



Appeal Decision

Site visit made on 20 November 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 29th November 2017.

Appeal Ref: APP/R3650/W/17/3181559

Land to the rear of Turner Court, 60-64 Ockford Road, Godalming, GU7 1RF

- 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 Reside Developments Ltd against the decision of Waverley Borough Council.
 - The application Ref WA/2016/2215, dated 4 November 2016, was refused by notice dated 10 February 2017.
 - The development proposed is the erection of three detached dwellings with attached car ports.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of three detached dwellings with attached car ports at Land to the rear of Turner Court, 60-64 Ockford Road, Godalming, GU7 1RF in accordance with the terms of the application, Ref WA/2016/2215, dated 4 November 2016, subject to the Schedule of Conditions to this decision.

Preliminary Matters

2. The Council's emerging Local Plan Part 1: Strategic Policies and Sites is at examination and hearings have taken place. The examining Inspector has indicated that modifications will be required. The Council considers that substantial weight may be given to policies where no modifications are proposed. The current position in relation to modifications and the extent of any unresolved objections to relevant emerging policies, and their degree of consistency with the National Planning Policy Framework (the Framework), is not clear from the evidence before me and I have therefore afforded them limited weight in relation to the main issues for the purposes of this appeal, having regard to paragraph 216 of the Framework. The saved policies of the adopted Waverley Borough Local Plan 2002 (WBLP) pre-date the publication of the Framework. I have therefore ascribed weight to relevant saved policies for the purposes of this appeal in my reasoning below, having regard to paragraph 215 of the Framework.
3. The Council has granted planning permission¹ for a similar scheme providing two detached dwellings on the site, taking the same access as proposed in the appeal. The principal difference between that scheme and the appeal proposal is the provision of a third dwelling. The Council considers that the planning permission has established the principle of backland residential development on

¹ WA/2016/0790

the site. In 2012 the Council refused an outline application² for three dwellings on the site. No significant details of the refused scheme have been provided.

Main Issues

4. The main issues are the effect of the proposed development on i) the character and appearance of the area and ii) the living conditions of residents of nearby properties, with particular regard to noise and disturbance.

Reasons

5. The appeal site, which lies within the developed area of Godalming, is positioned behind existing buildings along Ockford Road, between Turners Court and the River Ock and wooded area beyond. A railway line runs along the valley on the far side of the river. Turners Court is a supported-living residential facility for up to 18 adults with various complex learning and health related issues. The site currently has an unkempt appearance of scrubby vegetation with various trees. It is accessed from Ockford Road, via the car parking area for Turners Court. The proposal is to construct three 4-bedroom detached houses with associated attached car ports and parking area.

Character and appearance

6. Due to local topography, the site lies at a significantly lower level than Ockford Road. There is essentially continuous built development along the Ockford Road frontage, including several Grade II listed buildings. There is also a listed milestone at the front of the site. Much of the built development on the appeal site side of the road is included within the nearby designated Ockford Road Conservation Area (ORCA), the boundary of which runs alongside the access track to the site. Turners Court and the appeal site are situated outside the ORCA but form part of its immediate setting.
7. The Council considers that the significance of the ORCA derives from a long line of buildings of period quality presenting a street façade worthy of conserving, and that the significance of the nearby listed buildings derives from their original architecture dating from the late 16th Century. On the basis of the evidence before me, I see no reason to consider otherwise. The Framework advises that great weight should be given to the conservation of designated heritage assets.
8. The additional dwelling at Plot 3 would occupy part of the site that would be left generally free from built form under the previously permitted scheme. This part of the site is situated furthest from the access track and is largely screened from public views from Ockford Road by Turners Court and adjacent houses, together with the effects of the local topography. The houses would be two-storey and of traditional design and appearance, generally consistent with the predominant nature of residential buildings nearby. The layout of the development would provide all three houses with reasonable parking and garden areas, and clear visual separation between the buildings due to in-excess-of a 7m gap between each house.
9. The general pattern of development in the area is not uniform, and there are examples of buildings set back from the road, including behind properties fronting onto the road. The position of the house at Plot 1 in relation to the

² WA/2012/1934

ORCA and the nearby listed building would be unchanged from the permitted scheme. Plot 2 would be set marginally closer to Plot 1, and Plot 3 would be generally buffered from those heritage assets by Plots 1 and 2 such that its effect on their settings, beyond that of the two houses, would be marginal.

10. For the reasons given above, I consider that the scale, form, layout and number of dwellings would not result in material harm to the visual amenity of the area. I therefore conclude that the proposed development would not harm the character and appearance of the area. It would therefore accord with saved Policy D1 of the WBLP, which sets out general development criteria including that development should not harm the visual character and distinctiveness of a locality particularly in respect of design, scale, and relationship to its surroundings. It would also generally accord with the design criteria set out in saved Policy D4 of the WBLP, including in terms of its form, scale, layout and appearance. These policies are generally consistent with the good design aims of the Framework, and I have afforded them substantial weight in this appeal.
11. I further conclude that while the proposed development would result in some perceptible change to the setting of the ORCA and the setting of the nearby listed buildings, and the context in which they are experienced, this would not amount to harm given the degree of separation from the ORCA and the listed buildings, and the generally set-down and unobtrusive position of the site. Hence, the effect of the proposed development would be neutral and therefore the setting of the nearby heritage assets would be preserved. Accordingly, the proposal would be consistent with the relevant aims of the Framework.

Living conditions

12. The access route to the proposed dwellings from Ockford Road would pass through the existing parking area at the front of Turners Court, then between Turners Court and Toll House, from where an existing track leads to the site. The access is positioned very close to both of these properties. The parking area also serves as the main pedestrian access to Turners Court. The Council is clear that its second reason for refusal is not an objection on highway grounds but, rather, in relation to the living conditions of the sensitive occupiers of Turners Court. I further note that the local highway authority has raised no objections on safety, capacity or policy grounds. It is indicated, based on TRICS data, that there would be around 5 or 6 daily vehicle movements associated with the additional unit at Plot 3, which is not significantly disputed by the Council. Assuming most trips would take place during the daytime, identified as 0700 to 1900, this would equate to around 1 additional movement every two hours.
13. At the time of my visit, on a Monday morning, I saw that the parking area at Turners Court was fully used. As a result, the route through to the appeal site was somewhat constricted but clearly passable by car. I note that the track is single-width and so there is the potential for some conflict along the route if drivers simultaneously attempted to access and egress the site. However, at the given trip rate of around one movement per dwelling every two hours, the potential for such conflict is limited. Moreover, the difference between the effects of the permitted dwellings, which are material to this case, and the additional third unit would not be significant. Furthermore, there is no significant evidence before me that any such conflict would be likely to result in

an unneighbourly disagreement or any crime and disorder issues, including the abuse of vulnerable people.

14. I saw that Ockford Road is a busy main route through Godalming. I heard traffic noise arising from the road when at the site, together with train noise from the railway situated behind the site on the opposite side of the river. In this context, I am of the view that the effects of the modest traffic movements associated with the proposed development on the general noise environment of the area would be very limited. Nevertheless, I note that an acoustic fence is proposed adjacent to the boundary with the Toll House, which would help to limit the effects further in relation to that house, and I am advised this fence also forms part of the permitted scheme.
15. I saw that a number of windows in the side elevation at Turners Court face towards the access track from only a few metres away. It seems likely, from its nature and condition, that the access track to the appeal site is currently little-used. Accordingly, I accept that the introduction of daily trips associated with the three proposed dwellings would introduce additional activity along the track, which would be perceptible at Turners Court, including by way of engine noise and headlights. However, I am not persuaded that the effects of this as experienced at Turners Court would be significantly greater in connection with three units compared to the two units already permitted or, consequently, that there would be any clear negative impact with regard to noise and disturbance.
16. In forming this view, I have had due regard to the various protected characteristics that may apply to residents of Turners Court. While the use of the access track may have some negative effect on residents there, there is no substantive evidence before me that such effects would be significant or serious. Moreover, the comparative effects of the proposed scheme, compared to the permitted scheme, would be very limited due to the very modest total additional trips expected. I have considered the *Bee v Thompson 2009* case in which the addition of three houses was found to cause nuisance. That case differs significantly from the case before me, including because it principally related to a rights of way matter regarding an unused piece of land in a rural setting, rather than a site in a town with a related and extant planning permission. It therefore carries limited weight in this case.
17. In light of the above, I conclude that the proposed development would not harm the living conditions of residents of nearby properties, with particular regard to noise and disturbance. It would therefore accord with the relevant requirements of saved Policies D1 and D4 of the WBLP, including in relation to general amenity for occupiers of neighbouring properties such as disturbance resulting from the emission of noise and environmental harm by virtue of noise and disturbance from levels of traffic. These policies are generally consistent with the aims of paragraph 17 of the Framework in relation to securing a good standard of amenity for all existing and future occupants of land and buildings, and I have afforded them substantial weight in this appeal.

Other Matters

18. I have considered the various other matters raised, including in relation to flood risk, biodiversity, the effects of construction on Grade II listed buildings, bin collections, air pollution, neighbouring security, and blockages on site. Mitigation measures identified in respect of flood risk and biodiversity could be secured by condition. There is no significant evidence before me to support

the view that damage to nearby listed buildings is likely to result from the development. It is proposed that private refuse collections would serve the development and this could be secured by condition. There is no significant evidence before me in relation to blockages on the site, and I note that Thames Water has identified no sewerage capacity, surface water drainage or water infrastructure capacity issues in relation to the proposal. The site lies in an Air Quality Management Area Buffer Zone, where emissions related to construction and vehicular movements could affect the locality. Site management and mitigation measures could reasonably be secured by condition, and I note that the Council's technical officer raised no objection on this basis. On the evidence before me, I am not persuaded that the three dwellings would be likely to result in negative impacts in relation to the security of neighbouring properties.

19. The Council considers that it can demonstrate a five year supply of housing land. I note that the appellant questions the interim findings of the examining Inspector in relation to the buffer to be applied and questions the Council's reliance on delivery from the Dunsfold Aerodrome site. However, there is limited information before me to substantiate these claims, and the appeal decisions referred to appear to pre-date the Council's July 2017 supply position. Accordingly, based on the evidence before me, I consider it more likely than not for the purposes of this appeal that the Council can currently demonstrate at least a five year supply.
20. I conclude that none of the matters discussed in this section of my decision add materially to the case for or against the appeal.

Conditions

21. I have considered the list of conditions suggested by the Council, together with conditions suggested by others during the course of the application. Where necessary, I have altered the suggested conditions for clarity or accuracy. In addition to the standard time limit, I have imposed a condition specifying the approved plans as this provides certainty. Conditions relating to materials, tree protection, and landscaping are necessary in the interests of character and appearance. Conditions relating to noise and vibration, site management, charging points, hours of work, deliveries and refuse collection are necessary in relation to living conditions and environmental quality. Conditions relating to ecology are necessary in the interests of protected species. Conditions relating to the provision of services, a method of construction statement, flood risk mitigation and parking and turning provision are necessary to ensure the satisfactory operation of the development during and after construction.
22. Conditions 4, 5, 6, 7, 8, 9, 10, and 11 require details to be approved before development commences. This is necessary because these conditions may affect the design or implementation of the scheme.

Conclusion

23. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Catherine Jack

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1549-P001-B; 1549-P002-C; 1549-P003-A; 1549-P004-D; 1549-P005-B; 1549-P006-B; 1549-P009-A; 1549-P010-A; 1549-P011-A; 1549-P301-B; 1549-P302-B; 1549-P303-B; 1549-P701-C; 16/1102/TK02 and 16/1102/TK02.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans.
- 4) Development shall not begin until a scheme for protecting the proposed dwellings from noise and vibration from the railway lines adjacent to the site has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme approved by the local planning authority shall be completed before occupation of the dwellings hereby permitted.
- 5) No development shall take place until a Site Management Plan to control environmental effects of the demolition and construction work has been submitted to and approved in writing by the local planning authority. The scheme shall include measures for the suppression of mud, grit, dust and other emissions. The development shall be carried out in strict accordance with the approved scheme.
- 6) Prior to the commencement of development and before any alteration of the existing condition of the site takes place, a pre-commencement meeting will be held with the appointed arboriculturist and the local planning authority to agree on-site protection measures in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations, and sequencing of works, arboricultural supervision and reporting, to determine the presence of Japanese Knotweed on site, and in situ tree protection measures in accordance with the details submitted within the arboricultural method statement by Challice Consulting Ltd and associated tree protection plan dated April 2016. Should the on-site meeting reveal any evidence of Japanese Knotweed on site, details of a method statement to control the environmental effects of the construction work shall be submitted to and approved in writing by the local planning authority prior to the commencement of works on the site. The statement shall include methods to prevent the spread of the noxious plant in accordance with the Environment Agency Code of Practice for managing Japanese Knotweed on Development Sites.
- 7) Prior to commencement of any works on site, demolition or other development activities, a scheme of tree protection (in line with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations) shall be submitted to and agreed by the local planning authority in writing. Where relevant, the scheme shall also take "off-site" trees into consideration. The local planning authority shall be informed of the proposed commencement date a minimum of two weeks prior to that date to allow inspection of protection measures before commencement. The agreed protection is to be kept in position throughout the development period until all equipment, machinery and

surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

- 8) Before work begins, cross sections/details indicating the finished ground levels, surface materials including sub-base and depth of construction and method/materials used for edging, within protected zone around retained trees shall be submitted and approved in writing by the local planning authority.
- 9) Prior to 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 by the local planning authority in writing and shall be carried out as agreed. This requirement is in addition to any submission under the Building Regulations.
- 10) Prior to the commencement of development, a scheme detailing the proposed reptile translocation and habitat enhancement shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved scheme.
- 11) No development shall commence until a Method of Construction Statement to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials including demolition arisings
 - (d) cement mixinghas been submitted to and approved in writing by the local planning authority. The space referred to above and access routes to them (if not existing metalled ones) shall be located a minimum of 8 metres away from mature trees and 4 metres away from hedgerows, or as may otherwise be agreed in writing by the local planning authority. Only the approved details shall be implemented during the construction of the development.
- 12) Prior to the occupation of the development, a scheme detailing the provision of an electric vehicle charging point within the application site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved scheme prior to the occupation of the development and maintained thereafter.
- 13) Prior to the occupation of the development, a detailed landscaping scheme shall be submitted to and approved by the local planning authority in writing. 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 or as otherwise agreed in writing with the local planning authority. 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 to be of same species and size as those originally planted.

- 14) The development shall not be occupied until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the local planning authority for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking and turning areas shall be used and retained exclusively for its designated purpose.
- 15) No works shall take place on site outside the hours of 0800 to 1800 on Monday to Friday and 0900 to 1300 on Saturdays. No works shall take place on site on Sundays or Bank and Public Holidays.
- 16) No deliveries shall be taken at or despatched from the site outside the hours of 1000 to 1600 on Monday to Friday and 0900 to 1300 on Saturdays. No deliveries shall be taken at or despatched from the site on Sundays or Bank and Public Holidays.
- 17) The development shall be carried out in full accordance with the mitigation and enhancement actions as detailed in Section 5 of the Adonis Ecology Phase 1 Ecological Assessment dated 2 November 2016.
- 18) The development hereby permitted shall be carried out in full accordance with the Flood Risk Assessment (FRA) reference: Land to the rear of Turners Court, Ockford Road, Godalming, dated April 2016 undertaken by RSK Ltd and the mitigation measures detailed within the FRA including finished floor levels will be set no lower than 43.00 m AOD.
- 19) The dwellings hereby permitted shall be serviced by a private refuse / recycling service only, as described in the application. No variation from this shall take place unless otherwise first agreed in writing by the local planning authority.
- 20) No burning of any materials shall take place within the application site.