
Appeal Decision

Site visit made on 22 January 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2020

Appeal Ref: APP/R3650/W/19/3228289

3 Hampton Terrace, Beacon Hill Road, Hindhead GU26 6NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A Carr (Uplands Property Investments Ltd) against Waverley Borough Council.
 - The application Ref WA/2019/0407, dated 22 February 2019, was refused by notice dated 8 May 2019.
 - The development proposed is erection of 4 x 1bedroom self-contained flats over ground and first floor.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant's appeal form states that the reason for the appeal was the failure of the Council to give notice of its decision within the appropriate period. The appellant's statement confirms that, after receiving confirmation of receipt of the appeal from the Planning Inspectorate, on the same day, the Appellant was notified by the Council that the planning application had been refused. The Council's decision notice is dated 8 May 2019, the same date as the appeal submission. Accordingly, I have taken account of the decision notice in my determination of the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the living conditions of the occupiers of 2 Jacaranda Cottages, with particular reference to outlook, daylight and sunlight impacts;
 - The effect of the proposal on the living conditions of neighbouring occupants in respect of off-site parking; and
 - The effect of the proposal on the living conditions of future occupiers of the proposed development, with particular reference to internal space and outlook.

Reasons

Living conditions of the occupiers of 2 Jacaranda Cottages

4. The appeal site comprises undeveloped land to the rear of no.3 Hampton Terrace. There are residential properties around the site, including semi-detached two-storey houses at 1 and 2 Jacaranda Cottages. To the northwest of the site, is the Beacon Hill public car park. There is no existing vehicular access to the site.
5. 2 Jacaranda Cottages lies to the side of the appeal site. The side wall of the house is positioned within a pedestrian pathway width of the site. During my site visit, I observed that this property has a small front garden which faces onto a communal parking area located to the rear of nos. 1 and 2 Hampton Terrace, and a larger, more private, rear garden. The latter is laid to lawn and paving, with paved areas adjacent to the rear wall of the house and the side boundary with the appeal site. A patio, garden shed, and other domestic paraphernalia suggest that the rear garden is well-used as an external amenity area for the property. There is also a small conservatory on the rear elevation, which has a glazed side wall facing the appeal site, and there are principal windows on the rear elevation serving a ground floor kitchen/dining room and first floor bedroom.
6. The existing outlook from the rear of no.2 towards the appeal site is that of boundary fencing with undeveloped land behind and the side wall of nos. 11 and 12 beyond that, which is set back close to the adjacent car park. The combination of the extent of the projection of the new building beyond the line of the rear wall of no.2, its design incorporating high eaves, a relatively steep roof slope and 3 'gable features' on the rear elevation, and its proximity to the house and rear garden of no.2, means that it would have an unduly oppressive impact on the users of the rear garden and patio of that property. The new building would extend to around three quarters of the depth of the rear garden of no.2, and this fact, together with the relatively compact size of the garden and its patio position close to the side boundary, means that the oppressive impact of the new building would be unduly harmful to users of that garden. The new building would also have a materially harmful impact on the outlook from the rear principal bedroom and kitchen/dining room windows on the side windows of the conservatory, as it would be visually dominant in side views from these windows.
7. Having regard to the above, the Council sets out that the proposal contravenes the adopted Residential Extensions Supplementary Planning Document 2010 (RESPD) which requires two storey front and rear extensions to be at least 3m from the boundary in order to prevent any harmfully overbearing impact. Whilst, specifically relating to extensions, having regard to the juxtaposition of the new building in relation to no.2, I find that the RESPD is relevant to the appeal proposal, and I afford this weight in my decision.
8. Given the proposed position of the new building to the east of the rear garden of no.2, together with its combined height, width, massing and proximity to the site boundary, it would give rise to some loss of sunlight to the rear garden and patio of no.2 during the morning. This would materially harm the living conditions of the occupiers of that property, who might reasonably expect to enjoy the garden and patio at this time during the day. I am not persuaded

otherwise by the appellant's Overshadowing Model, which appears to show that there would be some morning overshadowing of no.2 as a result of the proposal, particularly during the Winter and Spring, but does not compare the existing and proposed overshadowing situations, and does not explain the methodology used.

