



Appeal Decision

Site visit made on 25 January 2025

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/D3640/D/24/3355658

15 The Royal Way, Deepcut, Camberley, Surrey GU16 6TJ

- 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 Mrs Sylwia Kopicka against the decision of Surrey Heath Borough Council.
 - The application Ref is 24/0667/FFU.
 - The development proposed is described as 'an existing outbuilding in the back garden, ancillary to the main house. The outbuilding is incidentally used as a garden room'.
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Preliminary Matter

1. The Council described the appeal proposal as 'erection of an ancillary outbuilding (retrospective)'. This more concisely describes the proposal than the description in the heading above and has been used in this Decision. However, as 'retrospective' is not an act of development, it has been removed from the description of the proposed development.

Decision

2. The appeal is allowed and planning permission is granted for erection of an ancillary outbuilding at 15 The Royal Way, Deepcut, Camberley, Surrey GU16 6TJ in accordance with the terms of the application, Ref 24/0667/FFU, subject to the following conditions:
 - 1) The development hereby permitted shall be retained in accordance with the following approved plans: Site Location Plan, Reference: 240703/P01, As Built Block Plan, Reference: 240703/P03 Rev A, As Built Floor Plan, Reference: 240703/P04 Rev A, As Built Roof Plan, Reference: 240703/P05 Rev A, As Built Elevations, Reference: 240703/P07 Rev B and As Built Sections, Reference: 240703/P06 Rev A.
 - 2) The development hereby approved shall not be otherwise occupied other than as ancillary accommodation to the existing dwelling known as 15 The Royal Way.
 - 3) Within one month of the date of this decision, details of guttering, downpipe, and connection to the existing surface water system shall be submitted to the Local Planning Authority for approval. The approved details shall be installed within two months of those details being agreed.
 - 4) Within one month of the date of this decision, details of the cladding of the rear elevation of the structure shall be submitted to the Local Planning Authority for approval. The approved cladding shall be installed within two months of those details being agreed.

Main Issues

3. The main issues in this appeal are the effect of the appeal proposal on the character and appearance of the surrounding area and its effect on the living conditions of neighbouring occupiers.

Reasons

4. The appeal outbuilding has already been constructed and the appeal has been determined on this basis. The appellant states that the structure was erected on the initial understanding that it constituted 'permitted development'. However, the Council states that because the outbuilding exceeds the permitted height of 2.5m by approximately 0.2m and has a veranda, planning permission is required. This is not disputed.
5. The outbuilding stands in the rear garden of 15 The Royal Way (No 15), close to its boundary with No 13. Both are detached houses within a new housing estate. The appeal outbuilding has timber effect cladding on its garden elevations. However, the rear and east side of the structure comprise grey corrugated metal. This material is visible to the neighbouring occupiers at No 13 and from within the public realm because the uppermost part of the outbuilding projects above the height of the boundary fence. Extending the use of timber cladding to the rear of the outbuilding would improve its currently somewhat utilitarian appearance.
6. The appeal site is close to a right angle turn in The Royal Way which, together with the rising ground levels towards the north, increases the visibility of the outbuilding within the street scene. Its eaves are higher than those of the appellant's nearby garage. However, its overall roof height and massing are significantly less. Furthermore, the appeal outbuilding is set back from the street, behind the intervening garden of No 13 and its own outbuilding which, although smaller, partially screens No 15's outbuilding. These factors help to minimise its visibility, thereby limiting its impact on the street scene. For the same reasons, views of the SANG, which is in any event some distance from the appeal site, would not be materially affected. There are a number of other outbuildings in the area, including at the rear of the neighbouring No 11. Most are visible above their respective boundary fences and within this context the appeal structure does not appear out of place.
7. Moreover, there is a credible fallback position because an outbuilding which would comply with permitted development rights would also project above the existing boundary fence. The Council's officer report states that the additional height is not so significant as to harm the character of the area to a degree that would warrant refusal of the application. I agree with this assessment, notwithstanding that the Council's decision to refuse the appealed planning application was made against the officers' recommendation.
8. Turning to the second main issue, I have considered the effect of the outbuilding on the living conditions of the occupiers of No 13. The two houses are parallel and the upper part of the rear of the outbuilding is visible from the garden and ground floor rooms of the neighbouring house. More of the structure is visible from the upper floors, as one would expect in a densely built-up area.
9. In determining whether the mass of the outbuilding has an overbearing effect on the residential amenities of the occupiers of No13, it is clear to me that the

concerns of the neighbouring occupiers are deeply felt. Nonetheless, the proposal must be considered in the context of No 13's surroundings. This property has a small garden and its rear windows look out directly on to the two-storey flank wall of No 11. The wall of the pitched roof garage between Nos 13 and 15 extends beyond the rear of No 13 and its overall height is significantly greater than the height of the boundary fence. The layout of the buildings means that the more open views from this property are the oblique views over the fence beyond the garage. This is the area in which the appeal outbuilding stands. Within this built context I can understand that its impact is felt more acutely than might otherwise be the case.

10. However, the outbuilding stands towards the end of No 13's garden, rather than close to its rear, which limits any overbearing effects. Just because the structure can be seen does not cause an overbearing effect. Furthermore, the additional height above what would be allowed under permitted development rights would make little difference to the neighbouring property.
11. As discussed above, the continuation of the timber cladding in place of the corrugated metal appearance would soften the appearance of the structure, providing a more domestic character. Furthermore, there is sufficient space from the boundary fence to allow for the installation of guttering which would prevent further rainwater damage identified by the neighbouring occupiers. This can also be required by condition.
12. In reaching my conclusions, I have had regard to the objections to the proposal from local residents, including the Mytchett, Frimley Green and Deepcut Society and the Deepcut Neighbourhood Forum. The planning concerns have been addressed above. Whilst concerns have been raised that the appeal proposal would set a precedent for other similar structures, any development that requires planning permission would be determined on its own merits, as is the case with this appeal. Furthermore, the protection of private views is not a material planning consideration and compliance with any covenants imposed by the developers of the estate are a private matter.
13. For the reasons I have set out and subject to the modifications described above, which can be required by condition, I conclude that the outbuilding does not harm the appearance of the street scene or the wider character of the area. I further conclude that in the circumstances of this appeal, the outbuilding does not have an unacceptable effect on the living conditions of the occupiers of No 13. The proposal therefore complies with Principle 10.1 of the Residential Design Guide Supplementary Planning Document 2017 and Policy DM9 of the Surrey Heath Core Strategy Development Management Policies Document 2012 which in summary and of relevance to this appeal require high quality development which respects the character of the surrounding area and which protects neighbouring residential amenities. There is no conflict with its Policy DM4 which seeks to protect rural character as the surrounding area has already been developed. Similarly, as the appeal site is within an already developed area and the outbuilding is no closer to the edge of the Deepcut development than existing buildings, there would be no conflict with the Deepcut Supplementary Planning Document 2011.
14. Therefore, having also had regard to all other matters raised, the appeal is allowed.

Conditions

15. In addition to the conditions addressed above, a condition is imposed which identifies the approved drawings for the avoidance of doubt and in the interest of proper planning. A condition is required to ensure that the accommodation hereby approved remains ancillary to the main dwelling and is not occupied separately. For clarity, the wording of some of the suggested conditions has been amended.
16. I have not imposed the Council's suggested condition requiring details of a cedar or green roof. I consider this would be an unduly onerous requirement for a small outbuilding and is neither reasonable nor necessary to protect the visual amenity of the surrounding area or the living conditions of the neighbouring occupiers.

Elaine Benson

INSPECTOR