
Appeal Decision

Site visit made on 9 May 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 23rd May 2017

Appeal Ref: APP/R3650/W/16/3165984

Fairhill, Charterhouse Road, Godalming, GU7 2DA

- 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 Ibrid S.L. against the decision of Waverley Borough Council.
 - The application Ref WA/2016/0992, dated 6 May 2016, was refused by notice dated 1 July 2016.
 - The development proposed is the erection of a detached dwelling on land off Charterhouse Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon (a) highway safety and (b) the character and appearance of the area, including protected trees.

Reasons

Highway Safety

3. The appeal site comprises of a former tennis court associated with Fairhill, a substantial Edwardian mansion which has been converted to flats. Fairhill occupies a hillside location and is accessed via a steep and narrow drive which has a sharp bend approximately half way up. The drive is also shared by occupants of Orchard House, a modern dwelling built part way up the hill below Fairhill which is accessed from the inside of bend in the driveway.
 4. The proposed dwelling would be located in an elevated position above the existing vehicular access and would incorporate a subterranean double garage. A parking space would also be provided at the bend of the road and would include a turning area. A staircase leading up to the dwelling would be located adjacent to the garage.
 5. The conditions of the current access road are challenging, due to its steep incline, sharps bend and narrow width. Due to the topography there are substantial banks adjacent to the carriageway, parts of which are located behind retaining walls. The access into and egress from proposed garage would therefore be highly likely to entail difficult vehicular manoeuvres along the narrow roadway, including reversing uphill, or down towards the created
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turning area which would be around 25 metres away. This would be likely to pose a severe risk to the safety of its users.

6. There are no passing places for vehicles and upon entering the driveway, and due to the incline, tree coverage and the bend, it would be impossible to view whether any other vehicles were using the access at the same time. Increasing the use of this access, albeit to serve a single dwelling, would also give rise to unacceptable risks to the highway safety of all of its users including both future occupants of the dwelling and to existing occupants at Fairhill and Orchard House.
7. The driveway also acts as a shared surface for vehicles and pedestrians and, for the same reasons I have highlighted above, I consider that people accessing the site or other properties would also be at significant risk.
8. I note that, subject to condition, there were no objections from the Highway Authority. Nonetheless, I consider that the risk to all users would be severe based on the evidence before me as well as from my observations from my site visit.
9. On this matter, I therefore consider that the development would cause harm to highway safety. The proposals would therefore conflict with saved LP Policies D1 and D4 which seek to ensure proposals are compatible with the highways infrastructure and provide safe access for pedestrians and road users. The development would also fail to accord with the National Planning Policy Framework (the Framework) which requires safe and suitable access for all in paragraph 32.

Character and Appearance

10. The appeal site is located in a hillside location which comprises of densely wooded and steep valley sides, interspersed with pockets of development built into the hillside. The general area has a dramatic landscape setting to which the appeal site makes a positive contribution. It forms part of the Frith Hill – Godalming which is designated as an Area of Special Environmental Quality (ASEQ). LP Policy BE2 recognises that the hillside forms an essential part of the character and setting of the Town Centre as a locally distinctive feature. It is also in an area identified as Godalming Hillsides which again recognises the importance of the wooded hillsides to the character of the town, under LP Policy BE5. Both policies seek to protect the sylvan character of the area.
11. There are a great number of trees within the appeal site which are protected by a Tree Preservation Order dated 16 July 1969. It is also understood that the trees forms part of an ancient woodland designation.
12. The proposed dwelling would be located within the former tennis court area where there are no trees. However, the proposed development would involve the removal of one tree (T26) which is an early mature Lawson Cypress of around 16m in height located towards the front of the site. The submitted survey plan categorises this as a low quality tree, however due to its location to the front of the site, I find that this tree makes a positive contribution. Limited justification has been provided in respect of why this tree would require felling in either of the submitted tree surveys.
13. I accept that the loss of a single tree would be minimal in the overall context of the wider and heavily wooded landscape. However, in the absence of any

detailed justification and in light of its positive contribution, while the adverse visual impact of the loss of the tree would in this context be relatively localised, it would still be harmful to the character and appearance of the area.

14. The updated Arboricultural Report, which was submitted as part of the appeal, now includes a plan illustrating the root protection areas (RPA) of protected trees. I am satisfied that this document demonstrates that excavation of the site in order to create the garage would not affect any trees. Moreover, mitigation measures in respect of the RPA for T27, as well as other tree protection measures, could reasonably be secured by condition.
15. However, the proposed dwelling would be surrounded by high density trees. The trees within the site were in full leaf at the time of my site visit, and as such the appeal site was very shaded. I note that the dwelling has been designed to avoid fenestration which would directly overlook onto trees. Nonetheless, in light of the density of the tree coverage I find that the erection of a dwelling would be likely to result in pressure to substantially cut back or fell trees.
16. Although the Council would retain formal control over any such request for tree works, in practice I consider that it is likely to be difficult to resist such pressure in the long term and as such this represents a valid and realistic concern.
17. My attention has been drawn to the approval of development of 9 4-storey dwellings along Charterhouse Road, subject to the imposition of a condition relating to a tree management scheme. However, I do not have the full details of this scheme and the balance of considerations of such proposals, including the nature of the protected trees. In the case before me I do not consider that the concern I have identified could be adequately dealt with by a similar condition as imposed on this scheme, due to the specific nature and character of the site.
18. I am also concerned in respect of the replacement of trees on the site. While only limited details have been provided, it is understood that under the terms of an application reference TM/2014/0055, 3 replacement oak trees remain outstanding. I have considerable doubt as to whether these could, realistically, be accommodated within the site were it to be developed.
19. Furthermore, the appeal site is overgrown and, while it forms part of a former tennis court, today it has a naturalised appearance. The erection of a dwelling and its associated site excavations would also entail the site clearance of shrubs and other low level vegetation. While development set into the hillside and retaining walls are not unusual in this area the necessary groundworks, excavation, and retaining walls would urbanise and erode the verdant character of the site.
20. The proposed dwelling would be 3-storey in height and due to the site constraints, would have a small footprint. The wider area comprises of vernacular buildings in a variety of scales, forms and designs, including development within the roof. In itself, the specific design would not diminish the wooded appearance of the hillside. However, the narrow proportions of the dwelling, the placement of windows appear to reflect the constraints of the appeal site would give rise to a contrived design which would fail to properly execute or respond to the built character of the area, in spite of the proposed

use of traditional materials. I consider that this would result in a poorly designed development which would be highly incongruous to its setting.

21. I accept that there would be limited visibility from Charterhouse Road, nonetheless, the effects of the development would be visible, particularly during the winter months when the trees are not in leaf.
22. Based on all of the above, I therefore conclude that the development would cause harm to the character and appearance of the area. The proposals would therefore be in conflict with saved LP Policy BE2 and BE5. The development would also fail to accord with LP Policies D1, D4. These seek to resist harm to the visual character and distinctiveness of a locality, in respect of the design and scale of the development and its relationship to its surroundings. The development would also not comply with LP Policies D6 and D7 which relate to the protection of trees, including their long term protection and maintenance.

Planning Balance

23. The Council are currently unable to demonstrate a 5 year supply of deliverable housing. Paragraph 14 of the Framework therefore applies, which requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. In order to achieve sustainable development, the Framework identifies that economic, social and environmental gains must be sought jointly and simultaneously.
24. The erection of a single dwelling would contribute to housing land supply, albeit to a very modest degree. The proposed development would be located in an established residential area, which has good access to shops, schools and other amenities. I attach moderate weight to these benefits. While my attention has been drawn to the substantial weight given in respect of contribution to housing land supply by other Inspectors¹ these proposals developments related to much larger schemes and as such would not be comparable in this regard.
25. Weighed against these factors, however, I have found that there would be unacceptable risk in respect of highway safety. There would also be harm to the character and appearance of the area through in respect of design and effect on protected trees. In light of the nature and scale of harm I have identified, I consider that these are factors that attract very significant weight.
26. I therefore conclude that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the suggested benefits. The proposals cannot, therefore, be considered to be the sustainable development for which the Framework presumes in favour.

Conclusion

27. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

C Searson
INSPECTOR

¹ APP/R3650/A/13/2205408 & APP/R3650/A/13/2196705