
Appeal Decision

Site visit made on 26 November 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2019

Appeal Ref: APP/R3650/W/19/3235796

Land to the south and west of Cherrimans, Liphook Road, Haslemere GU27 1NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr W Philips against the decision of Waverley Borough Council.
 - The application Ref WA/2018/1432, dated 24 July 2018, was refused by notice dated 28 February 2019.
 - The development proposed is the erection of six houses in two groups.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the absence of details relating to the site address on the original application form, in my heading above I have used that given in the appeal form but have omitted one of the references to Haslemere.
3. The application is made in outline with access, landscaping, scale, layout and appearance reserved for subsequent approval. Accordingly, the layout and access shown on the submitted plans is for illustrative purposes only and I have taken into account that there may be alternative ways of developing the site. Therefore, I have primarily considered the illustrative plans on the basis of what the likely impacts of the erection of the number of dwellings proposed would be.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the area, with particular regard to the settings of Cherrimans, Brookbank and Middlemarch which are Grade II listed buildings;
 - The living conditions of nearby residents, with particular reference to privacy and outlook;
 - The living conditions of future residents, with particular reference to the provision of garden space;
 - Whether the proposal would provide a suitable mix of housing;

- The provision of car parking, and;
- Biodiversity.

Main Issues

Character and appearance

5. Liphook Road is a main route into Haslemere, but the section closest to the appeal site is located in a more peripheral part of the settlement. The northern side of the road has a grouping of vernacular buildings predominantly in residential use opposite an attractive continuous stone boundary wall abutting the highway, behind which there is open land set against the backdrop of established trees near to the railway line. This gives a prominence to the principal elevations of the vernacular grouping in the street scene, resulting in a pleasant verdant sub-urban character and appearance to the area.
6. The vernacular buildings contain a number of Grade II listed buildings. Adjacent to the appeal site is Cherrimans, a detached dwelling to the east, which the list entry describes as a house of several periods. The northern elevation of the dwelling has a significant presence in the street scene, partly due to its proximity to the road but also as a result of the stone walling along the boundary which conveys a sense of separation from other built form.
7. Opposite the appeal site are Brookbank and Middlemarch, a pair of semi-detached dwellings that have undergone alterations over time as they were originally one dwelling. The significance of these buildings is derived partly from their aesthetic appearance, which is highly visible in the street scene, but also as a result of an association with George Eliot. In addition, the Staff of Life public house is a detached 18th century building in a prominent corner position, the significance of which is primarily due to its historic fabric. However, due to the separation distance and its orientation, it is less closely related to the appeal site.
8. In considering the proposal I am mindful of my statutory duty¹ to have special regard to the desirability of preserving listed buildings or their setting, or any features of special architectural or historic interest which they possess.
9. The appeal site is broadly triangular and contains levels that are elevated in comparison to the road. It is described by both main parties as vacant land, but the Council indicate that it was formerly part of the grounds to Cherrimans² such that the boundary wall is a curtilage listed building. This is consistent with my observations of the continuity and appearance of the stone wall at my site visit, and I have seen little evidence to the contrary. In any event, the stone walling along the northern boundary of the appeal site makes a significant positive contribution to the street scene and forms part of the settings of Cherrimans, Brookbank and Middlemarch. Furthermore, the otherwise open nature of the appeal site, that is largely free of built form contributes positively towards the spaciousness and views of the treed backdrop to the west of Cherrimans.
10. The proposal would introduce six dwellings which the illustrative plan shows as a pair of semi-detached houses and a terrace of four. Notwithstanding the

¹ Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990

² Third paragraph, Page 11, Council Planning Officer report

illustrative sketch³, the appellant indicates that these would be three or four bedroom properties with two-storeys and further accommodation in the roof space such that the roof ridge would be approximately 10 metres in height from natural ground level⁴. The shape of the site combined with the proximity of the railway line to the southern boundary are significant constraints that would limit the range of alternative ways of developing the site. On this basis, the configuration on the illustrative site plan⁵ gives a good indication of the likely layout.

11. The presence of the amount of development proposed would significantly erode the spaciousness and views of the verdant backdrop and would be highly visible in the street scene due to its proximity to Liphook Road. Furthermore, notwithstanding that the appellant indicates that natural ground level is likely to be close to pavement level⁶, he does not suggest that land levels would significantly change as a result of the proposal. Therefore, if built on current ground levels, it would be elevated relative to the road, exacerbating its presence in the street scene. These factors in combination would result in the development being unduly prominent in the street which would detract attention from the presence, and therefore the significance of, Cherrimans, Brookbank and Middlemarch.
12. Additionally, the illustrative site plan does not show that the present stone boundary wall would be retained. Even with an alternative layout, significant sections of the walling would need to be removed or realigned in order to provide for access to six dwellings as well as a suitable visibility splay. Therefore, the development is likely to lead to the loss of all, or substantial parts of, an attractive historical feature and hence, would have a particularly negative impact on the street scene due to the loss of historic fabric. This in turn would be detrimental to the settings of the nearby listed buildings of Cherrimans, Brookbank and Middlemarch.
13. Taking these factors together the proposal would adversely affect the character and appearance of the area and would result in harm to the significance of designated heritage assets. However, considering the relatively minor scale of the development overall, the harm to the significance of the respective designated heritage assets would be less than substantial.
14. Paragraph 196 of the National Planning Policy Framework (the Framework) indicates that in such circumstances the harm should be weighed against the public benefits of the proposal. The main benefit would be the increase in the number of houses to the overall supply. In addition, there would be economic benefits associated with both the construction of the development, and the future activity and spending of the occupants. Nevertheless, paragraph 193 indicates that great weight should be given to the conservation of designated heritage assets. Therefore, the modest benefits arising from the provision of the additional houses proposed are insufficient to outweigh the harm to the settings of the listed buildings.
15. I am aware that the detailed layout, appearance and scale including architectural detailing and materials would be considered at the reserved

³ Paragraph 12 Appellant's Final Comments

⁴ Page 3, Planning, Heritage, Design and Access Statement prepared by Peter Jackson Architects

⁵ Site Plan Drawing 2030/PL/03.1/A

⁶ Paragraph 8.4 Appellant's appeal Statement

matters stage. Nevertheless, based on the information presented in relation to the amount of development, neither this, nor conditions limiting the height of the dwellings would be sufficient to overcome the degree of harm identified.

16. My attention is drawn to the planning history of the site⁷, whereby proposals have been refused due to their massing and scale, which the appellant asserts were larger by comparison to the scheme before me. Be that as it may, this does little to address the harm that I have identified in relation to the appeal proposal. I have also had regard to the examples of relatively narrow, deep plan historic houses that have been built in the local vernacular within rural and village locations⁸. Based on the limited information provided in relation to these examples, it is not shown that their context is similar to that of the appeal site. Accordingly, they are of limited weight.
17. Furthermore, I acknowledge that the Council's heritage officer did not object to the proposal. Nevertheless, I must form my own assessment of the merits of the development based on the entirety of the evidence before me and my own observations.
18. The appeal site is located to the north, but outside of, the Haslemere River Wey Conservation Area (CA). I am required to have particular regard to the desirability of preserving or enhancing the character or appearance of the conservation area. However, due to the distance that the development would be from the CA with the intervening boundary of the railway line, I do not consider that the development would adversely impact on the character or appearance of the CA nor on any significant views associated with it.
19. Nevertheless, I find that the illustrative site plan and sketch fail to provide evidence that an acceptable scheme is capable of being advanced at the reserved matters stage. As such, the development would have a harmful effect on the character and appearance of the area that would be harmful to the significance of designated heritage assets. In reaching this view I have had regard to the advice in the Haslemere Design Statement 2012 which seeks to ensure new development takes account of local character. Therefore, the proposal would be contrary to policies TD1 and HA1 of the Waverley Borough Local Plan, Part 1, Strategic Policies and Sites, February 2018 (LP) and saved policies D1, D4, HE3 and HE5 of the Waverley Borough Local Plan 2002 (LP 2002). These policies, amongst other matters, when taken in combination, seek to ensure that new development is of a high quality of design that is responsive to the distinctive local character and that the significance of listed buildings is conserved and enhanced.

Living conditions of nearby residents

20. The illustrative site plan shows that it would be possible to maintain a considerable distance between the built form of Cherrimans and new built form on the appeal site. The Council raises concerns that the proximity of dwelling 1 to the side boundary on the illustrative layout would be overbearing to residents of Cherrimans when using the garden. However, the illustrative layout shows reasonable separation from the boundary which when combined with the generous grounds of Cherrimans would have a limited impact on a

⁷ Including application reference WA/2006/2361 10 bedroom residential care home

⁸ Paragraph 30 and photographs, Appellant's Final Comments

small part of the neighbour's garden. This would not amount to unacceptable harm to the living conditions of the occupants when using the garden overall.

21. Dwellings would be located opposite existing properties on Liphook Road and are likely to have some windows facing northwards. However, notwithstanding the limited width of the road, it is relevant that the properties would face each other across the public realm and therefore, there would be a degree of overlooking inherent with the relationship with the street in any event. Furthermore, the specific alignment of openings would be something that could be considered in more detail at the reserved matters stage to avoid windows of principal rooms in upper floors directly facing each other. Although this would be a change to the existing situation, the resulting relationship would be similar to many street layouts where dwellings face across from each other without resulting in an unacceptable loss of privacy for the occupants. The evidence does not show that the appeal proposal would be markedly or unacceptably different to similar circumstances encountered by residents such that permission should be withheld.
22. I am referred to guidance regarding separation distances between windows, as well as to adjacent boundaries in the Residential Extensions Supplementary Planning Document, October 2010. However, this guidance specifically relates to extensions to existing dwellings where the relationship between dwellings already exists rather than in relation to the provision of new housing development. Even in those circumstances, it acknowledges that guidelines may be relaxed if the character of the immediate area suggests that lesser distances between windows may be appropriate⁹. It is therefore of limited weight.
23. Therefore, I do not find that unacceptable harm would arise to the living conditions of the occupants of Cherrimans as a result of outlook, nor to the occupants of dwellings on the opposite side of the road due to a loss of privacy. Accordingly, in relation to this issue the proposal would not conflict with criteria in policy TD1 of the LP that seeks to maximise opportunities to improve well-being and quality of life. In addition, it would accord with policies D1 and D4 of the LP 2002 which, amongst other matters, seek to prevent development that significantly harms the living conditions of occupiers due to overlooking or overbearing impact.

Living conditions of future residents

24. Policy TD1 of the LP, amongst other things, requires development to maximise opportunities to improve the quality of life and health and wellbeing of future residents and provision of amenity space is listed within the examples of how this might be done. Policy D4 of the LP 2002 includes a criterion that adequate amenity space should be provided around development. However, a minimum standard in terms of the size is not given.
25. The illustrative layout shows a garden area for each dwelling which would provide reasonable space for sitting out, to hang out washing with some limited space remaining for gardening or outdoor play activities. The awkward shape of Plot 6 would restrict the range of pursuits available to the intended occupants but there are likely to be alternative layout arrangements that could reasonably address this.

⁹ Section 8.1, page 16

26. Accordingly, the evidence presented does not show that the proposal would be unable to provide an adequate level of amenity space in accordance with policy TD1 of the LP and policy D4 of the LP 2002. The Council also refers to policy D1 of the LP 2002 in its refusal reason on this issue. However, whilst this policy sets out criteria to deal with the environmental implications of development, it does not specifically refer to the provision of garden space. On this basis, I find no conflict with it.

Mix of housing

27. Policy AHN3 of the LP requires new housing to make provision for an appropriate range of different sizes and types of housing to meet the needs of the community that reflects the most up to date evidence in the West Surrey Strategic Housing Market Assessment (SHMA). The appellant indicates that the six houses would be three or four bedroom market houses. It is not part of either party's case that affordable housing should be provided at the site.
28. The limited information provided in relation to the SHMA 2015¹⁰ shows need arises across a range of market housing but with most need for 2 and 3 bed housing. The evidence does not suggest that it is a policy requirement for every housing development to proportionally reflect the same breakdown, but that an appropriate range is provided.
29. The appeal proposal is relatively minor in scale and so the range it could provide would be limited. I have not been provided with evidence to show the mix of housing in the area, but my observations are that there is a reasonable mix, including a care home, semi-detached bungalows, detached bungalows and larger housing nearby. Therefore, based on the information before me, I am satisfied that a mix of three or four bedroom houses would be an appropriate range in these circumstances which could be secured by a condition in the event of an approval.
30. Accordingly, I find that the proposal would be unlikely to undermine the balance and mix of housing units provided in the area and would accord with the provisions of policy AHN3 of the LP in this regard.

Car parking provision

31. Policy ST1 of the LP sets out criteria relating to transportation matters which includes a requirement for new development to provide appropriate car parking having regard to the type and location of development in accordance with local standards. The Waverley Borough Council Parking Guidelines, October 2013 (PG) recommend that outside of town centres, a minimum of 2.5 spaces are provided for dwellings of 3 bedrooms or more. This would equate to 15 spaces for the development, whereas the illustrative layout shows 12 spaces and so would fail to meet the minimum local standard.
32. The site has reasonably good access to shops and Haslemere railway station is less than a mile away. Accordingly, future residents would have a degree of choice on how to travel. Nevertheless, the PG establishes parking zones that take account of the accessibility of the site and the quantum of parking reflects the higher car ownership in the borough¹¹. The evidence presented does not robustly show that the accessibility of the appeal site is such that levels of car

¹⁰ Page 12 Council Planning Officer Report

¹¹ Sections 4.2-4.5 Waverley Borough Council Parking Guidelines, October 2013

ownership would significantly decrease. Moreover, my observations of the availability and capacity of on street parking near to the appeal site indicated that there was limited opportunity for safe and convenient parking.

33. On that basis, there is little justification to depart from the development plan policy that generally requires compliance with local standards. Whilst I acknowledge that there may be alternative layouts for the development, given the constraints of the site and the illustrative site plan provided, there is a reasonable basis to doubt that the appropriate quantum of parking could be adequately provided within the site to meet the needs of the development.
34. Accordingly, I find that the proposal would be unable to make appropriate provision within the site for the required amount of car parking and therefore, would be contrary to policy ST1 of the LP.

Biodiversity

35. Policy NE1 of the LP primarily seeks to conserve and enhance biodiversity in the borough and to ensure that adverse impacts arising from development are avoided, or if unavoidable, are adequately mitigated. It states that new development should make a positive contribution towards biodiversity.
36. The appeal site is former garden land which I observed to be somewhat overgrown, generally unlit, with mature hedgerows, trees and a watercourse close by, which combine to make this a suitable habitat to support a range of wildlife that could potentially include protected species such as bats. There is little to substantiate the appellant's assertion that the site is isolated in ecological terms¹². Notwithstanding the completion of the biodiversity checklist, there is limited information regarding biodiversity at the appeal site in order to ascertain what the impact of the development would be.
37. It follows that as a result of the physical encroachment of the development, and its associated lighting and activity there is a reasonable likelihood of harm to a habitat supporting biodiversity that may include protected species. However, there is no specific evidence to confirm this, and the scale of the harm is not identified.
38. It further follows that there is little certainty as to whether appropriate safeguards are proposed, or are indeed possible, to adequately mitigate for the likely harm. This is not a matter that can be appropriately made the subject of a condition, nor left to the reserved matters stage, as in both instances the principle of the development would have already been permitted. To do otherwise would conflict with advice in Circular 06/2005 Biodiversity and Geological Conservation whereby the presence of protected species and the extent that they may be affected should be established before any planning permission is granted.
39. I therefore conclude that it has not been demonstrated that the proposed development would have no materially harmful effects on biodiversity or a protected species. I therefore find that the proposal would be contrary to policy NE1 of the LP.

¹² Paragraph 13.3 Appellant's appeal statement

Other matters

40. The appeal site is located within 5km of the Wealden Heaths Phase II Special Protection Area (SPA), a habitat recognised under the Conservation of Habitats and Species Regulations 2017 as being of international importance for rare and vulnerable species of birds. Policy NE1 of the LP seeks to prevent significant adverse effects on the ecological integrity of the SPA.
41. Given the proximity to the SPA it is reasonable to suppose that future residents of the proposal would potentially visit the Site for recreational purposes and dog-walking. Intensification of such activities would be likely to cause disturbance to the birds and their habitat. I am aware that during the application Natural England made no comment in relation to the impact of the development on the SPA¹³ and that the Council consider that due to the availability of other recreational opportunities within the area, this could divert future residents arising from the development from visiting the SPA and therefore, the proposal would not have a significant effect on the integrity of the Site¹⁴. However, based on the limited evidence before me in relation to this issue, I am not assured this would be the case but as I am dismissing for other substantive reasons, it is not necessary for me to consider this matter further.

Conclusion

42. I have found that the development would not cause harm to the living conditions of existing or future residents and would provide for an appropriate range of housing types. However, for the reasons given above, I conclude that unacceptable harm would result to the character and appearance of the area, including the significance of heritage assets and that the proposal would not provide for an appropriate level of car parking. In addition, it has not been shown that the site would prevent unacceptable harm to biodiversity. Accordingly, the appeal is dismissed.

Helen O'Connor

Inspector

¹³ Email dated 27 November 2018 from Eleanor Sweet-Escott, Natural England

¹⁴ Page 17, Council Planning Officer Report