



Appeal Decision

Site visit made on 16 June 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal Ref: APP/R3650/W/20/3246359

1 Gadbridge Villas and land to the rear of Laurel House and Garden Close, Gadbridge Lane, Ewhurst GU6 7RW

- 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 Concept Developments Ltd against the decision of Waverley Borough Council.
 - The application Ref WA/2019/1730, dated 22 October 2019, was refused by notice dated 16 December 2019.
 - The development proposed is the demolition of existing extensions and outbuildings, rear extension to 1 Gadbridge Villas and the erection of 5 dwellings with associated garages, access works and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Separate counterfoil Unilateral Undertakings (UU) dated 20 May 2020 contain obligations setting out a contribution towards improving a Public Right of Way (PROW) across the site. These obligations will be commented upon in my decision.

Main Issues

3. The main issues are the effect of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of 2 The Paddock, having regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises the curtilage of 1 Gadbridge Villas, together with land to the rear of Laurel house and Garden Close, and is situated on the northern side of Gadbridge Lane. It includes residential garden land, laid to lawn, and has a variety of trees within it. Some of these are protected by a Tree Preservation Order. A PROW runs through the site from the road up to the Lilyfields Chase between Laurel house and Garden Close. The site is surrounded on all four sides by existing residential development and is within the defined settlement of Ewhurst.
5. The village of Ewhurst is varied in its character and appearance taken as a whole. However, the village covers a large area and the site's context more

clearly relates to its immediate surroundings by reason of its proximity and comprising gardens of properties in the vicinity. In this regard, dwellings in the Lilyfields Chase and the smaller cul-de-sac at The Paddock (to the west of the site), generally lie in large and landscaped plots. To the south and east of the site, there are further dwellings set in more varied positions and plots but they are still spacious and landscaped. Surrounding the site, most of the dwellings are also set back from the road with significant landscaped space in front. As a result, this part of Ewhurst has an attractive spacious and verdant character and appearance.

6. The proposal would result in the creation of family housing that is a feature of the area whilst the density of the development would not be high. The footprints, scale and heights of the proposed dwellings would be similar to many in the surrounding area. Dwelling architectural style and roof form would be consistent with the surrounding development.
7. However, the new access would be in close proximity to the flank of 1 Gadbridge Villas and hard surfacing, comprising frontage parking for No 1 and the access would dominate the road. The dwellings on plots 1-2 and 4-5 would be sited close to the access drive within the development, generally leaving small frontage garden areas. Significant areas of space to the sides of these dwellings would be taken up by closely located dwellings or hard surfaced areas for parking/turning/access. The rear garden depths of plots 4-5 would be approximately 10-12m whilst that on plot 3 would be minimal due to its siting backing onto the garden of the 2 The Paddock. Such depths would be shorter than most other dwellings in the immediate area. Dwelling plot 5's size would be noticeably smaller than those in the vicinity. In combination, these aspects of the development would result in a noticeably cramped quality in an area where spaciousness and landscaping are overriding and attractive features.
8. The garden depths of surrounding properties are disputed by parties but clearly measurements will vary dependent on where they are taken from and to. Rear garden depths also have to be considered alongside other factors in judging character and appearance. In this regard, the existing site comprises parts of the long gardens of properties on Gadbridge Lane, which contribute to the attractive qualities of the area. Surrounding development, including at The Paddock and 5 and 6 Lilyfields Chase, derive spacious and landscaped qualities not only from rear gardens but also frontage and side gardens. Within this context, the proposed dwellings would give rise to a cramped form of development having regard to plot sizes and dwelling sitings (in relation to plot boundaries, hard surfaced areas and one another). As a result, the development would adversely impact the character and appearance of the area by reason of overdevelopment.
9. There are permitted residential developments at Backward Point, Chanrossa and Firethorn Farm. These schemes are of similar or considerably higher density in edge of settlement locations and would have smaller/garden sizes than proposed under this appeal. However, these would be larger and more comprehensive developments which are more able to create their own sense of place due to their size. In all of these schemes, public open space provision and greater retention of trees would be significant features of the development. In contrast, the appeal would be much smaller in extent.

