



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/19/3228066

Land at Deerwood, Woolmer Hill Road, Haslemere GU27 1QA

- 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 CY Developments against the decision of Waverley Borough Council.
 - The application Ref WA/2018/2183, dated 30 November 2018, was refused by notice dated 5 March 2019.
 - The development proposed is erection of seven dwellings together with car parking and landscaping following demolition of some outbuildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, a revised plan was submitted showing an alternative layout, altering the relationship between Plots B and C. Where amendments are proposed, regard should be had to the 'Wheatcroft'¹ principles - including whether the amendments would materially alter the nature of the application and whether anyone who should have been consulted on the changed development would be deprived of that opportunity. As the plan details minor amendments, and the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take the amended plan into account. I shall therefore determine the appeal on the basis of the plans referred to on the decision notice, as well as the amended plan submitted as part of the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of future occupiers of Plot B; and
 - Whether the proposal would make adequate provision of play space in accordance with the relevant development plan policy.

1. ¹ Wheatcroft Ltd V SSE [1982]

Reasons

Character and appearance

4. Whilst there is a high density development on the opposite side of Woolmer Hill Road, the appeal site lies in an area which has a more spacious, rural character and where, despite the large scale of existing dwellings, their visual presence is far less obvious due to the screening by the wooded western boundary. The treed boundary and high degree of visual containment of Deerwood and dwellings further to the east means that it appears to be distinct from the suburban edge of the settlement on Hatchetts Drive. Such characteristics contribute to the qualities of the Area of Great Landscape Value (AGLV) in which the appeal site is situated, although the potential for its future inclusion within the Area of Outstanding Natural Beauty (AONB) does not result in any additional weight being attributed to this matter. The wooded characteristics of the site are also consistent with the Hindhead Wooded Greensand Hills character area as defined by the Surrey Landscape Character Assessment (2015).
5. It is acknowledged that the most prominent feature of the site is its wooded western boundary but the submitted Landscape and Visual Impact Assessment (LVIA) also notes that the site flows into a more wooded area to the south. From the evidence, it appears that some trees were removed from the appeal site that may have otherwise maintained a more wooded character across more of the site than at present.
6. The appeal proposal would introduce two pairs of semi-detached dwellings and a large conjoined block containing three dwellings broadly perpendicular to them at the far end of the site. Whilst the point of access to the appeal site would be relatively unchanged, the presence of dwellings on the site would be visible on the approach from the west. The dense development would also be visible from Woolmer Hill Road, albeit the views would be filtered by the existing roadside trees to an extent relative to the season and degree of leaf cover. These findings are consistent with that in the LVIA.
7. The proposal would introduce development within close proximity of the trees to both the eastern side (outside) of the site, the southern side where it flows into a more wooded area, and beneath the tree canopies of the existing wooded western boundary. The proximity of the proposed development to the trees gives rise to some doubt about the ability to ensure their longevity as part of the proposed development, although the Council suggest that the use of conditions could ensure their protection. Notwithstanding this, the proposal would appear cramped given the size of the site and its features to assimilate well with the cluster of development on the eastern side of Woolmer Hill Road.
8. Whilst the LVIA quantifies the impact of the proposal as negligible, even with the retention and suggested enhancement of the wooded western boundary were it feasible, I consider that the introduction of such a dense development with blocks of dwellings of large proportions and bulky roof forms in an area of low density rural character would be harmful to the landscape and visual qualities of the area. The viewpoint assessment photographs submitted with the LVIA serve to confirm this finding and I agree with the Council that there would be limited room for effective landscaping to redress the imbalance of introducing such an urbanising form of development onto the site.

9. In view of this main issue, the proposal would be harmful to the character and appearance of the area, contrary to the Local Plan 2018 (Part 1)² (Local Plan) Policies RE1, RE3 and TD1, which collectively seek to safeguard and recognise the intrinsic character and beauty of the countryside, protect and enhance the AGLV and require new developments to be of a high quality and inclusive design that responds to the distinctive local character of the area in which it is located. For similar reasons, the proposal would also conflict with Waverley Borough Local Plan 2002 (LP) Policies D1 and D4 and would not adhere to guidance in the Haslemere Design Statement (adopted 2012).

