
Appeal Decision

Site visit made on 23 July 2019

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2019

Appeal Ref: APP/R3650/W/19/3222851

Bri Enda, 54 Summers Road, Farncombe, Godalming GU7 3BD

- 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 Bourne Homes (Mr Andrew Kamm) against the decision of Waverley Borough Council.
 - The application Ref WA/2018/1609, dated 4 September 2018, was refused by notice dated 28 November 2018.
 - The development proposed is demolition of existing house and erection of 7 new houses with associated parking and widening of existing vehicular access.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Bourne Homes Ltd against the decision of Waverley Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council has advised that Godalming and Farncombe Neighbourhood Plan 2017-2032 (the NP) has been the subject of a referendum which found in favour of the NP and that it has now been made. On this basis the NP forms part of the Development Plan alongside the Waverley Local Plan (Part 1) (2018) (the 2018 Local Plan) and the saved policies of the Waverley Local Plan 2002 (the 2002 Local Plan).
4. I have also dealt with another appeal (Ref: APP/R3650/W/19/3227860) on this site. That appeal is the subject of a separate decision.
5. Amended plans have been submitted which include bin storage and obscure glazing to some of the first-floor windows. The appellants have asked the Council to consider these amendments in the preparation of its evidence. They have also contacted the neighbouring residents and invited them to make further representations to the Council. Notwithstanding the actions that the appellants have taken in relation to raising the awareness of the Council and local residents of the proposed amendments, these plans materially alter the nature of the application and potentially prejudice the interests of interested parties. For this reason, I have not taken the amended plans into account in my determination of the appeal.

Main Issues

6. The main issues are the effect of the development on:

- the character and appearance of the site and the surrounding area including in respect of whether the development makes satisfactory provision for amenity space, refuse collection and off-street parking; and
- the living conditions of the occupants of Little Barsden and Glengariff, with particular reference to privacy.

Reasons

Character and appearance/amenity space, refuse collection and off-street parking

7. The predominant character of development in the area is of street facing detached and semi-detached houses of mixed style and appearance. The buildings are set back from the road with front gardens and some driveways. Bri Enda, 54 Summers Road (No. 54) is an exception to the prevailing character, taking the form of a chalet bungalow located behind adjacent rear gardens and accessed via a narrow driveway between two houses. Another anomaly to the characteristic road frontage development is Langborough Court off The Oval which abuts the appeal site. This development comprises six houses facing the road with two further dwellings and a car parking court to the rear.
8. The appeal scheme would introduce seven dwellings onto the site together with car parking and private amenity space. It is clear from the officer report that the Council consider that the form of development would relate visually to the surrounding local character and I have little evidence before me to suggest otherwise. However, the Council also refer to the provision of amenity space the arrangements for refuse collection and the lack of off-street car parking as indicative of the overdevelopment of the site.
9. With regard to the provision of amenity space, I find that whilst modest the proposed rear gardens and the retained garden to Little Barsden would be commensurate with those serving some of the houses in Langborough Court and that they would meet the needs of future residents. In this regard the development would accord with Policy TD1 of the Local Plan Part 1 and Policy D4 of the 2002 Local Plan which require the appropriate provision of private amenity space
10. The street facing nature of most of the surrounding development allows for the collection of waste directly from the frontage of existing dwellings and car parking provision in the area includes off-street parking on driveways and in garage courts and on-street parking. The layout of the development includes a refuse collection point approximately half way along the access driveway and eleven car parking spaces are shown.
11. There is a dispute between the main parties with regard to whether the maximum carry/drag distances for bins would be exceeded. Notwithstanding the actual distances involved, the site layout plan shows that occupiers of the development would have to move their bins or carry their rubbish a significant distance. This would be inconvenient and would not amount to the provision of appropriate facilities for the storage of waste.

12. The appellants have sought to address the issue of waste collection through the introduction of a communal bin store which is shown on their amended plans but, for the reasons set out in paragraph 5, these plans do not form part of my determination of this appeal.
13. I conclude that the appeal scheme would not make satisfactory provision for refuse collection which is indicative of overdevelopment of the site. Therefore, the development would not accord with Policy TD1 of the Local Plan Part 1 and Policy GOD5 of the NP. These policies jointly, among other things require the provision of sufficient and appropriate off-street storage for refuse and recycling.
14. Policy ST1 of the Local Plan Part 1 requires that development schemes make appropriate provision for car parking in accordance with local standards. The relevant car parking standards for the appeal site are now embedded in Policy GOD6 of the NP. On the basis of the application of these standards there is a shortfall in the provision of off-street car parking spaces.
15. There is no dispute between the parties that the site is close to public transport. However, the Council states that this is accounted for in the Council's Parking Guidelines and Policy GOD6 of the NP which also reflect a high level of car ownership in the area. I also note that the NP draws on information from the 2011 Census regarding car ownership and use, which addresses the issue raised by the appellant on this point.
16. The appellants refer to a development at The Freeholders public house, St Johns Street, Farncombe (Council Ref WA/2017/1427) (the Freeholders PH scheme) which had no off-street parking provision but was supported by the Council. Whilst there are some parallels between the location of the Freeholders PH scheme and the appeal scheme in terms of the proximity of local shops and services, there are two key differences. Firstly, the parking demand in respect of the Freeholders PH scheme was assessed in the context of the demand for on-street parking associated with the public house use. Secondly, the NP did not form part of the Development Plan when the Freeholders PH scheme was under consideration. On this basis the two schemes are not directly comparable, and the approval of the Freeholders PH scheme does not outweigh my concerns regarding the provision of off-street car parking in the case of the appeal scheme.
17. Given the unequivocal nature of Policy GOD6, the issue of car parking having so recently been the subject of scrutiny through the neighbourhood planning process and the emphasis which government guidance places on Neighbourhood Plans, I conclude that the development would not make satisfactory provision for off-street parking which is indicative of overdevelopment of the site. The development is therefore contrary to Policy ST1 of the Local Plan Part 1 and Policy GOD6 of the NP and also Policy D4 of the 2002 Local Plan which requires the provision car parking.
18. I do not find Policy D1 of the 2002 Local Plan, which deals with the environmental implications of development directly relevant to this main issue.

Living conditions

19. The appeal site includes part of the garden of Little Barsden and shares a boundary with Glengariff which are a pair of semi-detached two storey houses

facing The Oval. I took the opportunity to visit Glengariff during my site visit. Both houses benefit from mature rear gardens which appear to be well used. There is a substantial conifer hedge along the boundary between Little Barsden and No. 54 but the boundary between Little Barsden and Glengariff is more open and there are opportunities for inter-looking across the two gardens. As a consequence of its chalet bungalow design and position on its plot, there are very limited opportunities for overlooking from No. 54.

20. As part of the appeal scheme the rear garden serving Little Barsden would be subdivided and a significant part of it would provide private amenity space for some of the new dwellings. The conifer hedge would be removed to accommodate the new dwellings which would result in buildings being much closer to Little Barsden and Glengariff than in the current arrangement. The two-storey form which is proposed and the presence of clear glazed windows at first floor level would result in high levels of overlooking towards the gardens serving Little Barsden and Glengariff. The degree of overlooking would be such as to be significantly harmful to the living conditions of the occupiers of those properties.
21. There would be a landscape buffer between the retained garden of Little Barsden and the garden serving plots 4 and 5. This would provide a reasonable level of protection from overlooking at ground floor level and inter-looking between gardens. Nevertheless, on the basis of the evidence, overlooking of existing gardens from first floor windows would not be addressed by this planting.
22. The appellants have sought to address the overlooking impact through the introduction of obscured glazing which is shown on their amended plans but, for the reasons set out in paragraph 5, these plans do not form part of my determination of this appeal.
23. The appellants also raise the question of whether obscure glazing could be covered by the imposition of a planning condition. However, given the relationship between the outlook from the first-floor rooms in the proposed houses and flats and the well-used private garden space serving Glengariff and the limited amount of rear garden space which would be retained by Little Barsden, a significant amount of obscured glazing would be required. I have limited information before me to demonstrate that the introduction of such a high level of obscure glazing would not reduce the living conditions of future occupiers of the development to an unsatisfactory standard. In the light of this a planning condition would not pass the test of reasonableness.
24. My attention has been drawn to the inter-relationships between existing dwellings and gardens which provide the potential for overlooking. Whilst some existing gardens are likely to be overlooked, there are very limited examples of the direct and proximate overlooking of private garden space which would arise from the appeal scheme. On this basis the existing layout of dwellings and gardens in the vicinity of the site attracts limited weight in favour of the appeal scheme and does not outweigh my concerns in relation to this main issue.
25. I conclude that the appeal scheme would harm the living conditions of the occupants of Little Barsden and Glengariff, with particular reference to privacy. The development is, therefore, contrary to retained Policies D1 and D4 of the Waverley Borough Local Plan 2002 and Policy GOD5 of the NP. These policies,

jointly require that all development does not significantly adversely impact on the amenities of neighbours, including through overlooking.

26. I do not find that Policy TD1 of the Local Plan Part 1 which deals with townscape and design directly relevant to this main issue.

Other Matters

27. The appeal site is well located in relation to access to local shops and services, including a railway station. The appeal scheme would also make more efficient use of the site given that it is considerably larger than adjacent plots and currently only accommodates one dwelling. Furthermore, the provision of new dwellings would meet some of the acknowledged housing need, albeit not in strict accordance with the Council's preferred mix of dwellings, and would have some economic benefits, although these have not been quantified.
28. The appellants consider that the Council cannot demonstrate a five-year supply of housing land (5YHLS) and have cited appeal decisions to support their view (Appeal Ref: APP/R3650/W/17/3171409 Land West of Folly Hill, Folly Hill, Farnham and Appeal Ref: APP/R3650/W/16/3165974 Longdene House, Hedgehog Lane, Haslemere). The Council contends that it has a 5YHLS, but there is limited information before me regarding the Council's views on the appeal decisions which have been referenced.
29. Notwithstanding the apparent dispute between the main parties, even if I were to conclude that there is a shortfall in the 5YHLS and that relevant policies for the supply of housing should be considered out-of-date, the adverse impact of the development which would arise from the lack of satisfactory provision for refuse collection and off-street car parking and the harm to the living conditions of the occupiers of Little Barsden and Glengariff would significantly and demonstrably outweigh the benefits which I have identified.
30. I note that the appellants have expressed frustration with the way in which the Local Planning Authority handled the application. However, this is a matter between the parties involved and would not alter the outcome of this appeal.
31. My attention has been drawn to an issue regarding land ownership. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider this matter further as it could not change the outcome of this appeal.

Conclusion

32. For the reasons set out above the appeal is dismissed.

Sarah Dyer

Inspector