



Appeal Decision

Site visit made on 5 December 2023

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2023

Appeal Ref: APP/D3640/W/22/3309861

29, 30 and 30A Brackendale Close, Camberley GU15 1HP

- 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 David Holmes of Wooldridge Developments & Accent against the decision of Surrey Heath Borough Council.
 - The application Ref 21/1268/FFU, dated 18 November 2021, was refused by notice dated 24 June 2022.
 - The development proposed is the redevelopment of the site to provide 30 no. affordable apartments with associated access, hardstanding, carparking, landscaping, bin and cycle stores following the demolition of no. 29, 30 and 30A Brackendale Close and associated outbuildings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The evidence is that the appellant submitted amended drawings 21-J3596-01D (Proposed Site Layout Plan), 21-J3596-08A (Proposed Bin Store Plan and Elevations) and 21-J3596-09A (Proposed Cycle Store Plan & Elevations) on 12 May 2022 in response to consultation comments relating to waste storage and tree protection matters. It is not clear if the local planning authority took these amended plans into account when determining the planning application, even though they were submitted more than a month prior to the Council refusing planning permission.
3. The amended plans propose minor changes to the original planning application. They are sufficiently minor that there would be no prejudice caused to any interested party from a public consultation point of view if I were to consider them for the purposes of considering this appeal. I have accordingly determined this appeal based on these amended plans.
4. I have taken the appeal site address from the Council's refusal notice. This is more precise than the site address on the planning application form as it includes 30A Brackendale Close. Given this appeal site address, I have accordingly amended the description of development in the banner heading above so that it also includes 30A Brackendale Close.

Main Issues

5. The main issues are (i) the effect of the proposal on the character and appearance of the area; (ii) whether there would be sufficient on-site car

parking and the effect on highway safety and the free flow of traffic; (iii) whether there would be sufficient private outside amenity space for occupiers of the apartments; (iv) whether there would be acceptable on-site waste storage facilities; (v) the effect of the development on surrounding trees; (vi) the effect of the proposal on the integrity of the Thames Basin Heaths Special Protection Area; and (vii) whether the development would provide the requisite number of affordable homes and the provision of improved pedestrian crossing facilities at the entrance of Brackendale Close.

Reasons

Character and appearance

6. It is proposed to demolish existing residential properties including associated outbuildings and to amalgamate essentially two residential plots into one to facilitate the construction of one 'L' shaped two and a half storey building comprising 30 affordable (shared ownership) apartments. The appeal site is on a corner plot at the junction of Brackendale Close with Portsmouth Road.
7. An 'L' shaped car parking area would be provided for 30 vehicles. This would front Brackendale Close and part of Portsmouth Road. There would be single storey outbuildings for the storage of waste and bicycles. Vehicular access would be from Brackendale Close and there would be a pedestrian only access to Portsmouth Road. Some trees would be removed although most of the existing boundary trees and vegetation would be retained. Additional landscaping is proposed and there would be outside amenity space for residents within areas adjacent to 1-10 Brackendale Court, Portsmouth Road and No. 28 Brackendale Close. First floor apartments would include balconies.
8. The appeal site is located within the Wooded Hills Character Area as defined within the Western Urban Area Character Supplementary Planning Document 2012 (WUAC SPD). When considered as a whole, the Wooded Hills Character Area is characterised as having hilly areas, large irregular plots, winding roads/lanes, heavy vegetation, and a scattering of Victorian/Edwardian buildings. Guiding principles WH1-WH6 of the WUAC SPD seek to ensure that development proposals uphold the characteristics of the area. In addition, design guidance is provided in the Surrey Heath Residential Design Guide Supplementary Planning Document 2017 (RDG SPD).
9. In terms of the use of materials, fenestration details and roof pitches, I am satisfied that the proposed building would assimilate well in the context of existing buildings within the immediate vicinity of the appeal site. Nonetheless, and notwithstanding supportive comments received from the Council's Urban Design consultant, I share the concerns raised by the Council's planning officer in respect of aspects of the proposed design.
10. In the context of Brackendale Close, and notwithstanding the fact that one wing would be set further back into the site than the other, the building as a whole would nevertheless be appreciated by passers-by using this road as being an uncharacteristically long and dominant building elevation, materially at odds with the narrower building blocks in this street which have a regularity and rhythm of open breaks between and around similarly sized properties. This harm and dominance would be compounded because the proposed wing fronting Brackendale Close would be forward of the building line relating to No. 28 Brackendale Close.

