



Appeal Decision

Site visit made on 4 February 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/R3650/W/19/3240842

Land between garages 8 and 9 Manor Lea Close, Milford, Godalming GU8 5EH

- 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 Syed Hussain Shah against the decision of Waverley Borough Council.
 - The application Ref WA/2019/1053, dated 12 June 2019, was refused by notice dated 14 August 2019.
 - The development proposed is the development of a two storey single dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the development of a two storey single dwelling house at Land between garages 8 and 9 Manor Lea Close, Milford, Godalming GU8 5EH in accordance with the terms of the application, Ref WA/2019/1053, dated 12 June 2019, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area,
 - the effect of the proposal on the living conditions of the occupiers of nearby properties, in particular 8 and 9 Manor Lea Close with regard to overbearing impacts and loss of privacy, and
 - whether the scheme would provide satisfactory living conditions for the occupiers of the proposed dwelling, in particular in respect of outdoor amenity space.

Reasons

Character and appearance

3. The site is a reasonably level area of land, accessed between two blocks of garages, in the corner of Manor Lea Close. This cul-de-sac is mainly formed of groups of terrace properties set back behind front gardens. Broadly to the south of the site is a new two storey property, Bramble House.
4. The staggered footprint design and separate ridge lines of the proposed dwelling would have the effect of reducing the bulk of the building. The size of the property would be fairly modest in this corner area and the ridge height would be similar to the adjoining dwellings in Manor Lea Close. Visually within

- the street scene there would be adequate spacing between the two storey elements of nearby buildings and the new dwelling, which would be separated from the ends of the adjoining terraces by the garages.
5. The siting of the dwelling would be set forward from the rear elevation of Bramble House and with the modest form and bulk of the proposed dwelling this would provide a satisfactory arrangement between these buildings.
 6. Accordingly, the size and bulk of the dwelling would not appear visually to be cramped on the site or an overdevelopment of the land. The building would be satisfactorily accommodated within the street scene and would not be at odds with the general pattern and spacing of development. The proposal would therefore meet with the National Planning Policy Framework (the Framework) policy that decisions should support development that makes efficient use of land taking account of the desirability of maintaining an area's prevailing character and setting.
 7. In the light of the above, I conclude that the proposal would not harm the character and appearance of the area, and therefore comply with Policy TD1 of the Waverley Borough Local Plan Part 1 – Strategic Policies and Sites (February 2018) (the Local Plan 2018), saved Policies D1 and D4 of the Waverley Borough Council Local Plan 2002 (the Local Plan 2002) and the Framework which seek, amongst other things, in this respect to require new development be appropriate to the site in terms of its scale, height, form and appearance.

Living conditions of the occupiers of nearby properties

8. The dwelling would have front and rear facing windows and no first floor side windows in the gables. Accordingly, there would be very limited opportunities for overlooking towards Bramble House or 8 Manor Lea Close. The front windows would look towards 9 Manor Lea Close. However, given the spacing, the view over the garages and the position of the rear extension at No 9 the arrangement would not unduly affect the living conditions of the occupiers of this adjoining property.
9. The rear windows of the proposed dwelling would look out over a bottom section of a neighbouring garden. However, this area is away from the rear of the associated dwelling itself, and given the general surroundings with other properties and their windows, this arrangement would not cause an unacceptable loss of privacy.
10. The side gable walls of the proposed dwelling would be clearly apparent from No 8, especially from the garden area of this adjoining property. However, given the spacing between buildings, the height and bulk of the proposed dwelling would not have an overbearing influence on the living conditions of the occupiers of No 8. The dwelling would be separated satisfactory from No 9 such that the proposed dwelling would not be overbearing in respect of that property.
11. The side gable walls of the proposed dwelling would be clearly and readily apparent to the occupiers of Bramble House. However, with the height and length of the side gables, the spacing along that boundary, and the position of windows and the garden of Bramble House, the impact of the proposed dwelling on the living conditions of this neighbour would not be overbearing.

12. Following my site visit and having regard to all the submissions, I consider that there would not be any unacceptable impacts on the living conditions of any other occupiers of nearby properties, including Soller, from the construction of the proposed dwelling.
13. Accordingly, I conclude that the proposed dwelling would not adversely affect the living conditions of the occupiers of nearby properties. It would therefore meet with the requirements of Policy TD1 of the Local Plan 2018, saved Policies D1 and D4 of the Local Plan 2002 and the Framework which seek, amongst other things, in this respect to not significantly harm the amenities of neighbouring properties by way of overlooking, loss of daylight or sunlight, overbearing appearance or other adverse environmental impacts.

Living conditions of the occupiers of the proposed dwelling

14. Policy D4 of the Local Plan 2002 requires that schemes should provide adequate amenity space around the proposed development. In this case, the garden and terrace area would be modest and smaller than other properties in the vicinity. Nevertheless, it would provide a flat and useable area that would have acceptable levels of privacy. The rear space would have some open aspects above the broadly north-east and rear boundaries that should allow reasonable levels of daylight. The garden would be of a sufficient size and layout for future occupants to easily access and use, with some space for planting. Overall, the garden area would be fit for purpose in relation to the size of the property.
15. Taking all these matters into account, I conclude that the development would provide satisfactory living conditions for the occupiers of the proposed dwelling and therefore comply with the requirements of Policy TD1 of the Local Plan 2018, saved Policies D1 and D4 of the Local Plan 2002 and the Framework which seek, amongst other things, in this respect that development provide adequate amenity space.

Other Matters

16. I have taken into account all the objections from local residents and the Parish Council. In particular, I note the concerns regarding parking and congestion within Manor Lea Close and that the parking in front of the existing garages could block access to the site. The proposal provides 2 off road car parking spaces and the Highway Authority has advised that they do not object to this arrangement nor the additional traffic movements from the dwelling. I have found no reason to disagree and indeed this did not form a reason for refusal.
17. It may be the case that the parking in the vicinity of the existing garages could inconvenience access to the site and limit some parking spaces for local residents. However, I consider that the layout would be satisfactory and access to the garages themselves would not appear to be compromised such that overall the concerns in this respect would not justify withholding planning permission.
18. The concerns with regard to disruption during any construction period could be ameliorated by a condition requiring a Construction Transport Management Plan in any approval.
19. While not a planning matter the covenant on the land appears to have been resolved. I have taken account of the previous applications and refusal for a

dwelling on this site, as well as the other new houses recently built, however, I have considered the present proposal on its planning merits.

20. The site lies within the Surrey Hills Area of Outstanding Natural Beauty (AONB) where the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty. The proposal would be reasonably modest in extent and as it is located within the built-up area there would be no adverse impact on the special qualities of the AONB in this case.
21. The site lies within the buffer zones of the Wealden Heaths I Special Protection Area and the Wealden Heaths I Special Area of Conservation (the habitats sites). Natural England concurred with an appropriate assessment undertaken by the Council for a dwelling on the site under a previous proposal, which concluded that due to the availability of alternative recreational opportunities in the area, which would divert residents from the habitats sites, a single dwelling on the site would not have a likely significant effect on the integrity of the habitat sites. I have found no reason to disagree with this advice in respect of this similar single dwelling. In these circumstances, when undertaking an Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017, I am satisfied that the proposal would not significantly and adversely impact on the integrity of the habitats sites.

Conditions

22. I have had regard to the conditions suggested by the Council and the Highway Authority, to the recommended conditions in respect of application WA/2018/0566 drawn to my attention by the appellant and to the advice in the Planning Practice Guidance. The statutory time limit is required and a condition specifying the approved plans is necessary in the interests of certainty.
23. A condition requiring the submission and approval of the external materials is necessary in the interests of the character and appearance of the area. This, however, does not need to be a pre-commencement condition. While the plans do show cross sections through the site there are no before and after spot levels. In the interests of certainty and the character of the area, a condition is necessary requiring the submission and agreement of levels. This is necessary as a pre-commencement condition so that all works are constructed from the approved levels from the outset.
24. A condition is necessary in the interests of highway safety and the convenience of road users for the parking and turning spaces on site to be laid out before occupation and thereafter retained.
25. A condition is necessary for the construction works to take place in accordance with a Construction Transport Management Plan, given this corner of cul-de-sac location and the need to have regard to the adjoining parking area and the amenities of local residents. This needs to be a pre-commencement condition so that all activities take place in the agreed way.
26. Given the details set out on the plans showing the means of vehicular access to Manor Lea Close I am satisfied that the means of vehicular access is clear. I have not been provided with clear policy evidence of the need for an on-site charging socket. Therefore, in respect of these matters, these conditions suggested by the Highway Authority in their consultation response are not necessary to make the development acceptable in planning terms.

27. Exceptionally, a condition removing permitted development rights for the addition of any windows to the first floor side elevations is necessary in the interests of preventing overlooking, or the perception of overlooking, to the occupants of the adjoining properties. Furthermore, given the modest size of the garden I consider that exceptionally a condition removing permitted development rights for extensions or outbuildings is necessary so that adequate external amenity space is retained. However, it is not necessary to remove other permitted development rights in respect of other works within the curtilage area.
28. It is not necessary for the rear bathroom window to be obscured glazed as part of the planning permission because of the area of rear garden that the window would face.
29. A condition requiring the submission and approval of a soft landscaping scheme is not necessary given the size and nature of the site, however it is necessary for the boundary fencing, and the hard landscaping to the frontage, to be agreed in the interests of the visual amenities of the adjoining residents.

Conclusion

30. I have taken into account the latest information from the Council in relation to the Housing Delivery Test and that it can demonstrate a 5 year housing land supply. Nevertheless, the proposal would comply with the development plan when considered as a whole and there are no considerations that indicate that a decision should be made other than in accordance with the development plan.
31. For the above reasons and having regard to all other matters raised, I conclude that subject to the recommended conditions, the appeal should be allowed.

David Wyborn

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 approved plans: Site Location Plan, Block Plan (1:500), P100, P101, P102, P200, P300A, P301.
- 3) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Before any work on site begins, cross sections/details indicating the existing and proposed finished ground levels of the building and the site shall be approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.
- 5) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 6) No development shall commence until a Construction Transport Management Plan, 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, and
 - (d) measures to prevent the deposit of materials on the highwayhave been submitted to and approved in writing by the Local Planning Authority. Once approved the works shall take place in accordance with the details of the Construction Transport Management Plan.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings other than those expressly authorised by this permission shall be constructed in the first floor of any part of the side elevations (north and south elevations as shown on Drawing No P301).
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings, other than those shown on the approved plans, shall be erected.
- 9) Prior to the first occupation of the dwelling hereby permitted, details of the height and treatment of the boundary fencing, and the hard landscaping within the frontage of the site, shall be submitted to and be approved in writing by the Local Planning Authority. The fencing and the hard landscaping shall be constructed in accordance with the approved details prior to the occupation of the dwelling and thereafter retained.

End of schedule