



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: 30 November 2023

Appeal Ref: APP/D3640/W/23/3317269

Land To The Rear of - 133 and 135 Frimley Road, Goddards Lane, Camberley GU15 2PS

- 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 MacAdam (Riseden Limited) against the decision of Surrey Heath Borough Council.
 - The application Ref 21/1285/FFU, dated 22 November 2021, was refused by notice dated 27 September 2022.
 - The development proposed is the demolition of outbuildings and the erection of a detached residential dwelling, associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's second reason for refusal relates to proposal's effect on the Thames Basin Special Protection Area. The Council have confirmed that a payment towards Strategic Access Monitoring and Maintenance (SAMM) has now been made by the appellant, and as such, are satisfied that appropriate mitigation has been secured. They therefore do not wish to contest this reason for refusal. This is discussed below.

Main Issues

3. The main issue in this case is the effect of the development on the character and appearance of a locally listed property and surrounding area.

Reasons

4. The appeal site comprises of a parcel of land located at the rear of Nos 133 and 135 Frimley Road, set along Goddards Lane, next to No 1 Park Cottages. The site comprises currently of a small timber outbuilding, area of unkempt landscaping, close boarded fence and hardstanding.
5. Goddards Lane is a short cul de sac, made up of semi-detached and detached properties of varying character and appearance, set facing the lane and with a consistent plot depth. Whilst the lane is tightly enclosed at its frontage, the visible depth of plot prevents any sense of being cramped and gives the lane some sense of openness and spaciousness.
6. Frimley Road is a busy highway of mixed character, as is set out in the character appraisal for the area in the Western Urban Area Character SPD (WUAC SPD).

7. The WUAC SPD sets out that Goddards Lane is located within The Lanes character sub area. This represents a number of small lanes which are part of the historic road patterns of the Blackwater valley. The WUAC SPD identifies the mixed architecture, however, notes the need to *'reflect historic plot dimensions, architectural detailing and scale and massing in all development'*.
8. The proposed property, as a modest two storey detached dwelling, would not appear incongruous in the context of the scale of surrounding built form. In addition, its architectural detailing, such as half hipped roof, curved lintels and pitched porch and use of brick, would sit comfortably within the mixed architectural form of the lane, and the existing unkempt, overgrown appeal site would be tidied up.
9. However, the plot would be limited by No 137 at the rear so that it would be clearly and noticeably shorter than any other property on Goddards Lane. The existing garage outbuilding at the rear of No 137 would visibly emphasise the incongruous, limited depth of the plot. This would be at odds with the consistent garden areas on the lane. In this context, the dwelling would appear cramped and squeezed into its plot and would visibly detract from and harm the lane's existing sense of openness and spaciousness.
10. The appellant references a number of similarly sized residential plots on the eastern side of Frimley Lane, within the Lanes character sub-area. However, the examples¹ set out are on different streets with different characteristics, and do not appear to be within the Lanes character sub area, as defined by the WUAC SPD. As such, they are not directly comparable to the proposal before me. Similarly, the appeal decision² put forward by the appellant relates to a proposal located in a different context, with an industrial/commercial setting. Again therefore, this is not directly comparable to the proposal before me.
11. Nos 133 and 135 Frimley Road are identified as being locally listed, and as such, are considered non-designated heritage assets. The significance of this pair of two storey semi-detached 19th century cottages lies in their architectural quality, mainly their attractive brickwork, including contrasting brick patterns, decorative porches and traditional materials, which contribute positively to the surrounding street scene. The rear elevations however have clearly been altered over time, with various projections to the rear, including a first floor flat roofed element. UPVC windows are also evident. There is also more modern development, such as the frontage store front at No 135 and No 137, and its rear detached garage, which would sit closer or the same approximate distance to Nos 133 and 135 as the proposed dwelling.
12. Given the existing surrounding mixed built form and the altered rear elevations of Nos 133 and 135 Frimley Road, in addition to the remaining separation gap, the proposed dwelling would not harm their significance, which mostly relates to their frontage, nor setting. As such, I find no conflict with the protection of heritage assets goals of Policy DM17 of the Council's Core Strategy & Development Management Policies 2011 – 2028 (CS).
13. Nevertheless, I conclude that the proposed development would harm the character and appearance of the surrounding area. As such, there is conflict with CS Policy DM9, which seeks to ensure new development respects and

¹ On Hoskins Court, Hanbury Way and Weller Drive

² Appeal reference APP/D340/W/22/3298468

enhances the existing character of an area. There is also conflict with Principle 6.6 of the Supplementary Planning Document Residential Design Guide (2017), which, whilst supporting 'fine residential plot divisions', particularly in intensifying urban areas, does so on the proviso that development responds to the size and rhythm of surrounding plot layouts. The development would also conflict with the overarching design principles set out in the National Design Guide, the WUAC SPD and the National Planning Policy Framework (2021) (Framework).

Other Matters

14. As set out above, the appellant has also made a payment towards SAMM, which reflects the tariff set out in the Thames Basin Heaths SPA Avoidance Strategy SPD (2019). However, as I am dismissing the appeal for another reason, I have not considered this in detail because it could not lead me to a different decision.
15. The appellant sets out that the annual build out rates from 2012 to 2021 are low that there is a clear defined housing need. The Council have also provided a document setting out the Five-Year Housing Land Supply for the five year period from 2022 – 2027 (April 2022), which includes evidence of site-delivery timescales and is based on Local Housing Need. The document sets out that the Council can demonstrate a 7.41 year housing land supply, against the identified housing requirement figure (including a 5% buffer).
16. As such, I am satisfied that, having regard to the evidence before and paragraph 74 of the Framework, a five year housing land supply is demonstrated. The presumption in favour of sustainable development in Framework paragraph 11 does not therefore apply.
17. Notwithstanding this, the proposed scheme, as a windfall site, would contribute to the Borough's housing supply and trajectory, and more widely would help address the Government's broader objective of significantly boosting the supply of homes. I acknowledge that the site is also located close to shops and services. There would also be some short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the new dwelling. However, given the quantum of development in this case, such benefits would be modest.
18. I note that the appellant sets out various issues experienced through the determination of the application, such as the request for amended plans. These issues are matters between the appellant and the Council and are not relevant to my determination of this appeal. It has not been demonstrated that development before me is necessary to result in the enhancement of the quality of the rear amenity spaces, as set out by the appellant. As such, this carries little weight.
19. The harm that would be caused to the character and appearance of the area would conflict with the development plan and the Framework and is a matter to which I attach significant weight. Whilst the proposal would deliver benefits, I find that they would be significantly and demonstrably outweighed by the adverse impacts of the harm identified. Therefore, in the circumstances of this appeal the totality of the other material considerations does not justify making a decision other than in accordance with the development plan.

Conclusion

20. I have had regard to the relevant caselaw referenced by the appellant³. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

B Phillips

INSPECTOR

³ 3 R v Rochdale Metropolitan Borough Council ex parte Milne (July 2000) & Arsenal Football Club Plc v SoS for CLG and Islington London Borough Council (July 2014)