11. In addition to the above, I find that the development would be experienced from Brackendale Close as one which is unacceptably internal access road and car parking led. Other properties in Brackendale Close have much less hard surfacing and car parking fronting the street. Instead, they have softer, greener and less developed frontages and this adds positively and distinctively to the verdant character of the street-scene. In contrast, the proposal would include thirty car parking spaces on the edges of the appeal site and fronting main roads. I find that an opportunity has been missed to move away from a car parking focussed design. It is not clear why there is not a separate pedestrian entrance from Brackendale Close which would also have the effect of breaking up the overall mass of car parking and hardstanding areas.
12. I agree with the appellant that Portsmouth Road has a different character to Brackendale Close. When seen from parts of this road, the development would not look materially out of place particularly when experienced in the context of Brackendale Court which is a new apartment building which shares some of the design characteristics of the appeal building. To the passer-by travelling in a southerly direction, the development would not appear unacceptable in scale or massing terms given the existence of the properties at Brackendale Court and the Toby Carvery/Travel Lodge buildings.
13. However, for those travelling in a northerly direction, or passing the junction of Brackendale Close and Portsmouth Road, the proposed building would be experienced against the less imposing properties within the corner plots on the opposite side of Brackendale Close and on the other side of Portsmouth Road. In this regard, the development would appear dominant and oppressive, at odds with the size/width of buildings in these locations and the prevailing sense of undeveloped space in and around such properties.
14. Indeed, in the context of other plots within Brackendale Close, the proposed building would be much closer to the front and rear boundaries of the site, thereby departing unacceptably from the generally distinctive spacious and verdant character to the pattern of development in this street and the Wooded Hills Character Area as a whole. While vehicular access is not proposed from Portsmouth Road, it is noteworthy that part of the proposed building would be positioned much closer to this highway than Brackendale Court. This adds to my concern that, overall, a significant amount of built and engineered form, including car parking, would be experienced within the street-scene. Indeed, I find that the proposal would be appreciated as being squeezed onto an otherwise more open and undeveloped appeal site to the detriment of the spacious and verdant character and appearance of the area.
15. For the above reasons, I therefore conclude that the proposal would not constitute good design. I find that very significant harm would therefore be caused to the character and appearance of the area. Furthermore, and accepting the appellants point that the immediate area does not include all the characteristics of the Wooded Hills Character Area as a whole (e.g., it is not hilly and is not surrounded by winding roads), there would nonetheless be clear conflict with the design principles in the RDG SPD, namely principles 6.2, 6.4, 6.6, 6.7 and 6.8. Furthermore, and, for the above reasons, the development would not accord with the design, character and appearance requirements of policies CP2(iv) and DM9(ii)&(iv) of the 2012 Core Strategy and Development management Policies 2011-2028 (CS), principles WH1, WH2 and WH3 of the

WUAC SPD, and chapter 12 of the National Planning Policy Framework 2023 (the Framework).

16. In reaching this conclusion, I have noted that there are other apartment buildings in the Wooded Hills Character Area. My conclusion on this main issue should not imply that an apartment scheme, in principle, would be unacceptable on this site. However, it is not the case that just because there are other apartment buildings in the wider area, it automatically means that the appeal proposal is acceptable in design terms. I have determined this appeal on its individual planning merits and in the context of the character and appearance of the immediate area.

