

Appeal Decision

Site visit made on 16 May 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 6 July 2017

Appeal Ref: APP/R3650/W/17/3168176
Montana, Churt Road, Hindhead GU26 6PR

- 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 Adrian and Mrs Isabelle Law against the decision of Waverley Borough Council.
 - The application Ref WA/2016/1823, dated 26 August 2016, was refused by notice dated 5 January 2017.
 - The development proposed is the erection of three (3no.) detached, 2-storey dwelling houses (1 x 5-bed & 2 x 3-bed) each with double garages and extended access drive.
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Decision

1. The appeal is allowed and planning permission granted for the erection of three (3no.) detached, 2-storey dwelling houses (1 x 5-bed & 2 x 3-bed) each with double garages and extended access drive at Montana, Churt Road, Hindhead GU26 6PR in accordance with the terms of the application Ref WA/2016/1823 dated 26 August 2016 subject to the conditions in the schedule at the end of the decision.

Application for Costs

2. An application for costs was made by Mr and Mrs A Law against the Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal site comprises part of the irregular shaped garden of the detached property Montana. It is accessed from a long private drive which also serves other properties leading from Churt Road. Much of the site is covered with dense vegetation including around the boundaries. The surrounding area is characterised by low density residential development and predominantly large detached houses set within spacious landscaped plots. A care home and related block of flats to the north east of the appeal site is also set within a landscaped plot.
 5. The proposal is for three detached two storey dwellings with double garages. Plot 1 would be in the south eastern corner of the site, with Plot 2 in the north eastern corner and Plot 3 in the north western corner.
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6. The footprints of the proposed houses, their heights and their plot sizes would generally be similar to those of properties in the surrounding area. The size of the plots would also allow a reasonable amount of landscaping in keeping with neighbouring plots. Moreover each of the proposed dwellings is positioned some distance from the boundary with existing and proposed neighbouring dwellings to provide appropriate separation which is also characteristic of the locality. The distances between Plot 3 and the boundary with Montana and between Plots 1 and 2 is less than most properties locally but is not unprecedented as the separation distances between 26 and 28 Hillgarth demonstrate. I therefore find that the layout would not be out of character with its surroundings and would not be of a materially greater density than that of the local area. It would not be cramped or crowded and the openness of the area would generally be maintained. Consequently I do not find the proposed dwellings to be of excessive bulk and mass.
7. In the context of no particular architectural style within the immediate area I find that the proposed dwellings would be in keeping with the local Surrey vernacular. The proposed dwellings would be constructed with red multi-stock conservation bricks which would be in keeping with the use of red bricks which is widespread in the local area. Properties locally demonstrate a variety of different roof forms, windows and door styles. The proposed roofs would have a pitch in keeping with that of neighbouring buildings and incorporate natural grey slates or plain clay tiles. Windows and doors have also taken their design cue from local examples.
8. The proposal would comply with Policy D1 of the Waverley Borough Local Plan, 2002 (the Local Plan) which seeks to ensure that development does not result in loss or damage to environmental assets or harm the visual character and distinctiveness of a locality particularly in respect of the design and scale of the development and its relationship to its surroundings. It would also comply with Policy D4 of the Local Plan which addresses design and layout stating that development should be of a high quality design which integrates well with the site and complements its surroundings.
9. The Council also made reference in its statement to Policy TD1 of the emerging Local Plan which has been submitted for Examination and carries moderate weight based on its consistency with the National Planning Policy Framework (the Framework). This seeks to ensure that the character and amenity of the Borough are protected through requiring new development to be of a high quality and inclusive design that responds to the distinctive local character of the area in which it is located.
10. The proposal would be consistent with the Haslemere Design Statement, 2012 which requires proposals for new buildings to relate to their site and surroundings and to be sympathetic to the protection of the rural environment. It would also be in line with the requirement of paragraph 17 of the Framework which seeks to secure high quality design and paragraph 64 which advises that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Other Matters

11. Neighbouring residents have also raised concerns in relation to parking, access and road safety. I consider that the provision of car parking spaces and the

layout would meet appropriate standards and manoeuvrability requirements and that the addition of three dwellings would not result in significantly greater traffic generation. With regard to access I consider that the existing drive and its junction with Churt Road will adequately address the increase in vehicle numbers arising from the addition of three new dwellings. In reaching this conclusion I have taken account of the views of the Highway Authority and my own observations when I visited the site.

12. Concerns about the impact of construction and potential light pollution on the living conditions of neighbouring residents can be addressed through appropriate planning conditions. With regard to trees protected by Tree Preservation Orders and flood risk and drainage matters, the evidence I have seen does not indicate that there would be harm or reasons to dismiss the appeal and I see no reason to attach planning conditions to address these specific issues. Finally, with regard to ownership rights I have seen no evidence that the application was not valid in this regard.

Conditions

13. The Council has suggested conditions, which I have considered in the light of the advice in Planning Practice Guidance. Where necessary I have amended the detailed wording. In addition to the standard implementation condition (Condition 1) I have imposed a condition specifying the relevant drawings with which the scheme should accord as this provides certainty (2). I have also imposed a condition relating to materials to ensure that the appearance of the development is satisfactory (3).
14. A condition relating to the management of the construction site (4) is necessary to protect the living conditions of neighbouring residents and to protect existing trees but I have amended it as the proposed wording was unnecessarily prescriptive. Conditions are attached to ensure that landscaping is undertaken to benefit the appearance of the development and its surroundings (5) and to protect existing trees (6 and 7). The appellant suggested that details relating to trees had been submitted for approval already but as these related to an earlier scheme I consider that the conditions are still necessary in the form suggested by the Council. Conditions to address the provision of parking spaces and manoeuvrability and to manage access during construction are necessary to avoid inconvenience to other road users (8 and 9).
15. Conditions are required to ensure that the proposed development does not result in noise disturbance to neighbouring occupiers and to manage construction activities (10 and 11). Conditions to minimise light pollution (12) and to prevent the burning of waste (13) are necessary in the interests of the wider environment. Conditions to restrict the permitted development rights related to Plot 3 (14) and to prevent any overlooking of the neighbouring property Montana (15) are necessary in order to protect the living conditions of neighbouring occupiers.
16. I also attach conditions to ensure that garages are only used for domestic parking (16), to support ecological enhancements (17) and to secure the provision of refuse and recycling facilities are necessary in the interests of the wider environment (18). Reference was made in the officer report to the need for a condition requiring two first floor windows in unit 2 to be obscure glazed and fixed shut to a height of 1.7 metres above finished floor level. Although

the Council did not include this in its list of suggested condition it would not come as a surprise to the parties and therefore I have imposed such a condition (19).

17. I do not consider it necessary to have a condition relating to services to be provided or repaired as this matter is covered through Building Regulations.
18. PPG advises that care should be taken when using conditions which prevent any development authorised by the planning permission from beginning until the condition has been complied with. In this respect it is necessary for conditions 3, 4, 5, 6, 7, 9 and 11 to be conditions precedent as they are so fundamental to the development that it would otherwise be necessary to refuse the application.

Conclusion

19. For the reasons above, and taking into account all other matters raised, the appeal is allowed and planning permission is granted subject to conditions.

Kevin Gleeson

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 100-01 Rev C, 200-01 Rev C, 300-01 Rev A, 300-02, 400-01, 400-02, 400-03 and 400-04.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Prior to commencement of any works on site space shall be provided and clearly identified within the site or on other land controlled by the applicant to accommodate:
 1. Parking of vehicles of site personnel, operatives and visitors.
 2. Loading and unloading plant and materials.
 3. Storage of plant and materials.
 4. Cement mixing.

Details of the spaces and access routes to them shall be submitted to and be agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

5. No development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out strictly in accordance with the agreed details and shall be carried out within the first planting season after commencement of the development. The landscaping shall be maintained to the satisfaction of the Local Planning Authority for a period of 5 years after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become, in the opinion of the Local Planning Authority, seriously damaged or defective. Such replacements to be of same species and size as those originally planted.
6. No development shall commence, including any groundwork preparation, until a detailed, scaled Tree Protection Plan 'TPP' and related Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Area of trees shown to scale on the TPP including installation of service routings. All works shall be carried out in strict accordance with the approved details.
7. No development or groundworks shall be undertaken until an agreed scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Local Planning Authority. The supervision and monitoring shall be undertaken in strict accordance with the approved

details. The scheme shall include details of a) a pre-commencement meeting between the retained arboricultural consultant, Local Planning Authority Tree Officer and personnel responsible for the implementation of the approved development and b) timings, frequency and methods of site visiting and an agreed reporting process to the Local Planning Authority.

8. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans (Drawing No. 200-01 Rev C) for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
9. No development shall commence until a Construction Transport Management Plan, to include details of:
 - a. Parking for vehicles of site personnel, operatives and visitors;
 - b. Loading and unloading of plant and materials; and
 - c. Storage of plant and materials;

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

10. No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours 08:00 - 18:00 Monday to Friday, 08:00 - 13:00 Saturday and not at any time on Sundays, Bank or Public Holidays.
11. No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - a. An indicative programme for carrying out of the works;
 - b. The arrangements for public consultation and liaison during the construction works;
 - c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier;
 - d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
 - e. the parking of vehicles of site operatives and visitors;
 - f. loading and unloading of plant and materials;
 - g. storage of plant and materials used in constructing the development;
 - h. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - i. wheel washing facilities;
 - j. measures to control the emission of dust and dirt during construction; and
 - k. a scheme for recycling/disposing of waste resulting from demolition and construction works.

12. No floodlights or other forms of external lighting shall be installed at the premises without the prior permission in writing of the Local Planning Authority.
13. There shall be no burning of any trade waste or other materials on the site.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or other openings other than those expressly authorised by this permission shall be constructed at first floor level or above in the south east facing side elevation of unit 3 and at first floor level or above in the north west facing side elevation of unit 2 without the written permission of the Local Planning Authority.
15. Prior to the occupation of the development hereby approved, details of screening for the south east side of the balcony on unit 3 shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall remain in the approved form and location in perpetuity.
16. The garages hereby permitted shall only be used for the garaging of vehicles and domestic storage incidental to the residential occupation of the dwellings to which they serve and at no time shall the garaging be used for habitable accommodation or commercial purposes.
17. The development shall be carried out in accordance with the recommendations set out in Section 7 'Mitigation and Enhancement Actions' of the 'Ethos Environmental Planning's Preliminary Ecological Appraisal' dated August 2014.
18. Prior to the occupation of the development hereby permitted, storage space for the following shall be provided for each of the three dwellings, which must be presented for collection on the appropriate day:
 - 1 x 140 litre black refuse bin
 - 1 x 240 litre blue recycling bin
 - 1 x 240 litre brown garden waste bin (optional subscription service)
 - 1 x 23 litre food waste green kerbside caddyThese shall be permanently retained thereafter.
19. The proposed first floor windows in the north western elevation of the dwelling on unit 2 shall be glazed with permanently obscured glass and shall be non-opening below a height of 1.7 metres taken from internal finished floor level and shall be permanently retained thereafter.