Supplementary Planning Document

at the time I conducted the site visit, although the garden to the side of No 2 was relatively undeveloped, it was bound by a high panel fence and edged by a narrow grass verge along the road. Also, there were few green features in the garden visible above the fence.

5. The side boundary of the proposed dwelling would bring the built form closer to Portsmouth Road than is the case with the existing dwelling. There would also be a smaller gap at this side boundary than would be the case if the approved plans for an extension to No 2 was implemented.² However, while this proposal would result in a mass closer to this side boundary, the dwelling would be single storey at this aspect, and this would help retain a sense of space, consistent with other properties on Portsmouth Road.
6. Moreover, the proposed dwelling would have a reasonable size rear garden capable of accommodating soft landscaping, that could contribute to the verdant character of Portsmouth Road. There would also be space at the front of the dwelling which could also accommodate green features. Taking account of these factors the proposal would not harm the positive features of this part of Portsmouth Road.
7. Also, the frontage of the proposed dwelling would be on Glynswood. As such, the addition would be principally viewed in the context of the built form on that cul-de-sac. The proposed dwelling would be of a similar scale and mass to No 2 and its immediate neighbours on Glynswood. As the appeal plot is uncommonly large, even with a subdivision, No 2 and the proposed dwelling would have reasonable size plots that would be in keeping with the immediate neighbouring plots. The proposed dwelling's front building line would also match the existing building line of dwellings on this part of Glynswood, and it would be constructed in similar materials and be of a similar architectural style to those dwellings. In these regards the proposed dwelling would be respectful of the design of existing built form in the area.
8. The proposed dwelling would be built up to the shared side boundary with No 2. However, this arrangement would not be dissimilar to the dwelling at No 4 which already abuts its shared boundary with No 2. While noting that the eaves of No 2 and the proposed dwelling would align, their individual gable fronted forms would provide a clear visual separation of the two masses. There would also be a small gap at the newly formed side boundary of No 2. These design features would ensure the proposed dwelling would appear detached in a row of similar detached dwellings and would not result in a harmful terracing effect on Glynswood.
9. Also, as already outlined, the architectural style and scale of the proposed dwelling would be reflective of existing neighbouring dwellings. With the proposed combined design details, the proposed dwelling would integrate positively with the existing rhythm of built form and would generally be consistent with the prevailing density and pattern of development in this part of the cul-de-sac.
10. In light of the above, I find that the proposal would not have a harmful effect on the character and appearance of the area. In respect of this matter, the proposal would be consistent with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies (Core Strategy). These

² Ref: APP/D3640/D/21/3285520

policies collectively seek high quality design and require development to, amongst other matters, ensure that all land is used efficiently within the context of its surroundings, and to respect and enhance the quality of the urban, rural, natural and historic environments.

11. The proposal would also be consistent with the principles set out in the Residential Design Guide Supplementary Planning Document, guidance of the Western Urban Area Character Supplementary Planning Document and the National Planning Policy Framework (the Framework), which seek well-designed places.

Special Protection Area

12. The appeal site falls within the "Zone of Influence" for the Thames Basin Heaths Special Protection Area (SPA). This designation affects the heathland areas that provide habitats for three rare bird species: Dartford Warbler, Nightjar and Woodlark. The conservation objectives for this SPA are focused on ensuring that the integrity of the area is maintained or restored as appropriate, and that the area contributes to the conservation of the above qualifying features and the aims of the Wild Birds Directive.
13. The SPA forms part of an extensive complex heathland. The area, which was once almost continuous, is now fragmented and is interspersed by urban areas. This makes this habitat particularly vulnerable to the effects of new development and urbanisation. All three bird species nest on the ground or at low level and so are easily disturbed or harmed by human activity. In particular, this includes recreational activity such as dog walking. Predation by domestic cats is also a risk factor, as is the potential for fly tipping and arson on the heathland habitat.
14. Without mitigation, new residential development in this area could therefore have a significant adverse effect on the sensitive qualifying characteristics of the SPA, through increased recreational pressure, particularly when considered 'in combination' with other plans and projects. Consequently, in accordance with the Habitat Regulations³, an Appropriate Assessment is necessary. The purpose of the assessment is to ascertain whether or not the proposal would adversely affect the integrity of the area.
15. The proposal would result in one additional residential unit in the zone of influence of the SPA. In light of the evidence above, the proposal would therefore have a likely significant adverse effect on the integrity of the SPA.
16. To allow housing development while still complying with the Habitats Regulations, a Strategic Delivery Framework (SDF) for the long-term protection of the SPA has been agreed between Natural England and relevant local authorities. The SDF recommends a combination of avoidance measures to protect the integrity of the Thames Basin Heaths SPA from the impacts of new residential development. These include the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) measures, that co-ordinate visitor management across the whole of the publicly accessible SPA.
17. The appeal site is within 5 kms of the SPA, and the SDF states that developments, where there is a net gain of one or more residential units, are

³ Ref: The Conservation of Habitats and Species Regulations 2017

- considered to give rise to likely significant adverse effects to the SPA, and will be required to contribute towards the avoidance measures outlined above.
18. Natural England (NE) states that as long as the appellant complies with the requirements of Surrey Heath's avoidance and mitigation strategy for the Thames Basin Heaths SPA, and secures contribution to both SANG and SAMM, NE has no objection to the proposal.
 19. The evidence presented indicates that the development would be liable to the Community Infrastructure Levy (CIL) and that the requirement for mitigation in respect of the SANG would be payable through that mechanism.
 20. The Council's website confirms that the charges for SAMM can either be paid up front at the time of the application or by a unilateral undertaking, which commits to payment on the commencement of development. One of the Council's reasons for refusing this proposal planning permission related to the absence of the payment or the completed legal agreement to address this mitigation.
 21. However, through this appeal process, the appellant states that the SAMM payment will be made directly to the Council. The Council, in its appeal statement, confirms that the proposal is liable for SAMM payment of £830.16 and that the SAMM payment has now been received. Accordingly, the Council states this refusal reason is no longer in dispute.
 22. As the Competent Authority in this case, I am satisfied on the basis outlined above, that the mitigation necessary to make this development acceptable and that would mitigate against the identified likely significant adverse impacts of the development on the SPA are in place.
 23. In light of the mitigation secured in this case, I find that the proposal would not harm the integrity of the Thames Basin Heaths Special Protection Area. In this regard the proposal would not be contrary to Policy CP14B of the Core Strategy. This states, amongst other things, that all new residential development within 5km of the Thames Basin Heaths Special Protection Area is considered to give rise to the possibility of likely significant effects, and also requires such proposals provide appropriate measures to avoid adverse effects upon the Thames Basin Heaths Special Protection Area in accordance with the Borough Councils adopted Avoidance Strategy.
 24. The proposal would also be consistent with Policy NRM6 of the South East Plan and the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document in respect of this matter.

Other Matters

25. Local residents have raised concerns that a boundary fence could be hazardous to vehicles accessing Portsmouth Road. However, the Council has not raised concerns in respect of highway safety subject to conditions. I saw that the existing fence was set back from the highway such that there was reasonable visibility at the junction of Glynswood. In any event, a condition as suggested by the Council could control this boundary treatment to ensure that this reasonable visibility is protected in the future.
26. Concerns have also been raised regarding the effect that the parking and access area off Portsmouth Road would have on neighbours' living conditions,

in respect of noise disturbance, air quality and privacy. Concerns have also been raised about the impact of the access on pedestrian safety and conflicts with the nearby bus stop. However, this access and parking area has already been granted planning permission⁴ and this approved development does not form part of the matters that are open for consideration in this appeal. Also, I have not been presented with substantive evidence that the Council has not carried out appropriate consultation regarding the proposal that is subject of this appeal. These matters have not altered my findings in this case for these reasons.

Conditions

27. The permission will have a shorter time limit than the prescribed statutory period. This is necessary in the interest of ensuring that mitigation for the adverse impacts on the SPA is delivered.
28. A construction management plan is reasonable and necessary given the location of the appeal site, next to a busy main road. This is imposed in the interest of protecting highway safety in the area. Also, approval of a suitable drainage scheme is necessary to prevent an increase in flood risk. As these matters relate to impacts during the construction phase of the development, these need to be pre-commencement conditions. Written agreement has been received from the appellant to allow the imposition of these conditions.
29. The Planning Practice Guidance states that is important to limit the use of pre-commencement conditions, other than where it will clearly assist with the efficient and effective delivery of development. The Council requires approval of an energy statement, and this is reasonable to meet Local Plan policy objectives for energy efficiencies. However, there is no compelling evidence that these requirements need to be approved prior to implementing the permission. I have amended the wording accordingly.
30. The Council has requested that finished floor levels at the site are approved. However no substantive evidence has been presented to justify the imposition of this condition, which, to be effective, would require this information to be approved prior to commencement. Also, I observed that the appeal property was relatively flat, and the approved plans give certainty regarding the visual impact of the development on the area. For these reasons the requirement is not reasonable or necessary and has not been imposed on this decision.
31. Carrying out the development according to approved plans and approval of external materials, landscaping and boundary treatments are required in the interest of certainty and to protect the character of the area.
32. Approval of on-site ecology details is also reasonable to ensure accordance with the requirements of Policy CP14A of the Core Strategy.
33. Cross referencing the approved plans of a recent separate planning permission for parking and access at the appeal site is necessary for certainty and in the interest of highway safety.