Car parking, highway safety and the free flow of traffic

17. It is proposed to provide thirty car parking spaces on the site. This accords with the car parking requirements as stipulated in both policy CP11 of the CS and the County Council's 'Vehicle, Cycle and Electric Vehicle Parking Guidance for New Developments' 2021 (Parking Guidance) which requires one car parking space per one or two-bedroom apartment. While I note concern raised about visitors parking on Brackendale Close, I do not have any objective evidence before me to demonstrate that there is an on-street car parking demand issue in the area or that the proposal would give rise to unacceptable on-street car parking issues.
18. While only a snapshot in time, my site visit revealed that there was spare on-street car parking capacity on Brackendale Close and that most of the properties in the area had their own curtilage car parking spaces. Furthermore, the evidence indicates that there are bus services on Portsmouth Road and hence it could not reasonably be said that car dependency would be likely for all trips to nearby amenities and facilities.
19. On the evidence that is before me, the level of on-site car parking proposed is acceptable and meets the 'maximum' requirements of local policy. There is no objective evidence before me to indicate that any associated car parking on Brackendale Close would have an unacceptable impact on highway safety, or severely interrupt the free flow of traffic. I therefore conclude that the proposal would not conflict with the car parking, highway safety and traffic management requirements of policies CP11 and DM11 of the CS, the Parking Guidance and paragraph 111 of the Framework.

Private outside amenity space

20. The proposal includes private balconies for upper-level apartments and there would be outside amenity space to the sides and rear of the building. As detailed in the officer's report considered by the Planning Committee, it would be possible to include planting or railings to provide proportionate and private outside amenity spaces for the ground floor flats. This is a matter that could be controlled by planning condition.
21. I am satisfied that in terms of the amount, position, size and useability of outside amenity spaces, the evidence is that the proposal would be capable of providing an acceptable level of private outside amenity space for all residents on the site. In this regard, there is no evidence that the proposal would not be capable of according with the amenity requirements of Principle 8.6 of the RDG SPD or paragraph 130(f) of the Framework.

Storage of waste

22. There is dispute between the appellant and the Joint Waste Solutions Operations Manager (JWSOM) in terms of whether the proposed bin store would provide sufficient space for general and recycling waste for the thirty apartments. The JWSOM states that the proposed units would require a waste storage capacity of 5850 litres for both general waste and recycling. The JWSOM states that there is a waste storage capacity shortfall of 5100 litres capacity based on the original plans. The appellant states that the amended plans address the alleged shortfall in capacity but not fully. In other words, the building shown in respect of drawing No. 21-J3596-08A is larger than that which was shown originally.
23. It is not clear why the JWSOM has requested additional capacity over and above paragraph 9.9 of the RDG SPD which sets out an overall standard for shared bins for flats of 45 litres per person. This uncertainty is compounded in so far that the JWSOM response states *'we would usually suggest the provision of...'*
24. As I am dismissing this appeal, I have not pursued this matter further. Had this been the only issue, I am in any event satisfied that it would have been possible to have accommodated on the site the requisite size of bin store to deal with the general waste and recycling requirements of residents. Either the proposed bin store is acceptable as it meets the Council's most up to date guidance in the form of the RDG SPD, or I find that it would have been possible to have controlled this matter by means of the imposition of a pre-commencement planning condition should more up to date guidance require a slightly larger bin store.
25. Either way, I therefore conclude that the site would be capable of providing an acceptable general waste and recycling storage area and hence there would be no conflict with the waste and living conditions requirements of policy DM9(vi) of the CS, paragraph 130(f) of the Framework, and paragraph 9.9 of the RDG SPD.

Trees

26. The Council's concern relates to the effect of the development on the identified Root Protection Area (RPA) of Oak Tree T21. Concern is also raised about the extent of the car parking area and a view that there is limited compensatory planting. I have essentially dealt with the latter issue as part of the character and appearance consideration above. Even if it were possible to include some additional planting, in and around the car parking areas, and notwithstanding the existing RPAs of the trees to be retained, this would not in itself overcome my concern about the position and large extent of proposed car parking/hard standing areas on the site.
27. I am satisfied that based on the appellant's amended site layout plan (Ref 21-J3596-01D) and the arboricultural evidence submitted by GHA Trees Arboricultural Consultancy dated October 2022, and the inclusion of a condition requiring no dig methods in respect of development within the RPA of Oak Tree T21, the evidence is that it would be possible to carry out the proposed development without harm being caused to this tree or indeed any other tree which is shown to be retained on the site.

28. In the context of the above, I conclude that the proposal would not therefore conflict with the tree requirements of policy DM9(iv) of the CS.

Thames Basin Heaths Special Protection Area

29. Thames Basin Heaths Special Protection Area (SPA) was designated in March 2005. It is a protected European site and is a network of heathland sites which are designated for their ability to provide a habitat for the three following internationally important rare bird species: Dartford warbler, Woodlark and Nightjar. All three species of bird nest on the ground or at low level and so are easily disturbed or harmed by human activity. 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.
30. The SPA is spread across nine local authorities in Berkshire, Hampshire and Surrey. The appeal site falls within 5km of the SPA. Policy CP14B of the CS states that '*all new residential (net) development within 5km of the Thames Basin Heaths Special Protection Area is considered to give rise to the possibility of likely significant effect*'. I find that the evidence is that the proposal on its own or in combination with other projects would likely lead to significant environmental effects on the SPA.
31. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (SPA SPD) states that for development such as that proposed as part of this appeal, a Strategic Access Monitoring and Maintenance (SAMM) financial contribution should be made in respect of the SANG, the latter of which is a separately required payment albeit via the Council's Community Infrastructure Levy. The SPA SPD specifically addresses the impacts caused by increased recreational activity arising from new housing and tourism developments. The evidence is that Natural England was consulted in respect of the SPA SPD and that it supports the mitigation measures outlined within it.
32. The appellant has submitted a completed Unilateral Undertaking (UU), dated 3 April 2023, under Section 106 of the Town and Country Planning Act 1990. This includes a SAMM financial contribution of £15,191.75 to be paid to the Council on or before commencement of development on the appeal site. The Council has confirmed that it raises no objection to the proposal based on the completed UU.
33. As the competent authority, it falls to me to determine whether the mitigation in the completed UU would ensure that no harm was caused to the integrity of the SPA. Subject to the completed UU, I conclude that no harm would be caused to the integrity of the SPA. I therefore conclude that the proposal would accord with the nature conservation and biodiversity requirements of policies CP14A and CP14B of the CS, saved policy NRM6 of the South East Plan – Regional Spatial Strategy for the South East 2009, the SPA SPD, and the Conservation of Habitats and Species Regulations 2017 (as amended).

Affordable housing and pedestrian crossing

34. Policy CP5 of the CS requires that for proposals of more than 15 residential units, 40% of them should be affordable. I have no reason to disagree with the Council's conclusion that the appellant's submitted viability information demonstrates that only shared ownership units can be viably provided on the

site. Hence, there is justification for not including affordable rental units on the site. Furthermore, I am satisfied that there is justification for providing a mixture of one and two-bedroom residential units in this area and, in this regard, technical conflict with policy CP6 of the CS would not justify withholding planning permission.

35. In this case, the appellant is proposing that 100% of the residential units are affordable (shared ownership). As part of the appeal, the appellant has submitted a completed UU, dated 3 April 2023. This includes the provision of 100% affordable housing. The Council raises no objection to the UU in this regard and I have no reason to disagree. Consequently, I conclude that the proposal would meet the affordable housing requirements of policy CP5 of the CS.

Other Considerations

36. The proposal would deliver a mix of one and two-bedroom affordable units in an area where the evidence indicates that there is a requirement for smaller affordable units and in the context of an undersupply of affordable homes in the last ten years or so. The proposal would provide 100% affordable units, and this is a benefit to which I afford very positive weight in the planning balance.
37. While the evidence is that the local planning authority can demonstrate a deliverable five-year supply of housing sites, the provision of additional residential units in the area would nevertheless add positively to the housing land supply position. There would clearly be social and economic benefits arising from additional people living on the site and associated support given to using existing facilities and services in the local area. In addition, the proposal would seek to make use of a previously developed site and, while short lived, there would nevertheless be some benefits from construction employment.

Planning Balance and Conclusion

38. I have found that very significant harm would be caused to the character and appearance of the area. While I afford very positive weight to the above benefits identified in the other considerations part of this decision, these are not collectively of sufficient weight to outweigh the very significant harm that would be caused to the character and appearance of the area. In respect of the other main issues, I have concluded that there would either be no planning harm or that it would be possible to deal with specific matters by planning condition. However, such findings are of neutral consequence in the planning balance.
39. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR