



Appeal Decision

Site visit made on 6 August 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2024

Appeal Ref: APP/D3640/D/23/3324093

153 Ambleside Road, Lightwater, Surrey GU18 5UN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Surinder Sarna against the decision of Surrey Heath Borough Council.
 - The application Ref is 23/0047/FFU.
 - The development proposed is a car port.
 - This decision supersedes that issued on 15 September 2023. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is allowed and planning permission is granted for a car port at 153 Ambleside Road, Lightwater, Surrey GU18 5UN in accordance with the terms of the application, Ref 23/0047/FFU, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Plan B&W and 2228-p/01.
 - 3) The external surfaces of the development hereby permitted shall be constructed in materials as specified in the materials section of the planning application form.

Preliminary Matters

2. This appeal is a redetermination following the quashing of the previous appeal decision ('the Previous Appeal'). The Previous Appeal decision was quashed because it did not address a decision made in 2019 on an appeal which also entailed consideration of a forward sited garage in a similar location on the site to the car port now proposed¹ ('the 2019 Appeal'), or give reasons for departing from it.
3. I have had regard to the Previous Appeal, where material, but have determined the appeal afresh on its planning merits. I have also had regard to the 2019 Appeal as a material consideration, although I have determined the appeal having regard to the individual merits of the development that is now before me.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

¹ Appeal ref APP/D3640/W/18/3203129

Reasons

5. Dwellings on Ambleside Road vary in height, form, scale and architectural style, but they are typically set well back from the street behind generous frontages. A few of the frontages include detached garages, including at No 134 which is opposite the appeal site, and further along the same side of the street to the site at Nos 139 and 181. However, most are open comprising areas of parking or soft landscaping and although boundary treatment provides for some enclosure of frontages, the boundaries to the street are typically marked by low walls, hedging or a combination of the two. With mature trees that are present within frontages and roadside verges, this gives the street a well-vegetated appearance and overall, there is an impression of spaciousness and attractive generally open and verdant views along Ambleside Road. Given these factors and my observations at my visit, I generally agree with the 2019 Appeal that there is an open, harmonious and semi-rural character to the area in contrast to the description as semi-enclosed and suburban given in the Previous Appeal.
6. The proposed car port would be positioned to the front of the appeal dwelling, close to the boundary with No 155. There are no other forward-sited car ports or garages in the immediate vicinity of the appeal site on this side of the road, however, I saw that the garage to No 139 is apparent in some views from points to the front of the appeal site around the position of the access, even taking account of the separation distance and intervening vegetation. While I note the comment in the 2019 Appeal decision suggesting no meaningful visual connection, I find based on my observations that the presence of the garage at No 139 is appreciable in the wider vicinity of the site, along with other forward-sited garages which are also a part of the wider street scene, including at Nos 134-148. I find in this context that the presence of a car port within the frontage of the appeal site would not necessarily stand out as an incongruous or exceptional feature in the street scene.
7. Moreover, there is close-boarded fencing along the boundary with No 155 which sits at a higher level to the appeal site. The top of the development would be a similar height to this fencing such that it would be largely screened to views from the west by the boundary. The brick wall with railings and evergreen planting behind which run along the adjacent part of the front boundary of the appeal site at a similar height would provide further screening of the development from the street.
8. I accept that screening would not be complete and there would be some views of the car port; most clearly along the access from Ambleside Road and through sections of the front boundary where there is no hedging. Additional views could also be possible in the event that the boundary vegetation failed or was removed. However, the car port would be open to the sides and front with modest timber framing which would give it a fairly lightweight appearance and allow views through most of the structure, and while the rear elevation would be solid, this would largely be seen closely against the existing fencing along the boundary with No 155 so that it would not cause significant new enclosure.
9. In addition, the car port would be of very modest height and footprint relative to the host dwelling and it would be set back from Ambleside Road with appreciable spacing between it and the front boundary, as well as to the front of the dwelling. As a result and noting its limited width across the frontage and views through the open structure, the development would not notably obscure

the front of the house and there would remain a significant area of open frontage around it. It would also be clearly subordinate to the host building which is one of the expectations for extensions outlined at Principle 10.1 of the Residential Design Guide Supplementary Planning Document 2017 ('the RDG').

10. Taken together, these factors would significantly temper the visual impact and physical presence of the development. While it would result in some enclosure, I consider the effect would be slight against the existing site circumstances and in my assessment, the car port would be a discrete addition that would not meaningfully diminish the openness to the front of the appeal site or the characteristic pattern of development locally. As a consequence, I am satisfied that the car port would not be unduly prominent or dominant on Ambleside Road and I find that the spacious and verdant streetscape and the open and semi-rural qualities of the area would not be harmfully eroded.
11. I acknowledge that this is a contrary view to that reached in the 2019 Appeal. However, the garage proposed in that case was a solid structure with a hipped roof. The car port now before me would be open to the front and sides and would have a much lower, essentially flat roof. These revisions would considerably reduce the visual impact and prominence of the development and its effect on openness in comparison to the 2019 Appeal scheme, particularly given that its reduced height would be of similar level to boundary treatment around the site, including to the front where the wall with railings and planting were not in place at the time of the 2019 Appeal. As such, there have been material changes to the circumstances of the development from that considered in the 2019 Appeal and in my judgement, the reasons for dismissal of that appeal have been overcome. I also note a decision by the Council to refuse planning permission for a car port on the site², but that would have had a hipped roof much higher than the development now before me. It would consequently be more visible and of larger overall scale such that I find effects would be materially different to the current proposal.
12. The Council has further referred to garages that have been resisted to other properties on Ambleside Road, but I have not been provided with details demonstrating that any of these would be directly comparable to the appeal development which I have considered according to its own specific merits.
13. My assessment of the existing character of the area differs from that of the Previous Appeal. Nevertheless, I conclude for the reasons above that the proposal would not cause unacceptable harm to the character or appearance of the area and I also find no conflict with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 which includes requirements broadly seeking high quality design and development that respects and enhances local character. Similarly, I find no conflict with guidance in the RDG that over-dominant or out of keeping developments or extensions eroding garden spaces and gaps which contribute to visual amenity and character will be resisted. Nor the Lightwater Village Design Statement Supplementary Planning Document 2007 insofar as it includes requirements for development to pay regard to locally distinctive and valued patterns of development and minimise the visual impact of car parking. The proposal would also accord with requirements within the National Planning Policy Framework seeking high quality design that is sympathetic to local character.

² Application ref 19/2112/FFU

Conditions

14. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. I have also imposed a condition requiring use of the external materials specified on the planning application form which is necessary to ensure a satisfactory appearance.

Conclusion

15. For the reasons given above, I find that the proposal would accord with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR