

Appeal Decision

Hearing held on 12 October 2016

Site visit made on 12 October 2016

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

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

Decision date: 8th December 2016

Appeal Ref: APP/R3650/W/16/3152278

The Gate House, Knowle Lane, Cranleigh, Surrey GU6 8RD

- 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 Murray Shotter against the decision of Waverley Borough Council.
 - The application Ref WA/2015/2006, dated 1 October 2015, was refused by notice dated 14 December 2015.
 - The development proposed is a brownfield residential development of the existing property to provide 8 x 2 bed apartment dwellings.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant submitted an amended access and parking plan with the appeal, which provides a small alteration to the point of access and reduces the number of parking spaces from 4 to 3. I consider that the plan would not materially change the nature of the development proposed, and that no-one would be prejudiced because they might have been denied an opportunity to comment. No-one had any objection to my considering the plan, and therefore I have taken it into account in my decision.

Main Issues

3. The Highway Authority and the Council confirmed that if the proposal were to proceed on the basis of the amended access plan, the reasons for refusal relating to highway safety would be overcome. Accordingly, the main issues are:
 - i) the effect of the proposal on supply of employment sites;
 - ii) the effect of the loss of a non-designated heritage asset;
 - iii) the effect of the proposal on the character and appearance of the surrounding area;
 - iv) the adequacy of the proposed parking provision;
 - v) whether the proposal would result in material harm to the living conditions of neighbouring occupiers with particular regard to outlook and visual impact, daylight and overlooking,
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- vi) whether the proposal would provide satisfactory living conditions for the occupiers of the proposed development in respect of noise and disturbance from the siting of the bin store and outlook in respect of apartments 5 and 7,
- vii) whether the occupiers of the proposed development would be at risk from flooding, and
- viii) whether the proposal would be a sustainable form of development having regard to national and development plan policies in respect of the delivery of new housing and the need to demonstrate a 5 year supply of deliverable housing land.

Reasons

Loss of an employment site

4. The appeal site is occupied by a vacant office building on the edge of the town centre. Saved Waverley Borough Local Plan (LP) Policy IC2 provides that the loss of suitably located industrial and commercial land will be resisted. The policy sets out criteria which define "suitably located" which I consider that the appeal premises broadly meets.
5. However, I agree with the appellant that the strict wording of the policy is not consistent with the thrust of Government policy in the National Planning Policy Framework (the Framework), which sets out a less rigid approach to allocated employment sites (which this is not), saying that policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. To apply a rigid approach to non-allocated employment sites departs even further from the Framework's stance.
6. The appellant's case does not include evidence of an absence of demand for the office space. On the other hand, whilst the Council says that there is a borough-wide need for small offices, there is no evidence of either the supply or demand for such offices in Cranleigh.
7. From what I saw on my visit, I consider that the appeal of the premises to prospective occupiers is limited. As a converted dwelling, the offices lack flexibility and quality, and these, in my experience, are the characteristics most in demand by office users. The rooms are varied in size, but generally small, the staircase is narrow and the physical condition and décor are poor. There is limited car parking and space for deliveries. These factors militate against the continued use of the building for office space. The existence of permitted development rights to change to residential use also weighs in favour of the proposal.
8. Whilst the economic dimension is one of the constituent parts of sustainable development, there is insufficient evidence to show that the loss of this small site to residential use would cause material harm to the employment prospects of Cranleigh or the wider borough, and when balanced against the background of the need to boost significantly the supply of housing, I find that the proposal would not result in material harm to employment interests, and that the conflict with Policy IC2 is outweighed by the considerations that I have referred to above.

Loss of a non-designated heritage asset

9. The appeal building was designated by the Council as a Building of Local Merit in 2013, pursuant to saved LP Policy HE2 which says that the Council will identify buildings of local architectural or historic interest and safeguard the important contribution they make to the character of the Borough.
10. The Gate House was formerly occupied by the gate-keeper, responsible for the opening and closing of a gate across Knowle Road at a point where it was crossed by the railway line. The railway was important to the development of Cranleigh, allowing its rapid expansion in the latter half of the 19th century. The railway closed in the 1960s, and since then the line, and the signal box and gate next to the Gate House have been removed. The Gate House is the last vestige of the town's connection to the railway.
11. Originally the Gate House was a simple but attractive Victorian building. It has changed in the intervening years, resulting in the loss of chimneys, the painting over of the brick-work, the addition of single storey extensions and the replacement of its fenestration with modern and bland UPVC windows.
12. The Council accepts that the building has no architectural value of heritage significance, arguing that social and historical associations give the building its significance. However, to my mind, the building has lost so much of its original character, and there is no visual reminder of the relationship of the building to its historical context, that, other than to those who still remember its former role, it has very little significance as a heritage asset.
13. The Framework says that in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the loss and the significance of the heritage asset. It also says that in respect of harm to or loss of designated assets, which this is not, the harm should be weighed against the public benefits of the scheme. In my view, the harm arising from the loss of the building could be mitigated by the provision of an interpretative plaque or other display, which could be achieved by the imposition of a condition, and would provide a more accessible means of highlighting the site's historical association. This, together with the public benefit of providing 8 dwellings to help meet the borough's housing needs outweighs the harm to heritage interests, and justifies my not determining the proposal in accordance with Policy HE2.

Parking

14. Saved LP Policy M14 says that the level of car parking provision appropriate for individual development proposals will be assessed according to the location and type of development, and that appropriate provision for parking space will be required, having regard to the developer's own requirements, subject to road safety or traffic management implications, the accessibility of the location to means of travel other than the private car and guidance on maximum parking standards contained within PPG3, PPG13 and the Parking Strategy for Surrey.
15. More recently, in October 2013, the Council has published its own Parking Guidelines, in response to the higher car ownership rates found in Waverley borough compared to the rest of Surrey. Those standards require 2 parking spaces per dwelling for sites outside of designated town centres, or 1 space per

dwelling for those within it. In this case the site lies slightly outside of the town centre, but in my view, regardless of where the town centre boundary lies, the site is so close that I consider that the lower standard would be the more appropriate one.

16. Even so, the proposal would only provide 3 of the required 8 spaces. Thus, it is necessary to look at other circumstances, as required by Policy M14. The site is within a reasonable walking distance of a range of shops and services, including a large supermarket, banks, chemist, a leisure centre, library, health facilities and schools. Some of those facilities are very close to the site, only a few minutes' walk away. There are bus stops serving destinations including Godalming and Guildford within a few hundred metres of the site.
17. In my view, the location of the site is highly sustainable, where occupiers need not have reliance on the car to travel. However, I am aware of the realities of modern life, and the fact that Cranleigh is an attractive place to live, where house prices are high, and that travel by car is usually seen as being preferable to travel by public transport. Thus, notwithstanding the high degree of accessibility, occupiers may still wish to own a car.
18. The reality of parking in Cranleigh town centre and the wider area, is that there is nowhere to park on-street, other than in a small number of time restricted places, within a considerable radius from the site. I was told of some unlawful parking that already takes place on the private road on nearby John Wisker Drive, but that is something that the owners of the road could control, and could not be relied upon. I therefore consider that it would be unlikely that occupiers of the proposed apartments would rely on the possibility of being able to park on nearby streets.
19. There is however the option for occupiers to purchase season tickets for the public car park in Stocklund Square, which is a 3 minute walk from the appeal site. The route between the site and the car park is hard-surfaced, lit and with a degree of surveillance from commercial premises, upper-storey flats and CCTV. I consider that this would offer a realistic and accessible option for occupiers who might wish to own a car, and would be the one most likely to be adopted in preference to any other form of parking.
20. There is a public car park immediately opposite the site on Knowle Lane, which would offer parking for friends and visitors who might wish to park for a short period. I recognise that there is a risk that delivery vehicles might seek to park in Knowle Lane, there is the option of using the car park to the front or rear of the site, and I do not consider that the prospect of illegal parking is one which would justify dismissing the appeal.
21. I therefore conclude on this issue that the proposed parking arrangements would be adequate and that there would be no conflict with LP Policy M14 or D4, the latter dealing with design and layout, including a criterion dealing with parking.

Character and appearance

22. The proposed building would be of two-storeys with an additional storey within the roofspace. It would be as high as Magnolia Cottage immediately to the north, and thus it would broadly reflect the height of the adjacent development. However, the building would be very different in character from

the existing building on the site or the other dwellings on Knowle Lane, which are characterised as Victorian semi-detached or terraced cottages, well set back from the road frontage. It would fill much of the width of the plot, being much closer to the road frontage than Magnolia Cottage and the other row of houses to the north. It would be considerably wider than neighbouring dwellings and thus its bulk would be substantial.

23. The site lies on a junction of Knowle Lane and John Wisker Drive, and therefore it is a fairly prominent site, albeit that it is partly screened from the south by trees on the adjacent verge. I accept that corner sites can often benefit from a strong feature building that wraps around the corner, as advocated in *By Design*¹. However, Knowle Lane is not a major route into the town centre. Not far south of the appeal site, the road is a narrow country lane, lacking footpaths. Proceeding south from High Street the scale of development becomes less intensive as it leads away, with most buildings being set back from the road, with gaps between them. Roadside greenery in the front gardens of several houses in the road is visible from High Street, which adds to the impression that there is a marked change in character from the town centre to a more suburban outlier, which provides an appropriate transition into the countryside beyond.
24. Whilst the proposal would have some similarities to the modern building on the same side of the road at the junction of Knowle Lane with High Street, the character of the two sites is markedly different, and in my view, a substantial landmark building on this fairly prominent site would appear unduly dominant, would relate poorly to the neighbouring buildings, and pay insufficient regard to the context of the site to which I have referred above. The lack of space about the building on the east, north and west sides, and the limited space on the south side in which to provide parking, bin storage and cycle parking adds to my concerns.
25. I also share the Council's concerns about the building's lack of legibility. The main entrance is from the rear, largely out of sight of the public domain. Whilst the bulk of the building would be broken up with smaller scale elements, the main public edifices would contain no cues as to the purpose of the building, and this adds to my concerns.
26. I have had regard to the concerns expressed by a local resident about the relationship between the proposed building and those on John Wisker Drive, but I consider that the distance between them would ensure that no material harm would arise in this respect, and so it does not add to my concerns.
27. I therefore conclude on this issue that the proposal would result in significant harm to the character and appearance of the surrounding area, and would conflict with saved LP Policy D1, which deals with the environmental implications of development, as well as with Policy D4.

Living conditions – Magnolia Cottage

28. The house immediately to the north of the site, Magnolia Cottage, has a number of windows to habitable rooms, including a living room and bedrooms, facing the appeal site. Whilst the proposed building would be further away from the boundary with Magnolia Cottage, it would project forward of its side

¹ *By Design - Urban design in the planning system: towards better practice (2000) – withdrawn in March 2014*

building line, and the closest part would be considerably higher than the single storey annex which forms the closest part of the existing building.

29. In my view, notwithstanding that it would be further away from the facing elevation of Magnolia Cottage, the more forward position, and greater height and bulk of the proposed closest part of the proposed building in relation to the existing one would have an overpowering impact when seen from the ground and first floor windows.
30. In respect of the effect on daylight, although the Council's Supplementary Planning Document (SPD) on Residential Extensions (adopted in 2010) is not strictly applicable to this development, as it does not involve an extension, I nevertheless consider that it provides useful guidance on acceptable relationships between residential buildings. The proposal would not comply with the 25° rule set out in the SPD, but the existing relationship would also fail this test. Although the proposed building would, because of its greater height and bulk, obstruct more light, this would mostly affect a ground floor kitchen window and a dual-aspect living room window. I consider that the building would not reduce light levels to the affected facing rooms to an extent that would materially harm occupiers' living conditions.
31. Although there would be rooflights to habitable rooms in the elevation facing Magnolia Cottage, they would be obscurely glazed and could be made non-opening to a height of 1.7m above the internal floor level which would be sufficient to ensure that harmful overlooking would not occur.
32. Thus, whilst I find that the proposal would not result in material harm to the living conditions of the occupiers of Magnolia Cottage through loss of light or overlooking, it would do so in respect of outlook and visual impact. This would conflict with saved LP Policies D1 and D4.

33. Living conditions – intended occupiers

34. At the Hearing it was suggested for the appellant that the bin store could be relocated to a point adjacent the entrance of the proposed building. In such a location it would be adjacent the lobby, rather than a window of a habitable room and I consider that this would be an adequate means of overcoming this concern.
35. The proposed apartments 5 and 7 would respectively have an obscurely glazed window serving a bedroom and a high level rooflight serving a main living room. This would provide a poor level of amenity, with no appreciable outlook. Whilst I appreciate that bedrooms are not used as much during the daytime, the bedroom in this case is a main one, and in both instances I consider that the apartments would not achieve the good standard of amenity that the Framework seeks for all existing and future occupants of land and buildings.
36. I therefore find that the proposal would fail to provide a satisfactory living conditions for the intended occupiers of apartments 5 and 7, and would conflict with saved LP Policies

Flooding

37. The site of the proposed building and the access to it lie in Flood Zone 1, where there is the lowest risk of flooding. However, part of Knowle Lane to the north is at greater risk of flooding, and I was shown evidence of a flash flood which

occurred last year. The Environment Agency has expressed concern that the proposal does not demonstrate a safe means of escape to a dry refuge for occupiers of the proposed development.

38. The appellant argues that it is unnecessary to demonstrate a safe means of escape for a development on Flood Zone 1, but that in any event, a safe means of escape can be shown. Here the site already lies in an area at lowest risk of flooding, and is thus in the preferred location for new development as far as flood risk is concerned.
39. The appellant has identified a number of routes to a dry island for both vehicular and pedestrian escape, which would enable occupiers to reach High Street. One of these, the access leading from opposite the site to Stocklund Square and then onto High Street, would be entirely over rights of way. Other routes would involve crossing private land, forming car parks and access ways to commercial premises at the back of High Street. Whilst these involve crossing private land, they are nevertheless accessible to the public, and therefore I afford them some weight as potential escape routes.
40. The appellant also contends that the duration of any flood would be likely to be short, reflecting the hydrological characteristics of the area, where there are small rainwater catchments which overwhelm watercourses, but result in short duration events, unlike flooding from major watercourses with large catchments. Thus, I consider it likely that even if the High Street dry island were to be affected by sewerage and /or water supply problems, the short duration of events would not result in serious harm.
41. I therefore conclude that the occupiers of the proposed dwellings would be safe from the effect of flooding, and that the proposal would not conflict with national policy or guidance.

Sustainability

42. At the time that the application was refused, the Council accepted that it was unable to demonstrate a 5 year supply of housing land. Since then, in August 2016, the Council published updated information on housing supply, and it now says that it is able to show a 5 year supply. At the Hearing, although the appellant referred to an instance where one site referred to in the land supply data was said to provide more houses than was actually the case, there is no substantive evidence for me to conclude that the Council is unable to meet the required housing target to meet its needs over the next 5 years. Regardless of this, the harm that I have found significantly and demonstrably outweighs the benefits of the proposal.
43. As I have found that the proposal would cause material harm to the character and appearance of the area, and to the living conditions of the occupier of Magnolia Cottage and to the intended occupiers, the proposal would fail to fulfil the environmental role of sustainable development. This outweighs the benefits of the proposal, so that when looked at in the round the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including those of the Framework.

Other matters

44. Whilst I recognise that visibility from the access would be limited to the south, the reduced number of parking spaces would ensure that there was no worse a position than currently exists. Although this is not an ideal position, there would be no greater risk to highway safety, and therefore this does not add to my reasons for dismissing the appeal.

Conclusions

45. Although I have found that there would be no material harm caused to employment land supply, heritage assets, parking and highway safety and flooding, the harm that I have found to character and appearance and to living conditions is significant, and is sufficient for me to find that the proposal conflicts with the development plan as a whole. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

JP Roberts

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Phil Rowe, BA(Hons), BTP
Derek Armitage
David McMurtary
Murray Shotter

Phil Rowe Associates
SLR Consulting
Gateway-TSP
Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Jo Dawes
Tim Bryson

Waverley Borough Council
Waverley Borough Council

INTERESTED PERSONS:

Roger Beazer
Steve Jeacock
Liz Townsend

Local resident
Local resident
Cranleigh Society

DOCUMENTS

- 1 DVD submitted by Mrs Townsend (viewed at Hearing)
- 2 Statement submitted by Mr Beazer