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## Appeal Decision

Site visit made on 3 July 2017

**by R J Jackson BA MPhil DMS MRTPI MCMi**

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

**Decision date: 20 July 2017**

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**Appeal Ref: APP/D3640/W/17/3172317**

**The Annexe, 6 Mount Pleasant Close, Lightwater GU18 5TP**

- 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 Gareth Wilkins against the decision of Surrey Heath Borough Council.
  - The application Ref 16/0664, dated 4 July 2016, was refused by notice dated 14 October 2016.
  - The development proposed is demolition of single storey attached annex, erection of detached two storey 3 bed house with new cross over and drive way. Erection of single storey extension to rear of existing house.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. Although the address of the property as set out in the heading is that set out on the application form, the 'red line' of the application site includes the area both of the Annexe and 6 Mount Pleasant Close itself.
3. After refusing the appeal application the Council granted planning permission for "Erection of a first floor extension over the existing single storey attached annex building with addition of a dual pitched roof" on the appeal site (Council Ref: 16/1153). I will discuss the implications of this later in this decision.
4. As set out in the heading the proposal is for a dwelling and a rear extension to the 'parent' property. The Council's reasons for refusal only related to the new dwelling, but the rear extension appears part of an integrated proposal for the site. I therefore consider that the extension cannot be considered separately and in the event that the proposal for the dwelling is unacceptable then the appeal should be dismissed rather than considering a 'split' decision allowing the extension and dismissing the dwelling.

### Main Issues

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

## Reasons

### *Character and appearance*

6. The appeal property is located towards the eastern end of Mount Pleasant Close where the road has a sinuous alignment. On the same side of the road as the appeal site the properties immediately to the west are bungalows while the two properties to the east are two storey houses linked by a pair of garages. Opposite are two storey houses, set down slightly from the road as the land drops away to the south.
7. The immediate local area is made up predominantly of frontage development with distinct gaps between the properties, particularly above ground floor level. This ensures that the area has a sense of spaciousness. This development character alters some distance further along Mount Pleasant Close where development becomes denser with smaller gaps. The appeal site is wider than many others in the area adding to the sense of space.
8. The appeal property is, when compared to others in the street scene, a large two storey dwelling with a single storey, flat roofed extension on the east side set back from the front elevation. The extension is linked to the main house by a single door. There is also a single storey extension on the west side of the property. The front boundary treatment is made up of a low block wall with a dense evergreen hedge, approximately 2 m high, above with a Scots Pine at the end. This screens the dwelling from views from directly in front of it. At the eastern end there a pedestrian access to the building.
9. The appeal proposal is to demolish the extension on the eastern side and erect a detached two storey dwelling. There would be a gap of approximately 1 m between the walls of the existing and proposed dwellings and this would be reduced above the walls by the overhang to both roofs. The property would be set at a lower level than 6 Mount Pleasant Close but above No 4 to the east. The main front elevation located on a similar line to the existing extension, although a part two-, part single-storey gable/porch feature would extend further forward, although not as far as the front elevation of the parent property.
10. Parking would be provided in front of the dwelling, immediately inside the footway with a small vegetated area between the parking area and dwelling. The pedestrian access location would be retained to the new dwelling although the Scots Pine would be felled to provide the parking area.
11. As noted above, the proposal is also for a single storey flat roofed extension on the rear of No 6 located on the eastern side of that property.
12. While there would remain a gap similar to that between the properties opposite between the new dwelling and No 4, the gap between this new dwelling and No 6 would be harmfully narrow and out of character with the area where wider gaps are more common. This lack of space would be emphasised at roof level where the two overhangs would converge meaning that the proposal would appear cramped. As noted above it is the gaps above ground floor that are particularly important in creating the character of the immediate area. The other examples of more cramped development cited by the appellant are further along this road in an area with a different character and, in my view, are not directly comparable.

13. As noted above planning permission exists for a two storey side extension. This would result in the same gap as in the appeal proposal between the new dwelling and No 4. The roof line of the extension would be lower in absolute terms than that of the appeal proposal. If this appeal were to be dismissed I consider that there is a realistic prospect that this extension would be constructed, and I therefore give that significant weight.
14. However, the gap between No 6 and the new dwelling and the design of the new dwelling mean that the effect on the street scene would be materially different. The gap, such as it is, would make it clear that it was a separate dwelling and not a subordinate extension to No 6, and the front element of the proposed dwelling with its gable front gives an emphasis to the lack of separation and thus the cramped nature of the proposal.
15. Further the proposal would open up the frontage to create the parking area for the occupiers of the new dwelling further emphasising the prominence of the new dwelling. The parking spaces, of themselves, would be similar to others in Mount Pleasant Close. However, it would be the opening up of the area that would create the view that would emphasise the cramped nature of the overall development. That such parking spaces could be created without the need for planning consent does not alter my conclusion on this as I can see no need for additional parking spaces beyond those already provided for No 6, and I therefore consider it unlikely that this would be provided without the need created by the proposed new dwelling.
16. As such the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 (the CSDMP) which require that development respects and enhances the quality of the urban environment. It would also be contrary to Policies B1, B2 and B8 of the Lightwater Village Design Statement which indicated development should pay regard to the locally distinctive and valued patterns of development, that overdevelopment will be resisted and that development should respect the spacious character of the residential area by reflecting the size and frequency of gaps between houses. It would finally be contrary to paragraph 58 of the National Planning Policy Framework (the Framework) which indicates that development should respond to local character and history.

### **Other matters**

17. The site lies within 5 km of the Thames Basin Heaths Special Protection Area (the SPA) which is designated under the Habitats Directive for its populations of woodlark, nightjar and the Dartford Warbler. In line with the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) planning permission is to be refused if development either on its own or in combination with other plans or projects would have a significant adverse effect on the SPA. The additional resident human population associated with the development proposed has been shown through research to be likely to recreate on the SPA leading to such significant harm.
18. To provide mitigation for developments potentially having such an effect the Council has published a Thames Basin Heaths Special Protection Area Avoidance Strategy SPD which was adopted in 2012. The Council indicates that this sets out a strategy of providing additional greenspace to provide an

alternative location for recreation (Suitable Alternative Natural Greenspace or SANG) and access management (Strategic Access Management and Monitoring or SAMM).

19. The Council has introduced the Community Infrastructure Levy and indicates that SANG is provided from the contributions secured under the Levy. However, the Levy does not provide for a contribution towards SAMM which consequently needs to be secured separately. In the Council report on the application it indicates that a contribution towards SAMM has been paid by the applicant and I am therefore satisfied that the effects of the proposal would be appropriately mitigated and there would be compliance with the relevant policies of the South East Plan and the CSDMP.
20. The Council has confirmed that it is unable to demonstrate a five year supply of housing land meaning that policies for the supply of housing are out-of-date; see paragraph 49 of the Framework. This means that the tilted balance set out in paragraph 14 of the Framework applies. However, I am satisfied that the significant and demonstrable harm of the proposal as identified above would outweigh the benefit of the one additional dwelling which would not have a material effect on the housing land supply situation. As such the proposal would not represent sustainable development and the appeal should be dismissed.

### **Conclusion**

21. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*RJ Jackson*

INSPECTOR