

Appeal Decision

Site visit made on 27 August 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2019

Appeal Ref: APP/R3650/W/19/3228873

2 Turners Mead, Chiddingfold, Godalming GU8 4UD

- 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 John James against the decision of Waverley Borough Council.
 - The application Ref WA/2019/0070, dated 3 January 2019, was refused by notice dated 12 April 2019.
 - The development proposed is erection of a new 3 bedroom detached dwelling and associated access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a new three bedroom detached dwelling and associated access and parking at 2 Turners Mead, Chiddingfold, Godalming, GU8 4UD, in accordance with the terms of the application, Ref WA/2019/0070, dated 3 January 2019, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal site falls within land designated as Green Belt. The Council has indicated that the proposal would represent limited infilling in a village which falls under one of the exceptions set out in paragraphs 145 and 146 of the National Planning Policy Framework (the Framework). I have no reason to disagree with the Council's view on this matter and am satisfied that the proposal is not inappropriate development and would preserve the openness of the Green Belt.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of neighbouring occupiers at 2 Turners Mead, with particular regard to loss of outlook; and
 - the adequacy of the garden spaces for the occupants of both the existing and proposed dwellings.

Reasons

Character and appearance

4. The appeal site forms part of a large garden associated with the semi-detached dwelling, 2 Turners Mead. Due to its siting on the corner of the street, the garden is irregularly shaped and far larger than gardens generally found in the surrounding area. The garden is generally well enclosed by hedgerows and fencing and has some relatively private spaces as well as some degree of overlooking given its urban situation.
5. The arrangement of dwellings in the area is varied to a degree. Whilst all properties have a degree of setback from the road, depths of front gardens vary and spacing between the dwellings is far closer between those to the east of the appeal site. On nearby Petworth Road, the spacing, building line and style of dwellings is noticeably more varied than compared with Turners Mead.
6. Whilst the sizes of gardens in the surrounding area are generous, there is a degree of variation that would allow for the appeal proposal to be accommodated without appearing overly cramped or crowded. The gap between 2 Turners Mead and the proposed dwelling would be narrower than typically found nearby, but there would still be an ample degree of detachment. The sizes of the plots for No 2 and the proposed dwelling would be on the smaller side comparatively, but its impact on the wider street scene and area would be modest, particularly as similar arrangements feature along Petworth Road without resulting in a contrived urban form.
7. In terms of appearance, the proposed dwelling would also assimilate well with the adjacent row of dwellings which includes No 3 – 9 Turners Mead, and in particular No 7 which is also a detached single-fronted dwelling with a hipped roof. The similarities it would share with the neighbouring dwellings include the hipped roof profile, similar front building line and construction materials. The scale, arrangement and style of fenestration and the porch would also be comparable to those found nearby.
8. In view of this main issue, the proposal would not harm the character and appearance of the area. It would therefore accord with Policy TD1 of the Local Plan 2018 (Part 1)¹ (Local Plan) which seeks to ensure that new development is designed to create safe and attractive environments.
9. I have also had regard to retained policies D1 and D4 of the Local Plan 2002² which, amongst other things, seek to prevent harm to the visual character and distinctiveness of the locality, particularly in respect of the design and scale of new development and promote high quality design.

Living conditions

10. 2 Turners Mead is a dwelling that has its principal windows facing to the front and rear. The rearward facing windows include those in two upstairs bedrooms and on the ground floor, one in the kitchen and an obscure glazed one in the bathroom. Part of the garden is to the rear of the dwelling, which has an outlook towards the flank wall of the neighbouring dwelling.
11. I viewed the appeal site from all of the rear windows of No 2 and noticed that the view from them is over the garden, the neighbouring garden at No 1, and towards the flank wall, rear extension and garden of No 3. Beyond the immediate view the outlook is open and verdant in character. The appeal

¹ Waverley Borough Local Plan 2018 Part 1: Strategic Policies and Sites (adopted 2018)

² Waverley Borough Local Plan (adopted 2002)

proposal would bring the view of a flank wall closer to the windows but would not fill the entire outlook from them. There would still be an ample degree of openness and more distant views of a verdant landscape with the appeal proposal in situ. As such, whilst the outlook would be compromised to a degree, I am mindful of the functions of these rooms and that there is also another glazed opening in the kitchen in the side elevation. Consequently, the proposal would not result in undue harm to the living conditions of neighbouring occupiers of No 2 in terms of the outlook from the dwelling itself.

12. In terms of the effects on the rear garden of No 2 Turners Mead, the outlook would be similarly affected but not to the extent that it would render the garden an unwelcoming, oppressive or overlooked space, particularly given its size and the layout of the proposal in relation thereto.
13. Whilst the Council has made reference to the Residential Extensions Supplementary Planning Document (October 2010), I do not find this particularly relevant in the context of a proposal for a new dwelling, particularly with the siting of the dwellings as such so that the guidance could not be strictly applied in any case. The dwelling would be hard against the boundary with No 2 and would form part of it, but for the reasons given above, it would not result in undue harm to the living conditions of occupiers of No 2.
14. In view of this main issue, the appeal proposal would not unduly harm the living conditions of neighbouring occupiers at No 2 Turners Mead, with particular regard to outlook. The proposal would therefore comply with Policy TD1 of the Local Plan which seeks to ensure that new development is designed to maximise opportunities to improve the quality of life and health and well-being of current and future residents.
15. I have also had regard to retained policies D1 and D4 of the Local Plan 2002 which, amongst other things, seek to avoid harm to the amenities of occupiers of neighbouring properties by overlooking and overbearing impacts.

Garden sizes

16. Due to its corner plot location, the garden to No 2 is particularly large. The appeal proposal is an area of lawn, whilst more ornamental landscaping areas exist along the side boundary.
17. The appeal proposal would take up a large proportion of the garden of No 2. What would remain would be laid out rather unconventionally, but it would still be sufficiently sized to serve its occupants to allow a range of typical uses, such as sitting out, clothes drying and recreational activities.
18. The garden for the proposed dwelling would be a more regularly shaped area to the rear of the house and would be more modestly sized compared to gardens typically found in the surrounding area.
19. There does not appear to be a minimum garden size requirement in any development plan policy before me. I am also mindful that anyone considering occupying the proposed dwelling would be aware of the modest size and layout of the garden and would make an informed choice as to whether or not it was suitable. Whilst this is not intended to dilute the need to achieve good design in new development, in this instance, considered in the round, the proposal is considered to maintain an adequate garden for the existing dwelling and provide a sufficient garden space for the proposed new dwelling.

20. In view of this main issue, the proposal would provide adequate garden spaces for the occupants of both the existing and proposed dwellings. The proposal therefore complies with Local Plan Policy TD1 in this regard.

Other Matters

21. I note the third party comments concerning the loss of light and overlooking of 3 Turners Mead. I concur with the Council's view that the effects on the living conditions of occupiers of this property would not be unduly affected given the siting of the proposed dwelling and the existing similar relationship that No 3 has with its adjoining neighbour, No 4 Turners Mead.
22. I have taken into account the concerns raised in connection with parking. I also note that the emerging Chiddingfold Neighbourhood Plan will seek to introduce a policy seeking three parking spaces for any proposed three bedroom dwellings, although this policy is not yet capable of attracting more than limited weight. The small deficiency in parking that would be achieved by the proposal compared to the standard required by the current development plan policy is noted by the Council as not a reason in itself to warrant refusal. I am mindful that issues with the undersupply of parking are not unique. In my view, the proposal achieves as much parking as is possible and the displacement of a small area of on-street parking does not amount to harm that warrants refusing planning permission.

Conditions

23. I have considered the suggested planning conditions having regard to paragraph 55 of the Framework and advice in the Planning Practice Guidance. I have changed the wording of the suggested conditions in some cases in the interests of enforceability and precision and have generally removed the discretionary clauses in the interests of transparency and to ensure proper compliance with the planning process.
24. In addition to the statutory time limit, a condition requiring adherence to the approved plans is necessary in the interests of certainty.
25. A condition requiring materials to match those listed in the application form is required in the interests of the character and appearance of the area and as these are not detailed on the plans.
26. I note the Council's suggestion that a condition limiting permitted development rights conferred under the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any subsequent order revoking or re-enacting that order, should be imposed. Such a condition should only be imposed in exceptional circumstances and there is insufficient justification for imposing such a condition in this particular case.
27. A condition restricting water use is necessary to comply with development plan objectives concerning sustainable construction in this area.
28. In the interests of highway safety, it is necessary to impose a condition requiring the provision of car parking for the host dwelling (No 2) prior to construction of any of the proposed dwelling. The maintenance of a safe highway network for all users also warrants the imposition of a condition requiring the provision of pedestrian visibility splays on the accesses to the

parking areas and for no obstructions to be placed within the splays at any time in the future.

29. In the interests of highway safety, it is necessary to condition the provision and maintenance of car parking for both the host and proposed dwellings as shown on the approved plans.
30. A condition requiring the provision of an electric vehicle charging point is necessary in the interests of the wider sustainability of the development, to reduce reliance on fossil fuels. For similar reasons, a condition requiring the provision of covered, secured bicycle parking is also necessary.
31. Given the limited scale of the proposal and the provision of dedicated parking prior to any construction of the proposed dwelling, the submission of a construction traffic management plan by way of condition is unnecessary. The nature of the surrounding highway network does not appear so constrained that the addition of a limited number of construction vehicles would result in unsafe conditions or inconvenience to highway users.

Conclusion

32. For the reasons set out above, the appeal is allowed subject to the conditions set out in the below schedule.

Hollie Nicholls

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: 0802-SK-01, 0802-SK-02, 0802-SK-03, 0802-SK-04, 0802-SK-05, 0802-SK-06, 0802-SK-07 and 0802-SK-08.
- 3) No variation of the type and colour of the external materials to be used in the construction of the development as shown on the application form shall be made.
- 4) Prior to the occupation of the dwelling, details shall be submitted to and be approved in writing by the Local Planning Authority to demonstrate that the development is restricted to a maximum water use of 105 litres per person per day (plus 5 litres for outside use) in line with the Water Efficiency Calculator for new dwellings from the Department of Communities and Local Government. The development shall be maintained in accordance with the approved details.
- 5) No development above slab level shall commence until the proposed new vehicular access to 2 Turners Mead has been constructed and provided with 2.4 x 25m visibility splays in accordance with the approved plans (Drawing No. 0802-SK-08) and thereafter the visibility splays shall be kept permanently clear of any obstruction over 0.6m high.
- 6) No development above slab level shall commence until pedestrian inter-visibility splays of 2m by 2m are provided on each side of the proposed accesses, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
- 7) The development hereby approved shall not be first occupied unless and until space has been laid out within the site for the parking of vehicles in accordance with the approved plans (Drawing No. 0802-SK-08). Thereafter the parking spaces shall be retained and maintained for their designated purpose.
- 8) The development hereby approved shall not be first occupied unless and until the proposed new dwelling is provided with an electric vehicle fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 9) The development hereby approved shall not be first occupied unless and until the secure facilities for the parking of bicycles within a covered store have been provided in accordance with the approved plans. Thereafter, the approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.