10. The developments also have different contexts. At Backward Point, the development would be closer to significantly tighter development along The Street. In respect of the allowed appeal for 9 dwellings, this was permitted within the context of the wider development being permitted for this site and would be near the centre of the permitted scheme. At Firethorn Farm site, the immediately surroundings comprise much denser terraced development at Larkfield. Whilst in the Chanrossa development, there would be significant open space areas and tree retention areas. Therefore, there are material differences between these schemes and the proposal before me. In any case, every proposal has to be considered on its particular planning merits.
11. An Arboricultural Report and Planning Integration Report (ARPIR) details Root Protection Area (RPA) of a substantial Oak tree alongside the PROW. Within its RPA, there would be an access drive serving the development, small footprint areas of the dwellings 3 and 4, along with some vehicle parking hardstanding for the plot 3 dwelling. A significant number of living rooms within the plot 3 dwelling, including a family/kitchen room, would face the tree.
12. This tree is substantial and is highly visible from its surroundings, including the public footpath that crosses the site. The ARPIR report details a landmark tree of great height and canopy size that still has potential to grow. In terms of public amenity quality, it attains the highest grading under the ARPIR and provides a significant contribution to the character and appearance of the area. Whilst the height of the tree would not be lowered, canopy works involving the lateral reduction of branch formation would take place. Given the high quality of the tree, such crown reduction would be detrimental to its attractiveness and would not be justifiable. It is detailed that the development's encroachment into the tree's RPA is minor in terms of the tree's entire root system and no special foundation design is necessary. The only significant mitigation is no mechanical dig construction. However, the access drive would encroach into the RPA towards the tree trunk and for a tree of this value, it has not been demonstrated that the health and stability would not be adversely affected.
13. There would be a retained protected belt of Oak trees on the northern boundary within the garden of the plot 1 dwelling. These would be close to the rear elevation of this dwelling. The dwelling would cast shadow over the rear garden at midday due to its southern orientation and a substantial area of the garden would be covered by these trees. As a result, there would be significant pressure to fell or lop these trees which contribute to the landscaped character and appearance of the area. Incremental loss of trees or parts of trees within this belt would significantly reduce their group public amenity value.
14. The Council would retain formal control over requests for works to the protected trees. In practice, I consider that it is likely to be difficult to resist such pressure in the long term if the dwelling was to be sited as proposed. It is appreciated that the future occupiers should be aware of the protected trees when deciding to purchase these properties and deciding for themselves whether the presence of them would be a problem. However, circumstances can change, especially when people live in a property, and therefore, this would not guarantee no requests from future occupiers for tree surgery works. Given the dwelling's unsatisfactory relation with the trees, there would be a distinct possibility that such works could be permitted.

15. The adverse impact of the development on the appearance and character of the area would be readily apparent from the public realm. There would be a PROW running through the development as well as an access drive serving the development. Additionally, it would be visible and perceived from the numerous properties surrounding the site. Further landscaping would take place but inevitably any development screening and better visual integration would take some time to establish. Even when established, there is no guarantee that vegetation would remain in perpetuity, as plantings can disappear for any number of reasons, for instance disease, weather or accidental damage. In any case, it would not overcome the significant design failings of the scheme, with regard to the cramped nature of the development and the poor relationships of dwellings with protected trees.
16. For all these reasons, there would be harm to the character and appearance of the area. Accordingly, the proposal would be contrary to policies TD1, NE1 and NE2 of the Waverley Borough Local Plan (LP-Part 1) 2018 and policies D1, D4 and D7 of the Waverley Borough Local Plan (LP) 2002.

Living conditions

17. The dwelling and its garden at 2 The Paddock are situated at a lower level than the appeal site. The proposed dwelling on plot 3 would back onto this neighbouring property and would have a rear elevation measuring approximately 11.4m at two storey level.
18. The new dwelling would be a reasonable distance from the neighbouring dwelling itself. However, it would dominate a rear garden area behind the neighbouring dwelling by reason of its size, proximity and higher ground position. The garden of 2 The Paddock is spacious but the size of the proposed dwelling, taking into account its width, height up to eaves and overall roof height, would present a substantial walled and roofed elevation. As a result, it would be overbearing and unneighbourly in a significant way to the neighbours when using their garden.
19. In conclusion, there would be harm to the living conditions of the occupants of a neighbouring property, having regard to outlook. Accordingly, the proposal would conflict with policy D4 of the LP.

Planning balance

20. The proposal would boost housing supply through the addition of five dwellings on a windfall site. Under the National Planning Policy Framework (the Framework), great weight should be given to the benefits of using suitable sites within existing settlements for homes. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out quickly. There is a dispute between parties as to whether the Council has a 5 year housing land supply (5YHLS). The appellant has indicated 4.5 based on recent appeal decisions and that in the past ten years, the Council has failed to achieve the number of completions required by its LP.
21. There would be economic benefits for construction businesses from the development and local businesses from the new residents spending. Residents would be within walking distance of services and facilities, including shop, school and bus stops. There would be improvements made to the PROW

across the site through a monetary contribution to the County Council. The dwellings would be sustainably constructed and used. The development would utilise parts of the gardens of existing dwellings which are not regularly used by occupiers. As such it would make more efficient and effective use of the land for development. The internal space standards of the dwellings would exceed national minimum space standards.

22. However, the Framework also states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It indicates design is a key aspect of sustainable development. The development would not be visually attractive or sympathetic to local character. Such harm would be significant, permanent and long-term. The development would also harm the living conditions of the occupiers of a neighbouring property in a significant way. Therefore, even if I applied the Framework's tilted balance test taking into account the appellant's housing supply evidence, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and the presumption in favour of sustainable development would not apply.
23. Turning to the development plan, the development would harm the character and appearance of the area and the living conditions of the occupiers of a neighbouring property in conflict with development plan policies. The proposal would contribute to meeting housing requirements under the development plan and be in accordance with its strategy for directing growth under its settlement hierarchy. However, the harms identified would be significant and overriding. Consequently, the proposal would not accord with the development plan. Material considerations would not be of sufficient weight or importance to determine that the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused.

Conclusion

24. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR