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# Appeal Decision

Site visit made on 17 October 2017

**by Grahame Gould BA MPhil MRTPI**

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

**Decision date: 13<sup>th</sup> November 2017**

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**Appeal Ref: APP/R3650/W/17/3180046**

**Land to the rear of 135 Horsham Road, Cranleigh GU6 8DZ**

- 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 M Guess against the decision of Waverley Borough Council.
  - The application Ref WA/2017/0316, dated 13 February 2017, was refused by notice dated 18 May 2015.
  - The development proposed is erection of a chalet bungalow.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the development on: the character and appearance of the area; and the living conditions of the occupiers of 29 and 31 Cromwell Place (Nos 29 and 31), with particular regard to privacy.

## Reasons

### *Approach to this decision*

3. Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The starting point for the determination of this appeal must therefore be the development plan. However, the appellant has submitted that the Council cannot currently demonstrate a five year supply of deliverable housing sites (HLS). The Council, however, as part of its appeal case has submitted that it has been able to demonstrate an HLS of 6.28 years from July 2017 onwards.
4. In response to the Council's HLS submissions the appellant has referred to an appeal decision of 4 September 2017 for a site at Longdene House, Hedgehog Lane, Haslemere<sup>1</sup>. The inquiry for the Hedgehog Lane appeal sat between 11 and 13 July and the Inspector concluded that the HLS was of the order of 4.24 years on the basis of the evidence available to him (paragraph 42 of the decision). The HLS data that the Council has relied on in connection with the appeal before me would appear to be the same as that for the Hedgehog Lane appeal. Given the HLS position was so recently considered, in depth, in connection with the determination of the Hedgehog Lane appeal, for the purposes of the appeal before me, I consider it appropriate to proceed on the

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<sup>1</sup> APP/R3650/W/16/3165974

basis of the Council being currently unable to demonstrate the availability of an HLS.

5. In the absence of an HLS I consider the fourth bullet point in paragraph 14 of National Planning Policy Framework (the Framework) is engaged. That means:

*'where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted'.*

### *Character and Appearance*

6. The development would involve the construction of a chalet bungalow behind 135 Horsham Road (No 135). The appealed application having been submitted following the refusal of permission for two houses, subject to application WA/2015/1985, and for which the subsequent appeal<sup>2</sup> was dismissed. No 135 is a property that occupies a comparatively large plot, in an area characterised by a mixture of dwelling types. Plot sizes in the area are quite varied with some of the dwellings in Horsham Road occupying large plots, while others, such as No 137 are smaller. Helmsley and Pendrea in Grove Road and Nos 29 and 31 occupy smaller plots.
7. While there is variation in the plot sizes in the area, the dominate pattern of development is one of dwellings that front directly onto roads. Backland development does not therefore characterise this area. However, there are some examples of backland development in the area that have been granted planning permission, as shown on Figure 3 in the appellant's appeal statement. Greenbush Lane and Willow Close are small backland developments on the northern side of Horsham Road dating back to 2009 or earlier. On the southern side of Horsham Road a number of more recent (2015 or later) backland permissions have been granted. However, I consider that the developments that have been granted permission on the southern side of this street can be differentiated from the appeal development because they concern dwellings that would not be sandwiched between two established streets.
8. I consider the backland development that has been granted permission in the area either represents an exception to the norm (the northern side of Horsham Road) or they concern a location where the general layout of development is different (the southern side of Horsham Road). I therefore consider that the other backland development in the area does not provide a justification for a dwelling within No 135's garden.
9. The site has the character of garden land and it is bounded by the gardens of the neighbouring dwellings. Siting a chalet bungalow in this location would therefore be uncharacteristic of the immediate back garden environment, which is free of buildings of the scale that has been proposed.
10. The sub-division of No 135's plot and the construction of an additional dwelling would result in a more intense form of development in No 135's

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<sup>2</sup> APP/R3650/W/16/3146592

grounds. However, given that plot sizes for No 135 and the new dwelling would be similar to those of No 137 and the adjoining properties in Grove Road and Cromwell Place, I consider that the post development plot sizes would not be out of place. In that regard I consider that both No 135 and the chalet bungalow would have acceptable amounts of space about them.

11. However, because the backland nature of the chalet bungalow would not be in keeping with its surroundings I conclude that this development would be harmful to the character and the appearance of the area. The development would therefore not accord with saved Policies D1 and D4 of the Waverley Borough Local Plan of 2002 (the Local Plan) and paragraphs 17 (the fourth core planning principle) and 58 of the Framework. That is because the development would not be respectful of the area's visual character and distinctiveness and it would not integrate well with its surroundings.
12. The Council's replacement Local Plan has reached an advanced stage in its preparation. The Council has submitted<sup>3</sup> that the examination hearings have been concluded and that the examining Inspector has given an indication that, subject to modifications being made, it is likely this plan will be capable of being adopted. Conflict with Policy TD1 of the emerging Local Plan has been cited and the Council has advised that this policy will not be subject to any pre-adoption modification. I therefore take it to be that there are no unresolved objections relating to Policy TD1 and that significant weight can be attached to this policy, having regard to the provisions of paragraph 216 of the Framework. I consider there would be conflict with emerging Policy TD1 insofar as the development would not ensure the protection of the area's character. However, that conflict with emerging Policy TD1 is not decisive given the emerging Local Plan's current status.

### *Living Conditions*

13. The chalet bungalow would have three large, rearward facing, first floor bedroom windows with Juliette balconies. Those windows would face towards the rear elevations and gardens of the houses at Nos 29 and 31. There would therefore be some potential for the houses and gardens of Nos 29 and 31 to be overlooked. However, the rear elevation of the chalet bungalow would be around 12.87 metres from the boundary that would be shared with Nos 29 and 31 and there would be a minimum of 25 metres between the rear elevations of those neighbouring houses and the new dwelling<sup>4</sup>.
14. Allowing for the boundary treatment along the boundary shared between Nos 29 and 31 and the site and the potential for additional planting to be undertaken, I consider that there would be sufficient distance between the chalet bungalow's bedroom windows and Nos 29 and 31 for there to be no harmful overlooking of those neighbouring houses. I also consider that the siting of the chalet bungalow relative to the immediately neighbouring dwellings would mean that the new dwelling would not be overbearing for the occupiers of the neighbouring properties.
15. On this issue I therefore conclude that the development would not be harmful to the living conditions of the occupiers of Nos 29 and 31. There would therefore be no conflict with saved Policies D1 and D4 of the Local Plan and

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<sup>3</sup> Paragraph 4 of the Council's appeal case

<sup>4</sup> Dimensions taken from the dimensioned block plan appended to the appellant's appeal statement

paragraph 17 (the fourth core planning principle) of the Framework because there would be no harmful loss of privacy. The second reason for refusal cites conflict with the Council's residential extensions supplementary planning development document. However, I consider very little weight can be given to that guidance in the context of this case because a new dwelling, as opposed to a residential extension, is proposed.

### **Planning Balance and Conclusion**

16. I have found that the development would be harmful to the character and appearance of the area and I attach great weight to that environmental harm. The development would, however, make a contribution to the supply of housing in the area and there would therefore be some limited social and economic benefits arising from this development. The scale of this development would mean that of itself it would not significantly boost the supply of housing in the area. I also consider, as far as Cranleigh is concerned, the fact that a substantial new housing estate is currently being built out<sup>5</sup>, a little to the west of No 135, further reduces the limited weight to be attached to the benefits arising from the appeal development.
17. I consider that the harm that I have identified would significantly and demonstrably outweigh the development's very limited benefits. As there would be conflict with both local and national policy I consider that this would be an unsustainable form of development, which could not be made acceptable by imposing reasonable planning conditions. I therefore conclude that the appeal should be dismissed.

*Grahame Gould*

INSPECTOR

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<sup>5</sup> Crest Homes Longhurst Park development