⁴ Ref: 22/0008/FFU

34. The Council has requested a condition for the provision of an electric vehicle charging point. However, this is generally required by regulations outside of the planning system. It is therefore not necessary, and I have not imposed it for this reason.

Conclusion

35. For the reasons stated above and having regard to the development plan, and material considerations, including the Framework, the appeal is allowed.

A J Sutton

INSPECTOR

Appendix

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than 1 year from the date of this decision.
- 2) The development, hereby permitted, shall not commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of:
 - a) Parking for vehicles of site personnel, operatives and visitors,
 - b) Loading and unloading of plant and materials,
 - c) Storage of plant and materials,
 - d) Program of works,
 - e) Provision of boundary hoarding behind any visibility zones,
 - f) Measures to prevent the deposit of materials on the highway,
 - g) Before and after the construction condition surveys of the highway, and commitment to fund the repair of any damaged caused, and
 - h) On-site turning for construction vehicles.

The approved details of the CTMP shall be implemented during the construction of the development.

- 3) The development, hereby permitted, shall not commence until full details of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme must satisfy the Sustainable Urban Drainage (SuDS) Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS. The required drainage details shall include:
 - a) Detailed design drawings indicating the location of all new or affected drainage systems. Drawings to include annotations for all drainage assets, pipe diameters, surface and invert levels. Representative cross-sections required to show profile along access road and across porous construction areas.
 - b) Details of how drainage systems will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
 - c) Details of the drainage management responsibilities and maintenance regimes for all drainage systems. Details to outline responsibility for ongoing costs associated with pumped drainage systems (electricity supply, preventative maintenance and mechanical/electrical servicing). Location details of pump controls required. Pump system to maintain an external visual indicator of pump or power failure. All future responsibilities to be clearly detailed for any associated surface water assets and drainage systems, including the retention of any porous surfaces or sub-base construction.

- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

The approved drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 4) The development, hereby permitted, shall be built in accordance with the following approved plans: Site Local Plan, Existing and Proposed Block Plan Ref: 21-142, PL-2-01 Rev E, Proposed Floor Plans Ref: 21 – 142, PL-2-06 Rev C and Proposed Elevations and Street Scene Ref: 21-142, PL-2-07 Rev C.
- 5) No development, hereby permitted, shall progress beyond the base course level until samples of the external facing materials to be used in the development 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 and retained as such thereafter.
- 6) No development, hereby permitted, shall progress beyond the base course level until a scheme of ecological enhancements has been submitted to, and approved in writing by, the Local Planning Authority to ensure a net gain in biodiversity will be achieved. The scheme will include details of new landscape planting of known benefit to wildlife and provision of artificial roost features, including bird and bat boxes and other appropriate features. Any new fencing will have holes suitable for safe passage of Hedgehogs. The scheme shall be implemented in accordance with the approved details and thereafter retained.
- 7) No development, hereby permitted, shall progress beyond the base course level until an Energy and Sustainability Report, outlining how the final construction design includes measures to promote energy efficiency, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and thereafter maintained in accordance with the approved details.
- 8) The development, hereby permitted, shall not be occupied until details of treatment of all parts on the site not covered by buildings are submitted to and approved in writing by the Local Planning Authority.

Details shall include:

- a) a scaled plan showing retained and proposed vegetation, and a schedule which includes the sizes and numbers of all proposed trees/plants, including planting details;
- b) proposed hardstanding, boundary treatments and access points (including a method statement if located within root protection areas.); and

- c) Sufficient specification to ensure successful establishment and survival of new planting including a watering schedule and long-term management objectives.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of any retained tree unless agreed in writing by the Local Planning Authority. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted, destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

The site shall be landscaped in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner, and retained thereafter.

- 9) The development, hereby permitted, shall not be occupied until the space has been laid out within the site in accordance with the approved plans of Planning Permission Ref 22/0008/FFU (Drawing No PL-01 Rev E) for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning area shall be retained and maintained for its designated purpose.
- 10) The development, hereby permitted, shall not be occupied until the proposed vehicular access to Portsmouth Road has been constructed and provided with 2.4 x 100 metre visibility splays, in accordance with the approved plans of Planning Permission Ref 22/0008/FFU (Drawing No PL-01 Rev B) and thereafter the visibility splays shall be kept permanently clear of any obstruction between the height of 0.6 and 2m above ground level.

End of Schedule.