Living conditions of future occupiers

10. The amended plan provided with the appeal documentation shows Plot C moved further forward within its plot than originally proposed to reduce the rearward projection and limit the impacts on the future occupiers Plot B. Despite this, the flank wall of Plot C would lie within approximately 1 metre of the shared boundary for the two properties for the majority of its length. The effect of the amended plan would mean that the flank wall would not extend the entire length of the garden of Plot B, although the effects of the changes would be marginal.
11. Whilst any future occupiers of the proposed development would be aware of the relationship between Plots B and C, due to the staggered siting of Plot C and the massing of the dwelling itself, the garden space of Plot B would be dominated by the presence of the large flank wall. The undue sense of enclosure would not be mitigated through the internal arrangement of Plot B which would allow for the outlook from the main living space to be to the front of the dwelling. The outlook from the rooms with large openings in the rear elevation and from within the garden itself would still combine to result in a poor living environment for future occupiers.
12. The appellant acknowledges that there would be a degree of visual impact and overshadowing, but in my view, these effects would not be within acceptable levels and the relationship would be harmful to the living conditions of future occupiers of Plot B.
13. In view of this main issue, the proposal would have a harmful effect on the living conditions of future occupiers of Plot B, contrary to Local Plan Policy TD1 and LP Policy D4 which together require development to be of a high quality and inclusive design. LP Policy D1 is not as relevant as it seeks to resist a loss of amenity when in this case the effects are to future neighbouring occupiers.

Play space provision

14. Local Plan Policy LRC1 states that new residential development will be expected to make provision for play space having regard to Fields in Trust (FiT) benchmark guidelines. According to the guidelines, the requirement for a scheme of more than five dwellings is for a Local Area for Play of at least 0.1 hectares within 100 metres accompanied walking distance of the proposal.
15. The appellant indicates that the appeal site is not in an area where the Council have highlighted a specific deficiency of play space and that there is a play space some 150 metres walking distance from the appeal site. Each of the dwellings would have a rear garden of a size similar to that of the footprint of

² Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 (adopted 2018)

the house. I also note that a leisure centre lies within a short distance of the appeal site which offers more formal recreational facilities.

16. The appeal proposal has not been designed to accommodate any play space additional to the gardens of the dwelling and whilst acceptable, the gardens do not appear to be particularly generous in comparison to gardens serving dwellings on this side of Woolmer Hill Road. Whilst I note the existence of the nearby play space on Hatchetts Drive, I cannot be certain that this is considered adequate to serve the existing dwellings with sufficient surplus to cater for any new residents introduced with reference to the FiT guidelines. Similarly, whilst the proximity of the appeal site to the nearby leisure centre would be a benefit to future residents, it does not offset the need for more locally-based and free opportunities for outdoor play within suitable walking distance of new dwellings.
17. In view of this main issue, the proposal would not make an adequate provision of play space and would therefore conflict with Local Plan Policy LRC1 which seeks to encourage the provision of new open space, sports, leisure, and recreation facilities in new developments.

Other Matters

18. I note that the proposal is within the buffer zone of the East Hants Special Protection Area (SPA). The Council does not consider that there would be any unacceptable impact on the SPA. As I am dismissing the appeal for other reasons, I have not considered this matter further.
19. I acknowledge that the location of the site has not been found to be isolated and that the proposed dwellings would be sustainably located in accordance with the strategic policies of the development plan. I am also mindful that the site is considered to be previously developed land, the reuse of which is encouraged by national and local planning policies.
20. The appellant indicates that the Council cannot demonstrate a five year housing land supply (5YHLS) and that the 'tilted balance' in favour of sustainable development in Paragraph 11 of the National Planning Policy Framework (the Framework) applies. The appellant has provided two appeal decisions where the Inspector's held that there was a shortfall in the 5YHLS.
21. The Council has not provided substantive evidence to support its assertion that a 5.08 years' housing land supply exists although it has acknowledged that the 20% buffer applies following the publication of the Housing Delivery Test results in February 2019³. The figure of 5.08 years' provision is only marginally above the minimum 5YHLS requirement. The opposing claims made by the parties leads to a degree of uncertainty as to the correct figure, but I am incapable of reaching a conclusive finding on the basis of the limited evidence before me in this regard. Nevertheless, there is no doubt that the proposal would modestly boost the housing supply in line with the requirements of the Framework which is a benefit of the proposal.
22. I have also considered the various other benefits that the proposal would bring through the creation of employment opportunities during the construction

³ Housing Delivery Test: 2018 Measurement – Ministry of Housing, Communities and Local Government (published 19 February 2019)

phase and the economic benefits that the future occupants would bring to the local area.

Conclusion

23. In conclusion, even if the tilted balance were applicable in this instance, the harm I have identified to the character and appearance of the area and to future residents of the proposal significantly and demonstrably outweigh the contribution to the 5YHLS and other benefits, when assessed against the policies in the Framework read as a whole.

24. For the above reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR