



Appeal Decision

Site visit made on 13 November 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2023

Appeal Ref: APP/D3640/D/23/3323930

Paddock View, Snows Paddock, Windlesham, Surrey GU20 6LH

- 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 and Mrs Martin Birch against the decision of Surrey Heath Borough Council.
 - The application Ref 23/0195/FFU, dated 22 February 2023, was refused by notice dated 20 April 2023.
 - The development proposed is the construction of detached outbuilding providing triple garage, home office and gym.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of detached outbuilding providing triple garage, home office and gym at Paddock View, Snows Paddock, Windlesham, Surrey GU20 6LH in accordance with the terms of the application, Ref 23/0195/FFU, dated 22 February 2023, and the plans submitted with it.

Preliminary Matters

2. I saw on site that the outbuilding is in place, in accordance with the plans before me, and I have considered the appeal on the basis that the development has already taken place.

Main Issues

3. The main issues in this case are effect of the development on the character and appearance of the surrounding area, including its effect on trees subject to a Tree Preservation Order (TPO).

Reasons

4. The appeal property is a substantial two storey detached dwelling. It is prominently located on the corner of Snows Paddock, a short cul de sac, made up of similar large, detached dwellings, and Snows Ride, a highway of mixed character, with residential development mostly on one side and open countryside on the other. Along with the open land to the east, mature trees along the highway verge provide a verdant character and the separation gaps between dwellings provide a sense of spaciousness.
5. The scale of the existing substantial main dwelling means that the outbuilding appears subservient and appropriate in scale. Its design and the materials used successfully complement the main house and results in the outbuilding appearing in keeping with it. Its siting means that it is closer to the highway than the main dwelling, and as such, it is visible from Snows Ride and built

form is extended towards the highway. However, when viewed from the front, the outbuilding is seen in the context of the substantial neighbouring detached property, Greenfields, located on Snows Ride, which is visible to the rear above the outbuilding.

6. As such, no visible gap free of development is closed and the built form does not appear incongruous. Trees to the rear remain visible, which, along with the roadside trees, retain the characteristic verdant character of the surroundings. The separation gap between the appeal property and the closet neighbour, Greenfields, is slightly reduced, but at single storey level, and there remains a sufficient gap to retain the characteristic spaciousness of the surroundings.
7. Two oak trees sited along the Snows Ride highway verge outside but next to the property are substantial in size and are attractive specimens. They make a significant and positive contribution to the visual amenity of the area, as recognised by their inclusion in a Tree Preservation Order (TPO 1/56 T3 and T4).
8. The outbuilding is already in place, and I note the appellant sets out that its foundations were constructed April/May 2000. As such, the works that may affect these trees were undertaken some time ago. There remains some distance between the outbuilding and these trees, and whilst their roots may extend in this direction, there is no evidence before me that the trees have been harmed or that their long term future are compromised. I observed nothing on site to suggest as such. The appellants set out that the trees have continued to be in full leaf in spring and summer.
9. I further note that, as set out by the appellant and shown on the submitted drawings, an outbuilding in a very similar position of lowered height etc, would be permitted development. I am satisfied that the appellants would construct such a building, or alter the existing building, should this appeal fail, and as such, give this fallback position significant weight. Such a structure would have a similar effect on these trees.
10. I am therefore satisfied that, based on the evidence before me and what I have observed, the outbuilding has not at present harmed the health of these protected trees.
11. I conclude that the outbuilding does not harm the character and appearance of the surrounding area, including protected trees. As such, there is no conflict with Policy DM9 of the Core Strategy and Development Management Policies 2011-2028 (2012), and Policies 2.1 and 2.2 of the Windlesham Local Plan (2018), which collectively seek to ensure that development protects trees, and respects and enhances the local and natural character, particularly the pattern of separation. There is also no conflict with the general high quality design advice set out in the Supplementary Planning Document Residential Design Guide.

Conditions

12. Given the retrospective nature of the proposal, the suggested plans condition is not necessary. The use of the building as a separate independent unit of accommodation would require planning permission and as such a condition preventing this is also unnecessary.

Conclusion

13. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR