



Appeal Decision

Site visit made on 24 May 2017

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th June 2017

Appeal Ref: APP/D3640/W/17/3168684

26 Portsmouth Road, Camberley, Surrey GU15 1JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by M.C.M Ltd against the decision of Surrey Heath Borough Council.
- The application Ref 14/1026, dated 17 November 2014, was refused by notice dated 9 December 2016.
- The development proposed is demolition of existing dwelling and surgery and erection of replacement building containing 9 x 2-bed flats with new access, cycle and refuse stores and associated car parking.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with access, appearance, layout and scale to be determined and landscaping to be a matter reserved for future consideration. I have determined the appeal on this basis.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

4. The main issues in this case are the effect of the development on:
 - The character and appearance of the area; and
 - The future health of a protected tree.

Reasons

Character and Appearance

5. The appeal site is a large residential plot located on the corner of Portsmouth Road and Highclere Drive. Presently, there is a two storey detached dwelling, with a single storey outbuilding which operates as a chiropractic clinic and a detached garage on the site. All of the buildings are set well back from the roadside behind a gravel drive and parking area and would be replaced by the

development. The site is verdantly landscaped, with a large number of trees within and around the boundary of the site, some of which are protected by Tree Preservation Orders (TPO). The area around the site is predominantly residential, but while there is a variety of architectural styles in view, the character along this part of Portsmouth Road echoes that of the appeal site, with predominantly two storey detached dwellings within generous and well landscaped plots.

6. The development would result in a large single building with a considerably greater scale and mass than those it would replace. This would lead to a significant reduction in the existing relatively open feel of the site which is created by the form and articulation of the existing dwelling and low profile of the outbuildings. The levels of screening from the retained mature soft landscaping around the site would not completely or permanently screen the building from view, particularly through the access and from Highclere Drive. The effect on the local character from the increase in the scale and mass of the built form would be significant.
7. My attention has however been drawn to an existing outline permission¹ on the site for a two storey dwelling which would include a chiropractic surgery. The footprint and ridge heights of the two proposed buildings would be the same. The two schemes also share a number of design elements. Nevertheless, as a result of the fenestration on the front and rear elevations, the development would clearly appear as a three storey building. The actual floor to ridge height of the development would be taller than that permitted and would be accommodated by reducing the site's ground levels by around 1 metre. The appellant has argued that the effect on the character of the area would therefore be no different to the permitted scheme. I do not agree with this assertion. The difference in the actual height of the two buildings and the resulting increase in mass and scale when viewed from the roadside would appear larger than that which has been permitted. As a result, it would have a different impact.
8. To accommodate the additional storey and the use of the building as 9 flats, the front and rear elevations would also be considerably busier and more cluttered than the permitted scheme, with additional windows, dormers to the front and rear and a rooflight in the front roof slope. The floor to eaves heights would also be noticeably different and thus the overall proportion and balance of the building would differ to the permitted building. While some attempt has clearly been made to keep the appeal proposal within the broad parameters established by the previous permission, the resulting design would appear considerably different in practice.
9. The permitted building, while large, would still appear as a two storey dwelling with a more domestic character and well-proportioned design and appearance than the proposal before me. In seeking to accommodate the additional scale needed within the same footprint, the design and appearance of the building no longer reflects the nature of the permitted development. The larger scale and mass of the building in comparison to both what is currently on site and what has been permitted, and the intensive three storey design and character of the building, including the preponderance and proportions of glazing and floor to

¹ 2014/0036

eaves height, would introduce something of a discordant and incongruous addition to the street scene.

10. This would not be sufficiently mitigated by the soft landscaping that currently exists, nor could it be adequately addressed at reserved matters stage. The resulting intensive design would not complement or respond positively to the prevailing two-storey domestic character of development in the immediate vicinity, both in terms of its relationship with the appearance of other plots along Portsmouth Road or those on Highclere Drive from where the development would remain a prominent structure.
11. I have noted reference to the presence of other three storey dwellings in the area. However, the overriding character of the street scene in this location is that of two storey dwellings, as is borne out by its description in the Western Urban Character Area Supplementary Planning Document (2012) (SPD). In this regard, I do not consider the design of the building pays proper regard to the existing character of development in the area, and would appear as an unduly intensive and uncharacteristic form of development. By virtue of its overall size and design, the development would therefore have an unacceptable impact on the character and appearance of the area.
12. Accordingly, there would be conflict with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies (2012)(CS) which seeks, amongst other things, development respects the local character. It would also conflict with Guiding Principle WH1 of the SPD, which states that development should pay particular regard to the provision of high quality designed buildings and the two storey character of the area. There would also be conflict with paragraphs 58 and 64 of the National Planning Policy Framework insofar as the development would not respond to local character or constitute good design which takes the opportunity to improve the character of the area or the way it functions.

Future Health of the Protected Tree

13. There are a large number of trees within the site, some of which would be felled to accommodate the development. The Council has raised no significant concerns over this. However, they are concerned over the effect on a western red cedar tree protected by a TPO² in the boundary of the site (referenced as tree T13 in the accompanying Arboricultural Assessment (AA)). Both this and the other trees in the boundary treatment of the site are clearly of significant importance to public amenity and the character and appearance of the area.
14. The extended parking area would result in encroachment into the root protection areas (RPA) of a number of trees in the border. The Council has indicated that in relation to T13 the new spaces would cover more than the 20% of the RPA recommended by BS5837. The appellant has not disputed this figure. However, I have noted that in their calculations, the Council appears to have used the original site layout to calculate the incursion. Amended plans suggest that spaces 9 and 10 would be moved further from the tree. I recognise that this may have the effect of reducing the potential impact on the RPA but have received no evidence as to whether it would fall below the 20% recommended. Nevertheless, BS5837 are recommendations only and any

² TPO 01/05

potential threat to the RPA of protected and important trees needs to be carefully considered.

15. The AA indicates that a no-dig solution would be used for the car park which would minimise the impact. This includes a method statement which sets out the measures that would be taken in preparing the site, protection during construction and recommendations for the nature of the surfacing that would be implemented. This statement is generic in nature and does not address the specific nature of the site. I observed that there was considerable understorey planting in and around the trees that would likely have to be removed to accommodate the spaces. It is not clear from the AA to what extent there would have to be any scraping to remove this and whether this would lead to damage to the RPA of the protected trees in the border, particularly T13. The general assertions of the AA that there would be little or no impact on trees in this border do not provide me with sufficient confidence that damage might not occur, particularly during the laying out of the parking area.
16. I have noted the appellant's comments in relation to imposing a condition on tree protection and landscaping as a reserved matter. However, layout is not a reserved matter and I must be confident that any condition imposed would be capable of being discharged in an acceptable manner. The lack of specificity in the AA does not provide me with sufficient confidence that any such condition could achieve this. I do not consider therefore that the evidence before me is sufficient to conclude with certainty that the future health of T13 would not be harmed as a result of the development. Accordingly, there would be conflict with CS Policy DM9 which seeks, amongst other things, to protect trees and other vegetation worthy of protection.

Other Matters

17. The appellant has submitted a Unilateral Undertaking which would secure the provision of two affordable units and make a financial contribution toward Strategic Access Management and Monitoring (SAMM) measures in relation to the potential impact of the development on the Thames Basin Heaths Special Protection Area (SPA). The benefits associated with affordable housing are noted, but do not lead me to alter my overall conclusions as to the acceptability of the proposal. The contribution to the SAMM would be mitigation only. Since the appeal is dismissed for matters unrelated to the SPA, it is not necessary for me to consider this matter any further.
18. I have noted that the Council raised no significant concerns over the effect of the development on living conditions, highway safety or parking. Whilst I saw nothing that would lead me to disagree with their conclusions on these matters, this does not outweigh my overall conclusions or concerns.

Conclusion

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

S J Lee

INSPECTOR