

Appeal Decision

Site visit made on 5 September 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2024

Appeal Ref: APP/D3640/W/24/3343065

Bulford Lodge, Springfield Road, Camberley, Surrey GU15 1AE

- 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 Andrew Quartermaine (Hoskins Developments Ltd) against the decision of Surrey Heath Borough Council.
 - The application Ref is 23/1277/FFU.
 - The development proposed is construction of 2 no. detached dwellings following demolition of 2 no. existing dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for construction of 2 no. detached dwellings following demolition of 2 no. existing dwellings at Bulford Lodge, Springfield Road, Camberley, Surrey GU15 1AE in accordance with the terms of the application, Ref 23/1277/FFU, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The proposed revisions to the Framework are draft and therefore may be subject to change before the final Framework is published. Moreover, the draft revisions to the Framework and other proposed reforms are not directly relevant to this appeal. Therefore, I am satisfied no party would be disadvantaged by not having the opportunity to comment on them.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area; and
 - the integrity of protected European sites.

Reasons

Character and appearance

4. The appeal site is in a verdant suburban area comprising generally large, detached houses of diverse but mainly traditional appearance. Plots sizes and shapes in the vicinity of the site vary. Those on the north side of Springfield Road are mostly deep linear frontage plots of quite regular width. Layouts on the south side of Springfield Road are somewhat denser, with several backland developments and cul de sacs comprising smaller, more irregularly shaped plots.
5. The appeal site is on a corner and its frontage onto Springfield Road is considerably wider than the majority nearby, on both sides of the road. The combined footprint of the existing buildings spans much of the width of the site, with built form close to both side boundaries, albeit screened by abundant mature vegetation.
6. The site is in the Wooded Hills Character Area (WHCA). The Western Urban Area Character Supplementary Planning Document (WUAC SPD) describes this as semi-rural residential with hilly areas, large irregular plots, winding roads/lanes, heavy vegetation, and a scattering of Victorian/Edwardian buildings. The WUAC SPD also notes mid to late 20th century sub-divisions in the WHCA, creating housing estates of a completely different nature to the woody, low density areas surrounding them.
7. WUAC SPD Principle WH1 sets criteria for new development in the WHCA, including spacious, irregularly shaped plots and space to allow for the maintenance/development of a verdant character. WUAC SPD Principle WH2 resists proposals with closely set buildings, cramped appearance and minimal provision of side gardens, contrary to the prevailing development form.
8. Residential Design Guide SPD (RDG SPD) Principle 6.6 states new residential development will be expected to respond to the size, shape and rhythm of surrounding plot layouts and resists plot layouts that are out of context with the surrounding character. RDG SPD Principle 7.4 states new residential development should reflect the spacing, heights and building footprints of existing buildings, especially when these are local historic patterns.
9. The proposal would subdivide the unusually wide appeal site into two frontage plots of broadly similar dimensions, although different shapes. The width of the new frontages would be like many on both sides of Springfield Road. The new plots would not be as deep as those on the northern side of the road because there is already a new dwelling to their rear. Nevertheless, the new houses would be set well back behind generous front gardens and would be largely screened by mature trees, so they would not look out of place. Moreover, the plots would have comparable dimensions to many of those immediately surrounding them on the southern side of the road, including those along Chesters Road.
10. The footprint of the new houses would predominantly reflect that of the existing buildings and occupy a similar proportion of the overall width of the appeal site. This would detract little from the spacious feel of the area and I

do not find the proposed siting of the houses would be cramped. There are few large side gardens in the surrounding area and the new buildings would in any case be set slightly further in from the sides of the site than the current buildings. The proportion of soft landscaping would increase, thereby enhancing the verdant appearance of the plots, notwithstanding that some vegetation on the eastern boundary would be lost. Appropriate new landscaping and planting, including replacement trees, could be secured by condition were the appeal to be allowed.

11. The scale and bulk of the new two-storey detached houses would be broadly consistent with that of many dwellings in the vicinity, even if their flank elevations would be somewhat deeper than some. Their appearance, including their roof forms, would also complement the traditional but diverse character of the neighbourhood, including in Chester Road from where the new houses would be glimpsed. Compatible materials could be secured by condition were the appeal to be allowed.
12. Taking all this together, I find the proposed development would complement the prevailing form of development in this part of the WHCA, which is denser than the scattering of Victorian/Edwardian buildings noted in the WUAC SPD. I also find the development would respond well to the size, shape and rhythm of surrounding plot layouts, and to the existing built footprint, in accordance with the RDG SPD.
13. For the above reasons, I conclude the proposal would not have a harmful effect on the character and appearance of the surrounding area. Accordingly, I find no conflict with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP), which require development to ensure land is used efficiently within the context of its surroundings; to respect and enhance the quality of the urban environment; and to reflect design and character measures set out in SPDs. I also find no conflict with the Framework, where it seeks development that is sympathetic to local character while not preventing appropriate innovation or change.

Integrity of protected European sites

14. The appeal site is within the 5km zone of influence of the Thames Basin Heaths Special Protection Area (TBH SPA), which is a European site protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The SPA is part of a complex of heathlands in southern England that together support a significant proportion of the global breeding populations of the Dartford Warbler, European Nightjar and Woodlark. It is also an important recreational and economic resource.
15. CSDMP Policy CP14B and saved Policy NRM6 of The South East Plan 2009 (SEP) require mitigation for net additional housing within 5km of the TBH SPA, because such development would be likely to have a significant effect on the integrity of the site through additional recreational disturbance to the habitats and birds within it. The TBH SPA Avoidance Strategy SPD sets out the mitigation requirements in these circumstances.

