

Appeal Decision

Site visit made on 26 September 2016

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 11th October 2016

Appeal Ref: APP/R3650/W/16/3149753

65 Badshot Lea Road, Badshot Lea, Farnham, GU9 9LP

- 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 P Kerly against the decision of Waverley Borough Council.
 - The application Ref WA/2015/2417, dated 8 December 2015, was refused by notice dated 18 March 2016.
 - The development proposed is the erection of a hip to gable extension and dormer window and use of 2nd floor space for residential purposes as an independent studio flat.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal the appellant amended the red line around the site. The Council have been consulted on this change and have raised no objection. The amended red line does not materially alter the proposal therefore no party would be prejudiced by my determining the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect of the development on the living conditions of future occupiers of the studio flat, having particular regard to matters of outlook, and size of accommodation;
 - The effect of the proposed car and cycle parking arrangements on the living conditions of existing residents and the character and appearance of the area, and;
 - The effect of the development on the Thames Basin Heaths Special Protection Area (TBHSPA).

Reasons

Living Conditions

4. The appeal site comprises a two storey building which has a shop at ground floor and a flat above. There is an access arch under the first floor flat which leads to a small courtyard where two parking spaces are provided. The
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proposal is for a hip to gable extension to the roof of this building in order to create a second floor studio flat.

5. The main living area of the studio flat would be served by four roof lights and a window in the newly formed gable end of the roof. The window would face directly onto the roof slop of the attached property which has a higher ridgeline than the appeal building. The outlook from this window would therefore be significantly impeded by the neighbouring roof form. The remaining roof lights would provide views predominantly of the sky, which, in my opinion, is not a satisfactory outlook for living areas.
6. For these reasons the proposed studio flat would be harmful to the living conditions of future occupants by reason of a lack of outlook. I note the appellant's suggestion that the roof lights could be lowered but I am not persuaded that this would adequately mitigate my concerns. The proposal would therefore conflict with Policies D1 and D4 of the Local Plan 2002 (LP). These policies require high quality design which, amongst other things, does not result in a loss of general amenity. Similarly the National Planning Policy Framework seeks a good standard of amenity for future occupants of buildings.
7. The Council also raises concern over the size of accommodation proposed. At approximately 34m² this falls below the new national technical standards which recommend 37m² for a studio flat. These standards have not, however, been adopted by the Council. Planning Practice Guidance sets out that where a local planning authority wishes to require an internal space standard they should only do so by reference in their Local Plan. No further evidence concerning other impacts with respect to the size of accommodation are put forward. Consequently, I find limited harm in this regard. This does not, however, alter my findings above.

Parking

8. The Council's Parking Guidelines (October 2013) recommends one parking space for a 1-bed residential development. It is not possible, however, to provide any off-street parking for the studio flat. There are a limited number of shops and services available in the immediate area but these are unlikely to serve all the needs of future occupants. Further services, amenities and facilities in the nearby towns of Aldershot and Guildford are not within easy walking distance; although cycling might be an option, and I note the appellant's comment that bike storage could be provided in the rear yard behind a secure gate. There is also a local bus service to Guildford and Aldershot but this finishes early in the evening.
9. There is on-street parking in the vicinity of the appeal site. Parking on Badshot Lea Road was limited in the middle of a week day when I carried out my site visit and it would be reasonable to assume there would be even less parking available at evenings and weekends. Nevertheless, any additional on-street parking as a result of the proposed studio flat, due to its limited size and likely number of occupant(s), is unlikely, in itself, to cause significant inconvenience to surrounding residents or adversely affect the character and appearance of the area in light of the existing conditions. I therefore find no conflict with Policies D1 and D4 of the LP which seek to protect general amenity and visual character.

Effect on the TBHSPA

10. The site is located within 5km of the Thames Basin Heaths Special Protection Area (SPA). Regulation 61 (5) of the Conservation of Habitats and Species Regulations 2010 requires any development which could damage such areas to be subject to an appropriate assessment of its likely effects by the competent authority.
11. Policy NRM6 of the South East Plan (May 2009) (SEP) sets out that new residential development in such areas is likely to have a significant adverse effect on the ecological integrity of the TBHSPA unless adequate measures are put in place to mitigate any potential adverse impacts. To this end the Council require a contribution of £1,829.15 towards the on-going maintenance and enhancement of Suitable Alternative Natural Greenspace (SANG) at Farnham Park in line with the Waverley Borough Council Thames Basin Heaths Special Protection Area Avoidance Strategy (December 2009).
12. I have not been provided with a copy of the above document. As the competent authority determining this appeal I therefore do not have sufficient information to make an appropriate assessment. Notwithstanding the above, whilst I note that the appellant has indicated a willingness to pay the required contribution there is no mechanism before me to secure such a payment. Consequently I cannot be satisfied that the proposal would put in place adequate measures to avoid or mitigate potential adverse effects on the integrity of the TBHSPA. The development therefore conflicts with Policy NMR6 of the SEP.

Other Matter

13. The appellant states that the Council cannot demonstrate a 5 year supply of housing land. Nevertheless, the proposal would make only a very limited contribution in addressing any undersupply of housing and as such does not outweigh the harm I have identified above.

Conclusion

14. In conclusion, whilst I have found the proposed development to be satisfactory in terms of the proposed car and cycle parking arrangements, the studio flat would not provide an adequate outlook for future occupiers, and as such would be harmful to their living conditions. On the evidence before me, the development would also be unacceptable in terms of its potential effects on the TBHSPA. For these reasons, and having regard to all other matters raised, the appeal is dismissed.

Hayley Butcher

INSPECTOR