
Appeal Decision

Site visit made on 22 August 2016

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 21 October 2016

Appeal Ref: APP/R3650/W/16/3149175

Part of the garden of 1 Firs Avenue, Bramley, Guildford GU5 0ED

- 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 Anthony Robertson against the decision of Waverley Borough Council.
 - The application Ref WA/2015/1720, dated 14 August 2015, was refused by notice dated 30 October 2015.
 - The development proposed is described as a two storey property.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council's decision notice describes the proposal as "the erection of a dwelling and associated parking". This describes the proposal more appropriately, and I have considered the proposal on this basis.
3. The appellant has submitted with the appeal an amended plan showing a revised roof design, providing a fully hipped roof. I consider that the amended plan would not materially change the nature of the development, and no-one would be prejudiced by my considering it. I shall therefore take it into account.

Background

4. At the time that the application was refused, the Council accepted that it was unable to demonstrate a 5 years supply of housing land. However, since July 2016 the Council argues that it can now identify a 5 year supply plus an appropriate buffer. The appellant has not refuted this contention, and on the basis of the evidence before me, there is no reason for me not to accept that there is a 5 year supply. Consequently, having regard to paragraph 49 of the National Planning Policy Framework (the Framework), I consider that relevant development plan policies for the supply of housing can be considered to be up-to-date.

Main Issues

5. The main issues are:
 - i) the effect of the proposal on the character and appearance of the surrounding residential area;
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- ii) whether the proposal represents inappropriate development in the Green Belt;
- iii) the effect on the openness of the Green Belt;
- iv) the effect of the proposal on the living conditions of the occupiers of 3 Firs Avenue, with particular regard to outlook and visual impact, and
- v) whether there are any material considerations sufficient clearly to outweigh harm through inappropriateness and any other harm so as to amount to very special circumstances sufficient to justify the proposal.

Reasons

Character and appearance

6. Bramley is one of the identified settlements within LP Policy RD1, which provides that appropriate development will be permitted which, amongst other things, is well-related in scale and location to the existing development and which comprises infilling of a small gap in an otherwise continuous built up frontage or the development of land or buildings that are substantially surrounded by existing buildings. The Council accepts that this criterion is met. A further criterion requires that proposals should take account of the form, setting, local building style and heritage of the settlement.
7. The site in this case comprises the rear, lower part of the garden of a semi-detached house located on the corner of Firs Avenue and Barton Road. The plot extends to the rear of the house at 2 Firs Avenue, and is used partly for parking and partly as an amenity area.
8. The houses on the south side of Firs Avenue generally have long rear gardens, apart from that of No 2, which is truncated by the appeal site, but is nevertheless devoid of built development. On the southern side of the site are dwellings in fairly spacious settings, but on the opposite side of Barton Road, and in Fisher Rowe Close are houses which are sited on smaller plots and have a more dense grain.
9. However, in my view, the site is seen more in the context of the more spacious dwellings that lie on the western side of Barton Road. The small site size, together with the tight relationship between the proposed house and the site boundaries and the provision of 4 tandem parking spaces in the deepest part of the site close to the dwelling, would appear greatly at odds with the generally more spacious setting on this side of the road. I consider that this would be seriously harmful to the appearance of the area.
10. The open nature of the site and the planting within it, provides a gentle and green transition to the more verdant and spacious residential area to the south. The proposal would result in a significant change to this appearance, and because of the limited amenity space that would be available, I consider that a landscaping scheme would not adequately mitigate the harm that I have identified above.
11. I agree with the Council's criticism of the originally proposed roof design, which I consider would appear incongruous, but I am satisfied that the amended hipped roof design would be satisfactory. However, it would not mitigate the harm that I have identified above.

12. I have had regard to the appeal decision¹ referred to me by the appellant for an extension to the house at 11 Firs Avenue, but this relates to an extension to form a new dwelling, and the infilling of a densely developed row of houses, which I find to be materially different to the circumstances of this case.
13. A small part of the rearmost part of the garden is not included as part of the application site, and would be divorced from the main part of the garden. Whilst I recognise that there is a prospect of this area becoming neglected, it does not necessarily follow that this would be the case, and this does not materially add to my concerns.
14. I therefore find that the proposal would result in material harm to the character and appearance of the surrounding area, and would conflict with LP Policies RD1, D1 and D4, the latter policies respectively dealing with the environmental implications of development and design and layout.

Inappropriateness

15. The site lies within the Surrey Green Belt where Policy C1 of the saved Waverley Borough Local Plan (LP) 2002 says that within the Green Belt and outside the rural settlements identified in another policy, there is a general presumption against inappropriate development, which will not be permitted unless very special circumstances exist. The explanatory text goes on to say that infilling within identified settlements in accordance with Policy RD1 is capable of being appropriate within the Green Belt and may be acceptable. This is broadly consistent with the approach to development in the Green Belt contained in the Framework.
16. As I have found that the proposal would not accord with Policy RD1 in terms of its effect on the character and appearance of the area, it follows that the proposal would conflict with Policy C1, and cannot be considered to be one of the exceptions to the presumption against inappropriate development.
17. The Framework says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It also indicates that substantial weight should be given to any harm to the Green Belt.
18. I therefore find that that the proposal would constitute inappropriate development and would conflict with the policies to which I have referred above.

Openness

19. The proposed dwelling would be a noticeable structure in the street scene, and would reduce the openness of the area. However, the site lies in an established residential area, where there are buildings of similar size or larger, and in this context the impact on openness would be limited. I therefore find that this would cause only modest harm.

Living conditions

20. The proposed building would be sited about 2m away from the side boundary of the house at 3 Firs Avenue, but the rear elevation would have no windows in it, other than an obscurely glazed bathroom window. The house would be over

¹ Ref: APP/R3650/A/08/2089479

23m away from the main rear elevation of the house at No 3, and sited towards the rear of its garden. Thus, whilst the proposed house would be dominant when seen from the rear part of the garden, it would not appear overpowering from the house or the part of the garden nearest to it.

21. Although this issue is finely balanced, I consider that when assessed against the entirety of the rear garden on No 3, the proposal would not be so overbearing as to harm materially the occupiers' living conditions. Nor would it conflict with LP Policies D1 or D4.

Balancing exercise

22. The proposal would result in harm through inappropriateness, and some small harm through loss of openness. It would also result in more significant harm to the character and appearance of the area. Balanced against this is the provision of an additional dwelling which would make a modest contribution to meeting the housing needs of the area. It would also make a more efficient use of land within Bramley. There would also be economic benefits arising from the construction of the house and its subsequent occupation.
23. However, the harm that I have found, to which I attach substantial weight, is not clearly outweighed by these other considerations, and the environmental dimension of sustainable development is not fulfilled. Accordingly, very special circumstances do not exist to justify the proposal.

Other matters

24. I have had regard to the other concerns raised by the Parish Council and local residents, including those relating to highway safety, parking and flood risk, but these do not add to my reasons for dismissing the appeal.

Conclusion

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

JP Roberts

INSPECTOR