16. The Council has accepted that Bulford Lodge Cottage is lawfully a separate dwelling from Bulford Lodge¹. The proposed development would therefore provide two new dwellings in place of two existing dwellings, so there would be no net increase in homes. Consequently, the development proposed in this appeal would not be likely to have a significant effect on the integrity of the TBH SPA through additional recreational disturbance and no mitigation is required.
17. Whether or not appropriate mitigation has been secured for Bulford Lodge Cottage as a separate dwelling, such mitigation cannot be required retrospectively through a subsequent planning application or this appeal.
18. For the above reasons, I conclude the proposal would not have an adverse effect on the integrity of protected European sites. Accordingly, I find no conflict with CSDMP Policy CP14B or SEP Policy NRM6; or with the TBH SPD. I also find no conflict with the Framework, which requires mitigation where significant harm to biodiversity cannot be avoided.

Conditions

19. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. I also gave the parties an opportunity to comment on the conditions. I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
20. The Council has suggested the time limit for the permission should be restricted to one year because Suitable Alternative Natural Greenspaces (SANG) in the Borough have limited capacity. SANG are part of the mitigation required for the significant effect of net additional housing on the integrity of the THB SPA. However, I have found no such mitigation would be required. Consequently, it would be unreasonable to limit the period for commencement of development to one year. I have therefore imposed the standard three-year time limit condition.
21. The conditions requiring a Construction Environmental Management Plan and Natural England license are necessary to protect biodiversity, including protected species. They are pre-commencement conditions because the risk to species requires mitigation before any work on site commences. The condition relating to surface water drainage is necessary to mitigate the risk of surface water flooding and is a pre-commencement condition so that the scheme can be incorporated into construction of the development from the outset. The appellant has agreed to these pre-commencement conditions.
22. The condition requiring compliance with the Arboricultural Method Statement and Tree Protection Plans is necessary to protect existing trees. The condition in relation to ecological enhancements is necessary to enhance biodiversity, taking account of the loss of habitat resulting from demolition of the existing buildings. Although not suggested by the Council, I have included a landscape condition, which I consider necessary to secure new planting and maintain the verdant appearance of the area.

¹ Lawful Development Certificate reference 24/0166/CEU

23. I have amended the Council's suggested lighting condition to require approval of details rather than impose a full restriction. The condition is necessary to protect wildlife and accords with the recommendations of the appellant's Preliminary Ecological Appraisal, which I consider reasonable.
24. The condition relating to external materials is necessary for the reason noted above. The condition securing bicycle parking is necessary to promote cycling as an alternative to private car use.
25. Electric Vehicle Charging and current energy efficiency and water consumption requirements are covered by another regulatory regime, so conditions on those matters are not necessary.

Conclusion

26. For the above reasons the proposal accords with the development plan, read as a whole. Material considerations, including the Framework, do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude the appeal should be allowed.

C Carpenter

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - 22-P0218-LP – Location Plan
 - 22-P0218-WCP – Wider Context Plan
 - 22-P0218-WCP1 – Wider Context Plan
 - 22-P0218-CP – Context Plan
 - 22-P0218-300 – Coloured Site Plan
 - 22-P0218-301 – Site Information Plan
 - 22-P0218-302 – Proposed Plans and Elevations – Plot 1
 - 22-P0218-303 – Proposed Plans and Elevations – Plot 2
 - 22-P0218-304 – Proposed Street Scene A-A
 - 22-P0218-305 – Proposed Street Scene B-B
 - 22-P0218-306 – Existing Site Plan
 - 22-P0218-307 – Existing Plans and Elevations - Main House
 - 22-P0218-308 – Existing Plans and Elevations - Garage

- 3) No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The CEMP shall include:
- i) a plan showing the location of all ecological features;
 - ii) a risk assessment of potentially damaging construction activities;
 - iii) practical measures to avoid and reduce impacts during construction;
 - iv) location and timing of works to avoid harm to ecological features;
 - v) responsible persons and lines of communication;
 - vi) use of protective fencing, exclusion barriers and warning signs;
 - vii) protection measures for the native hedgerow during construction; and
 - viii) arrangements for the disposal of *Rhododendron ponticum* scrub using qualified and experienced contractors in accordance with the Environmental Protection Act (Duty of Care) Regulations 1991.

The approved CEMP shall be adhered to throughout the construction period for the development.

- 4) No works of site clearance, demolition or construction shall take place until a European Protected Species Mitigation License has been granted by Natural England and a copy of the license has been submitted and approved in writing by the local planning authority.
- 5) No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and accord with Planning Practice Guidance on sustainable drainage systems. The submitted details shall include a timetable for implementation of the sustainable drainage scheme and a management and maintenance plan for the lifetime of the development.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 6) All demolition, construction or other operations shall take place in complete accordance with the Tree Protection Plans (TPP) and Arboricultural Method Statement (AMS) in the Arboricultural Impact Assessment by Mark Welby Consulting Arborists, dated 8 December 2023 (Reference MW.2212. BLLSR.SK02.AIA RevA).
- 7) No development above ground shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out a schedule of new plants and trees.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of

the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 8) No development above ground level shall take place until a scheme of ecological enhancement in accordance with the recommendations in paragraph 5.12 of the Preliminary Ecological Appraisal by BIOME Consulting, dated 28 July 2023, has been submitted to and approved in writing by the local planning authority. The enhancement scheme should include The development shall be carried out in accordance with the approved ecological enhancement scheme details.
- 9) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
- 10) Prior to the occupation of the development hereby permitted details of secure storage for at least two bicycles for each dwelling shall be submitted to and approved in writing by the local planning authority. The bicycle storage shall be completed in accordance with the approved details before the dwellings are first occupied and shall thereafter be kept available for the storage of bicycles.
- 11) Prior to the installation of external lighting, full details including height, design, location and intensity and shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.

End of schedule