
Appeal Decision

Site visit made on 28 November 2016

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 11th January 2017

Appeal Ref: APP/D3640/W/16/3159270

8 Curley Croft, Junction Road, Lightwater, Surrey GU18 5TQ

- 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 Mrs V Everson Samways against the decision of Surrey Heath Borough Council.
 - The application Ref 15/1065, dated 2 December 2015, was refused by notice dated 23 March 2016.
 - The development proposed is outline application with all matters reserved except for access, for the erection of 4 Nos. 4 bedroom detached dwellings with associated parking, access and landscaping following demolition of existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved, other than access. The access arrangements follow the existing dual entrance to the site. The illustrative layout shows these accesses serving two dwellings at the front of the site and converging to serve two dwellings behind these. Illustrative drawings also show front, rear and cross sectional elevations of the houses. I have dealt with the appeal on this basis.
3. As set out in the Planning Practice Guidance, it is Government policy that contributions for affordable housing should not be sought from developments of 10 units or less. This follows the Court of Appeal judgement¹ of 11 May 2016 which restored the policy made to this effect through the Secretary of State's Written Ministerial Statement of 28 November 2014. In the light of this, the Council has withdrawn reason 2 of its decision.
4. Since the refusal of the planning permission the appellant has completed a legal agreement with the Council, through a Section 106 obligation, undertaking to contribute towards strategic access management and monitoring (SAMM) measures in accordance with the requirements of the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document adopted in January 2012. This addresses reason 3 of the Council's decision which is also withdrawn.

¹ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ. 441.

Main Issue

5. As a consequence of the above, the main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

6. Junction Road comprises quite spacious suburban housing, including a mixture of types, generally of comparable spacing and set-back distance from the road. These mainly have small gardens to the front and long gardens to the rear. No 8 is an older detached house which is positioned to the northern side of an uncharacteristically wide plot, leaving a substantial open frontage to its south. Consequently the property has a substantial garden since the length of this corresponds with those of adjacent dwellings.
7. Following refusal of this scheme, the Council granted outline approval for the demolition of No 8 and the erection of three four-bedroom detached dwellings. The appellant refers to this providing for three dwellings along the frontage of the site, which would appear to me to reflect the existing density and arrangement of the housing along Junction Road. This scheme indicates an arrangement consisting of two dwellings located at the front of the site, on a similar building line as the next door houses, with two further dwellings at the rear of the site served by a central drive.
8. The site is within the built-up part of Lightwater and there would be no objection to the principle of further housing here. There is space for four houses to be built which would make more efficient use of land. I do not consider that the avoidance of long rear gardens, which the appellant contends are not conducive to a more modern type of living, lends any weight to this arrangement as I consider such space would remain attractive to buyers with young children.
9. I am persuaded more by the Council's view that the tandem arrangement of the four houses indicated would be out of character with the prevailing pattern in Junction Road. This pattern is of generally evenly spaced housing along the frontage, occupying plots of modest width with reasonably long rear gardens. The use of the existing dual access arrangement would enable the retention of the tall stretch of conifer hedging along the central part of the site frontage. This would obscure views from Junction Road of the two dwellings to the rear, as would the downward slope of the site, whilst the two houses along the frontage would reflect the existing street-scene pattern. However, the houses at the rear would still be apparent from surrounding dwellings and any lack of visibility from the street would not alter the uncharacteristic and cramped nature of four quite large detached houses on this site.
10. There are other examples of backland housing development in this part of Lightwater, most evidently the dwellings at 46 and 48A Ambleside Road, situated immediately to the rear of No 8. However, these other examples would not provide a compelling precedent in support of this proposal, which should still be considered on its merits, since backland development is not generally characteristic of this area as the prevailing pattern is one of quite spacious frontage housing. Consequently, I find the proposal would lead to a comparatively cramped form of development, out-of-keeping with the surrounding pattern of housing, and this would have a harmful effect on the character and appearance of the area.

11. The Council has no specific policy to resist inappropriate development of residential gardens, which paragraph 53 of the National Planning Policy Framework (the Framework) advises local planning authorities to consider the case for. Nevertheless, this proposal would conflict with Policy DM9 of the Core Strategy and Development Management Policies 2012 (CSDMP) which requires that development respects and enhances local character. There would be conflict too with Principles B1 and B2 of the Lightwater Village Design Statement². These seek that new development pays regard to locally distinctive and valued patterns of development and that the character of the village should be protected.

Planning Balance

12. The appellant has referred to the Council's recently published Five Year Housing Land Supply Paper of September 2016. This shows that only a 3.78 year supply to 2021 can be identified. CSDMP Policy DM9 sets out design principles which can constrain housing approvals, as in this case. Consequently the policy is relevant to the supply of housing and, under paragraph 49 of the Framework, should not be considered up-to-date if the Council cannot demonstrate a five-year supply of deliverable housing sites.
13. In such cases, the presumption in favour of sustainable development set out in paragraph 14 of the Framework is invoked. Where relevant development plan policies are out-of-date this would mean granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. Paragraph 6 of the Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraphs 18 to 219, taken as a whole, comprise the Government's view as to what this means in practice. Based on the three strands to sustainable development the planning system performs economic, social and environmental roles which the Framework requires to be sought jointly and simultaneously.
15. The Metropolitan Green Belt and the Thames Basin Heaths Special Protection Area provide a particularly strong constraint to green field development within this Borough. Weight is therefore given to the benefit of this proposal providing an effective use of land within an existing settlement. There would be the associated social benefits arising from the site providing more houses and the economic benefits of the construction and servicing of these.
16. Whilst out-of-date in respect of housing supply, CSDMP Policy DM9 sets out design principles which reflect an environmental role, in respect of character and appearance. This is consistent with the Framework principle to take account of the different roles and character of different areas and consequently this policy can still be afforded significant weight.
17. This proposal would provide only one additional dwelling beyond the number the Council has approved on this site. Whilst appreciating the matter of viability, and the fact this additional dwelling would help provide the appellant the means to remain living in Lightwater, this single dwelling would make only

² Lightwater Village Design Statement Supplementary Planning Document October 2007.

a very small contribution towards housing supply. The adverse impacts of this proposal, in regard to the harm caused to the character and appearance of the area, would therefore significantly and demonstrably outweigh the benefits provided by a single additional dwelling.

Conclusion

18. For the reasons set out above, this proposal would not gain support through a presumption in favour of sustainable development and would not accord with CSDMP Policy DM9. As a consequence, having taken into consideration all other matters raised, I conclude that this appeal should be dismissed.

Jonathan Price

INSPECTOR