9. The Council asserts that there would be a significant loss of daylight to the rooms providing primary accommodation served by the rear elevation windows of 2 Jacaranda Cottages, based on an assessment under the 45 degree daylight rule, as set out in the RESPD. I find this to be a recognised and acceptable tool with which to assess daylighting impacts, being based upon established BRE guidelines. However, the Council has not provided details of its assessment and the Appellant has not provided evidence to demonstrate that the proposal accords with the 45 degree guidelines.
10. I note that the Appellant states that north and south protrusions of the new building would marginally fall outside the 45 degree tolerance. On the basis of the planning application drawings, I find that this would appear to be the case. Having regard to the off-setting of part of the new building from the site boundary, and the lack of evidence before me to demonstrate otherwise, I am not persuaded that this would amount to a materially harmful loss of daylight to the principal rooms served by the rear elevation windows.
11. For the above reasons, I therefore conclude that the proposed development would materially harm the living conditions of the occupiers of 2 Jacaranda Cottages in respect of outlook, daylight and sunlight impacts. As such, the proposal scheme would not accord with Policy TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 (the LLP1) and Saved Policies D1 and D4 of the Waverley Borough Council Local Plan 2002 (the LP). These policies, amongst other aims, seek to ensure that new development maximises opportunities to improve the quality of life of current and future residents and does not significantly harm the amenities of occupiers of neighbouring properties by way of loss of sunlight or overbearing appearance.

Living conditions of neighbouring occupants related to parking provision

12. No on-site parking spaces are proposed, and the Waverley Borough Council Parking Guidelines 2013 (WBCPG) require 4 spaces to be provided on site to serve the development. Concerns have been raised by the Town Council, Local Members and local residents, who assert that the public car park is at capacity and the surrounding roads are overburdened, so that additional off-site parking arising from the development would result in inconvenience to local residents and exacerbate parking stress related to difficulties finding places to park in the public car park and in nearby streets, adversely impacting on local businesses, harming highway safety, and increasing noise and light pollution.
13. During my site inspection, which took place during a mid-week lunch time, I did not witness any localised parking problems or parking congestion or impeded access to the highway network. I found that there was available parking within the free Beacon Hill public car park, as 16 of the 50 spaces were unoccupied. Street parking in Hill road (unrestricted) and in Hampton Terrace (restricted) was also available.
14. I acknowledge that this was only a snapshot during the day, and there may well be more on-street parking at other times, including during school drop off

and pick-up times, noting the proximity of Beacon Hill Primary School to the site, and during the evening and at weekends. However, I have also had regard to the appellant's submitted Transport Note which includes an on-street parking survey which found that of the available parking within the site vicinity, almost 50% was available during the working day and overnight, with a minimum of 35 available spaces.

15. The Council does not consider this to adequately demonstrate that there is sufficient available off-street parking, due to it not covering more busy periods such as evening and weekends, and school drop-off and pick-up times. However, the Council has not submitted any substantive evidence to demonstrate that there is an existing problem in respect of on-street parking within the vicinity of the site, and has not provided a survey of its own to support its concerns.
16. Although the WBCPG takes into account that the average car ownership levels in Waverley Borough are higher than those in Surrey generally, the appeal site is in an accessible location within walking distance of local retail and community facilities and services and close to bus stops for services including Haslemere, Hindhead, Farnham and Aldershot. Therefore, I do not find that this is a location where the occupants need to be reliant on a private car for their day to day requirements. In addition to the accessibility of the site, I have taken account of the inclusion of cycle storage facilities within the development and the small size of the proposed flats. These factors increase the likelihood of occupiers of the appeal scheme using alternative means of transport other than the private car, and an acceptance of a lower parking provision than that within the WBCPG.
17. For the above reasons, I conclude that the development would not result in materially harmful impacts on the living conditions of local residents due to off-site parking provision. The development therefore accords with the objectives of Policy TD1 of the LPP1, Saved Policies D1 and D4 of the LP, and the WBCPG, in so much as they seek to ensure that new development maximises opportunities to improve the quality of life of current and future residents, does not significantly harm the amenities of occupiers of neighbouring properties and does not result in loss of general amenity.

Living conditions of future occupants of the appeal scheme

18. Whilst the proposal contains a number of rooflights serving flats 3 and 4, the occupants of these dwellings would be fully dependent upon these for their outlook. Since they would all be high-level, this would result in a significantly reduced outlook from every room, resulting in oppressive living conditions, particularly in respect of the principal rooms. This level of outlook would be materially harmful to the living conditions of the future occupants of flats 3 and 4. I am not persuaded by the appellant's view that this is acceptable in respect of loft-style apartments, or that such living standards should become acceptable as part of the housing stock in order to meet the Government's target for new homes.
19. The Council has not directed me to any adopted development plan policies or supplementary planning guidance in respect of minimum internal floor area requirements for residential developments. I note that the gross internal floor areas of flats 3 and 4 would fail to meet the nationally described space standards for a one-bedroom dwelling within the Government Technical

Housing Standards (GTHS). However, noting the relatively small difference between the proposed floor areas and those of the GTHS, and the lack of adopted Council policies in this respect, I afford little weight to this matter. This does not alter my above findings on outlook, which is a determining factor.

20. For the above reasons, I therefore conclude that the proposed development would not provide satisfactory living conditions for the future occupiers of the upper floor flats of the development in respect of outlook. As such, the proposal scheme would not accord with Policy TD1 of the LPP1 and Saved Policies D1 and D4 of the LP. These policies, amongst other things, seek to ensure that new development maximises opportunities to improve the quality of life of current and future residents and that it is designed to create safe and attractive environments that meet the needs of users.

Other Matters

21. The site is within the East Hants Special Protection Area (SPA) 5km Buffer Zone and the Wealdon Heaths I and II SPA 5km Buffer Zones, which are European designated sites. In the context of this appeal, the responsibility for assessing the effects of the proposal on the protected areas therefore falls to me as the competent authority. However, as I have found the scheme is unacceptable for other reasons, there is no need for me to consider the implications of the proposal on the SPAs, as any findings in this respect would not change the appeal outcome.
22. The Appellant has cited examples of other residential developments within Hampton Terrace where the principle of back land development has been set. I have not been provided with scheme details or planning history documents in respect of these developments. However, following my site inspection, I find that the locational circumstances and the design of these developments are not directly comparable with those of the appeal proposal and do not alter the above findings. For these reasons, I afford them limited weight.
23. The Appellant has demonstrated that he has sought to address the reasons for refusal in respect of the previous planning application, Ref WA/2018/1201. Whilst the changes to the scheme have been noted, this does not alter my findings with respect to the current scheme.
24. The Appellant has drawn my attention to a local demand, as identified by local estate agents, for the type of accommodation proposed. The Appellant also asserts that the proposal would help address the national need for new housing and would be particularly well-suited to first time buyers and retirees. Whilst the Framework encourages the effective use of land in meeting the need for homes, this is not unqualified.
25. The Council asserts that it is able to demonstrate a 5.08 year's worth of housing land supply, having regard to the application of a 20% buffer to the Council's most recently published 5-year housing land supply statement. This has not been disputed by the appellant. The planning application Officer Report confirms that the Council maintains this view, notwithstanding, two appeal decisions in which the appeal Inspectors found the evidence submitted to the appeal inquiries did not point to five years' worth of housing supply.
26. Paragraph 11 of the Framework states that relevant policies for the supply of housing should not be considered up to date where a five-year housing land

supply cannot be demonstrated. Paragraph 11 states that where relevant policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, including designated heritage assets, provides a clear reason for refusing the development proposed, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

27. When judged against some of the core planning principles of the Framework, the appeal proposal would perform well in that it would be in an urban area where access to facilities is likely to be greatest. Also, there would be a small social benefit in providing four additional housing units, and economic benefits as a result of the construction and occupation of the new houses.
28. However, the harm I have identified to the living conditions of the occupiers of the neighbouring properties and the future occupants of the proposed development would be significant.
29. Based on the evidence submitted, I am unable to reach a firm view on the Council's ability to demonstrate a five-year supply of housing land. Even if I were to conclude that there is a shortfall in the five-year housing land supply, and notwithstanding the scale of any such shortfall, the provision of four additional one-bedroomed units would make little meaningful difference, and would not address or outweigh the aforementioned harm that I have identified in respect of the living conditions of the occupiers of neighbouring properties and of the appeal scheme.

Conclusion

30. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR