
Appeal Decision

Site visit made on 10 October 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 3rd November 2017

Appeal Ref: APP/R3650/W/17/3179292

Kiln House, Horsham Lane, Ewhurst, Cranleigh GU6 7SW

- 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 and Mrs A Jordan against the decision of Waverley Borough Council.
 - The application Ref WA/2016/2336, dated 18 November 2016, was refused by notice dated 25 January 2017.
 - The development proposed is erection of replacement detached dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of replacement detached dwelling at Kiln House, Horsham Lane, Ewhurst, Cranleigh GU6 7SW in accordance with the terms of the application WA/2016/2336, dated 18 November 2016 and subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The Council has confirmed that, following the submission by the appellants of additional bat emergence surveys, it no longer wishes to defend its third reason for refusal on this matter, subject to the appellant undertaking the stated mitigation measures.

Main Issue

3. The main issue is therefore the effect of the proposed development upon the character, appearance and openness of the area, with particular regard to its location in the countryside.

Reasons

4. The appeal site is located within a loosely defined line of existing dwellings on Horsham Lane within the open countryside beyond the Green Belt. Despite the existence of several houses, the road has a distinctly rural character. Policy RD2A of the Waverley Borough Local Plan 2002, relating to replacement dwellings in the countryside, includes a requirement that the proposal is not materially larger than the one it replaces.
5. The Council states that the proposal would result in an increase in floorspace in comparison to the existing dwelling of 56%. It would also be wider and deeper. Therefore, whilst the respective heights would be similar, given the

increased floorspace and bulk, the replacement dwelling would be material larger than the existing.

6. However, the appellants have previously received either approval, or in one case a certificate of lawfulness, for extensions to the existing dwelling. These would result in an increase of 63% in floorspace, a greater increase in floorspace than the replacement dwelling now proposed.
7. The appellants state that they are committed to implementing these schemes in the event that approval is not gained for the replacement dwelling. It appears to me from the evidence that there is a greater than theoretical possibility that such fallback proposals would be implemented. The Council argues that the fallback proposals would have less impact than the proposed replacement dwelling. Nevertheless, whilst the proposed fallback extensions would be limited in height, they would considerably increase both the footprint and floorspace of the existing dwelling. I also consider that the current proposal would provide for a more consolidated form of development than would the various extensions to the existing dwelling. It would result in a significantly lesser overall volume of the building than the fallback position. I have therefore given the existence of the appellant's fallback position considerable weight.
8. The other dwellings on Horsham Lane in the vicinity of the site are of a mixture of designs and forms. Whilst several are either bungalows or chalet bungalows there are also some two storey properties. The height of the proposed building, whilst for the most part consisting of two storeys, has been limited to approximately that of the existing dwelling. Whilst its contemporary design results in it having a largely flat roof, in comparison to the pitched roofs of the existing dwelling, the effect of this upon its overall bulk and moderate would be fairly limited.
9. It would be set further back within the site than the existing dwelling. This would restrict its overall impact in the streetscene, particularly when considered with the existing frontage landscaping. The site is a wide one and the proposed building would sit comfortably within it. The contemporary design would be different to that of the other properties on Horsham Lane but I see no reason in principle why this should be objectionable given the mixture of other properties in the vicinity. Although the front elevation contains only limited fenestration, particularly at first floor level, in this location with no footpath and where buildings are mostly set apart from each other, I do not consider that the lack of natural surveillance of the street weighs significantly against the proposal.
10. The design splits the proposal into three different sections with varying roof levels, including a lower front element, serving to break-up the overall visual impact. The extensive use of timber cladding would help to assimilate the proposal into its rural setting.
11. Taking into consideration the good standard of the proposed design, the limited height, the large site, the set back from the road and the mixture of other forms of properties in the vicinity, I do not consider that it would appear as being either out of keeping or incongruous within the existing streetscene or detrimental to the rural character of the area.

12. Overall, I find that the proposal would not result in any significant harm to the intrinsic character, beauty and openness of the countryside or the landscape character of the Area of Great Landscape Value. It would also safeguard the character and appearance of the locality. Whilst the proposal would be materially larger than the existing dwelling, in this case this would be outweighed by the fallback position. Therefore, I consider that the proposal would be in satisfactory accordance with the relevant design and countryside protection aims of policies C2, C3, D1, D4 and RD2A of the Waverley Borough Local 2002 and the National Planning Policy Framework, including paragraphs 17 and 64.
13. The proposal would also not conflict with the relevant design and countryside protections aims of policies RE1, RE3 and TD1 of the Draft Local Plan Part 1. I note that the emerging plan is at an advanced stage of preparation and as I have not been made aware of any proposed modifications to these policies, they carry substantial weight. However, they do not alter my conclusions on the merits of the appeal.

Other Matters

14. I note the representations made by the Parish Council regarding public transport along with the distance and access to local facilities. However, as the proposal is to replace an existing dwelling and so would not result in an additional residential unit, such matters carry little weight in this instance.
15. I note the other permitted schemes referred to by the appellant. Each proposal needs to be considered on its individual merits and circumstances and these other schemes do not alter my findings on the current appeal before me.

Conditions

16. An approved plans condition is necessary to provide certainty as to what has been approved. Details of services are necessary to safeguard existing trees. A construction method statement is required in order to protect the living conditions of neighbouring residents and to avoid the possibility of highway safety implications during demolition and construction. I have included provisions relating to construction/delivery hours and the burning of materials within this single condition rather than using separate conditions in order to be more precise. Details are required to be approved as part of the construction method statement as the Council's suggested condition might possibly lead to unsatisfactory provision.
17. Landscaping details are necessary in order to preserve and enhance the character and appearance of the area. It is necessary for the development to accord with the recommendations in the Dusk Emergence Surveys in order to safeguard any bats. Finally, a materials condition is necessary in order to provide for a good standard of design.
18. Conditions 3 and 4 require details to be submitted prior to the commencement of development. This is required as condition 3 relates to matters that could influence the design of early works on the site and it is necessary for condition 4 because this address impacts during construction.

Conclusion

19. The proposal would accord with the development plan when read as a whole and material considerations do not indicate that the proposal should be determined other than in accordance with it. It would therefore amount to sustainable development.
20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

David Cliff

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1598 2720 Rev A, 1598 2010 and 1598 2710 Rev A.
3. Prior to the commencement of any works on site, details of any services to be provided or repaired including drains and soakaways, on or to the site, shall be submitted to and approved in writing by the local planning authority. Such services shall be carried out in accordance with the approved details.
4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials, and any cement mixing, used in constructing the development;
 - iv. delivery, demolition and construction working hours; and
 - v. restriction on the burning of materials.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

5. Prior to the first occupation of the replacement dwelling hereby permitted, details of both hard and soft landscape works, including any external lighting along with an implementation programme for all the works, shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall be carried out in accordance with the agreed implementation programme. 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 seriously damaged or defective. Such replacements shall be of the same species and size as those originally planted.
6. The development hereby permitted shall be carried out in accordance with the Conclusions and Mitigation section 13 of the Report of Dusk Emergence Surveys dated 6th April and 15th May 2017 by Sue Harris.
7. The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no 1598 2720 Rev A.