



Appeal Decision

Site visit made on 6 February 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2024

Appeal Ref: APP/D3640/W/23/3319744

132 Mytchett Road, Mytchett, Camberley, Surrey GU16 6ET

- 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 Alan Bath against the decision of Surrey Heath Borough Council.
 - The application Ref 22/1290/FFU, dated 13 December 2022, was refused by notice dated 8 February 2023.
 - The development proposed is described as “demolishing of existing bungalow and erection of 2 detached bungalows”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development includes the demolition of a bungalow. This element of the scheme has already occurred.
3. As part of the appeal, the appellant has submitted revised plans¹. These show a different internal layout for each of the proposed dwellings and associated changes to the external elevations.
4. The appeal process should not be used to evolve a scheme and it is important that the proposal considered by me is essentially the same as that considered by the Council. The Council has had the opportunity to comment on the revised plans as part of the appeal process but it is unclear whether other interested parties have had the same opportunity. The amendments to the external appearance of the dwellings would include an increase in the number of rooflights on each bungalow. As such, taking the revised plans into account could cause prejudice or injustice to interested parties and so they have not been considered in my assessment of the appeal.
5. Furthermore, the appellant has submitted drawing numbered 6-14 revision D with their final comments. The Council has not had the opportunity through the appeal process to make representations on this plan and I am not aware that it has been presented to interested parties. It would be unfair of me to base my decision on this drawing.
6. On 19 December 2023, a revised National Planning Policy Framework was published. There is no need to invite further comments from the Council or the appellant on the revisions as they do not affect policies pertinent to this appeal.

¹ Drawings number 1-14 revision C, 4-14 revision C, 5-14 revision C, 6-14 revision C, 7-14 revision C, 8-14 revision C and 9-14 revision C.

Main Issues

7. Having regard to the Council's refusal reasons and appeal statement, I consider the main issues are (i) the effect of the development on the living conditions of occupiers of nearby residences, having regard to privacy, light and outlook, and (ii) the effect of the development on the character and appearance of the area.

Reasons

Privacy

8. The rear of the appeal site adjoins the back garden to 2a Coleford Bridge Road (No 2a). The rear of the proposed dwelling on the plot annotated as 132A (plot 132A) would include a circular window at first floor level. The Council's decision is based on the original plans that show this window would serve a bedroom. The Council's Residential Design Guide Supplementary Planning Document 2017 (RDG) defines bedrooms as habitable rooms.
9. The rear bedroom window would be close to the boundary and would allow views over a fence of No 2a's back garden and rear elevation. No 2a is set at an angle to the boundary line. Nonetheless, the new elevated viewpoint would lead to potential overlooking into No 2a's rear windows at a distance below the 15m referred to at paragraph 8.4 of the RDG. Moreover, the bedroom window would allow sight at close quarters of No 2a's small rear garden. The existing fence, trees and bushes on the boundary would not entirely block views at such close proximity and the vegetation cannot be relied upon indefinitely.
10. I have considered whether the issue of overlooking could be reasonably addressed through a planning condition that requires the rear window to be fixed and obscure glazed. Paragraph 8.4 of the RDG states that obscure glazing will be appropriate for bathrooms and only exceptionally for other rooms where clear glazing to another window exists. In this case, the bedroom would be served by 4 small roof lights at high level close to the roof ridgeline. These would only provide a view of the sky and so, having regard to paragraph 8.7 of the RDG, I consider they would provide an inadequate outlook from the bedroom. Therefore, an obscure glazing condition for the round window would be unreasonable as it would lead to a habitable room in the plot 132A house having a poor outlook.
11. The appellant has suggested the layout of the first floor rooms could be revised so that the rear part is not a habitable room. However, a condition that sought to control how the internal space of the proposed dwellings is utilised would be unenforceable. Given the significant depth from front to back of the first floor in the plot 132A house, it is reasonable to expect future occupiers would want to provide a window with a good outlook towards the rear.
12. For the above reasons, I conclude the development would have a harmful effect on the living conditions at No 2a in respect of privacy. Therefore, it would be contrary to policy DM9 of the Council's Core Strategy and Development Management Policies 2012 (CS) as well as the RDG. Amongst other things, these seek to ensure development respects the amenities of occupiers of neighbouring property.

Light and outlook

13. To the south of the appeal site is 2 Coleford Bridge Road (No 2) with a fence on the boundary. The proposed house on plot 132B would be the nearest to No 2. This bungalow would be quite deep but it would have fairly low eaves with a pitched roof that slopes up away from the boundary.
14. The elevation of No 2 that faces the site includes a line of windows at ground floor level. The figure 11 drawing included in the appellant's statement shows that the ridge of the house on plot 132B would not exceed a line taken at 25 degrees to the horizontal from these windows. Paragraph 8.12 of the RDG indicates that accordance with this test shows the proposal would not cause an unacceptable loss of daylight to No 2's windows. Moreover, the view out from the windows is already significantly curtailed by the boundary fence. As such, I am satisfied the development would not cause a significant overbearing effect.
15. As such, I conclude the proposal would not have a harmful effect on the living conditions at No 2 by virtue of loss of light and outlook. In these regards, the development would accord with CS policy DM9 and the RDG. Acceptability in these respects is a neutral factor in my assessment.

Effect on character and appearance

16. Mytchett Road is fairly straight with dwellings of different styles and ages. The houses tend to face the road and are set back a fairly consistent distance from the pavement. Also, plots tend to be similar width with houses positioned quite close together. In these regards, the locality displays features consistent with the description of "main thoroughfare sub character areas" as defined in the Council's Western Urban Area Character Supplementary Planning Document 2012 (WUAC)
17. However, near to the appeal site the road and building layout is less uniform. A bus stop lay-by means the kerb line moves towards the front boundary of the appeal site. Also, just to the south the road turns slightly towards the roundabout at the junction with Coleford Bridge Road. There is an outbuilding to the front of the adjoining bungalow at 130 Mytchett Road (No 130) that is noticeably closer to the pavement than the houses further along the street. No 2 faces towards the junction with Coleford Bridge Road with its side elevation towards the Mytchett Road boundary.
18. The proposed dwellings would be set back further from the road compared to many of the houses further to the north. However, this positioning would not appear incongruous as the proposal would be most readily seen with No 130 and No 2, which already fail to conform to the predominant pattern of development.
19. Moreover, the plot widths for both of the bungalows would be similar to that at No 130. The narrow gap between would not appear unusual as other dwellings in the street are close together. The proposed rear gardens would not be as deep or as large as most others in the locality but this would not be evident from public vantage points. Also, planting to the front would soften the visual impact of the proposed parking. The shared driveway would be unusual but it would have only a minor visual effect on the street scene.
20. For these reasons, I conclude the development would not harm the character or appearance of the area. In these regards, it would accord with CS policy

DM9 and the RDG. The proposal would be at odds with guiding principle MT1a of the WUAC as the dwellings would not be set close to the street with deep back gardens. However, in this instance, such a non-compliance is justified for the reasons set out above. My conclusion on this issue is a neutral factor in my overall assessment.

Other considerations and planning balance

21. The Council raises a concern that residents of No 2a would be able to look into the rear circular window of the proposed house on plot 132A. However, any viewpoints would be from ground floor level while the bedroom window would be at first floor. Such views would have little meaningful effect on the privacy of the users of the bedroom and so the development would be acceptable in these regards.
22. The proposal would make efficient use of the site and add smaller units to the housing stock. The benefits in these respects attract modest weight as only 2 dwellings would be provided.
23. The scheme would lead to unacceptable overlooking of No 2a and concerns in these regards could not be reasonably addressed through the imposition of planning conditions. This is the overriding factor and means the proposal would be contrary to the development plan when read as a whole. The benefits of the proposal would be of insufficient weight to justify granting planning permission contrary to the development plan.

Other Matter

24. The proposal would be within the 5km buffer zone of the Thames Basin Heaths Special Protection Area (SPA). It is likely that extra recreational pressure generated by the residents of the development would have a harmful effect on the integrity of the SPA. The appellant has provided a completed unilateral undertaking that would require financial contributions to be made towards schemes to mitigate the detriment caused. However, there is no need to consider this matter further as I am minded to dismiss the appeal for other reasons. A finding that the scheme would be acceptable in these regards would not affect my overall conclusion on the appeal.

Conclusion

25. For the reasons given above, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR