



Appeal Decision

Site visit made on 13 October 2020

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2020

Appeal Ref: APP/R3650/W/20/3250053

Land adjacent to 12 Twycross Road, Godalming, GU7 2HH

- 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 Robert Peacock against the decision of Waverley Borough Council.
 - The application Ref WA/2019/1494, dated 2 September 2019, was refused by notice dated 5 November 2019.
 - The development proposed is Erection of dwellinghouse and vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, including its effect on trees;
 - The effect of the proposal on the safety and convenience of users of the adjacent highway.

Reasons

Character and appearance

3. The appeal site concerns an area of land which formerly formed part of the rear garden of 12 Twycross Road. The appeal site has a frontage onto Charterhouse Road and is adjacent to other residential gardens. This side of Charterhouse Road in the vicinity of the appeal site is characterised by retaining walls and other boundary treatments, with trees and other vegetation within the gardens beyond, resulting in the area having a green and verdant character.
4. The proposal is for a two storey dwelling, with associated access and parking. The appeal site slopes up steeply from Charterhouse Road and the proposed dwelling would be sited adjacent to the rear boundary of the site, with the proposed parking spaces and access positioned directly to the front of the dwelling. Due to the topography of the site, extensive excavation into the embankment would be required to accommodate the dwelling and the access and parking spaces. An oak tree which is located towards the front boundary of the site and two trees which are set on higher land above the road within a neighbouring garden, are protected by a Tree Preservation Order.

5. The appeal site is heavily constrained by its topography and trees on or adjacent to the site. The proposed dwelling would be positioned close to the rear boundary of the site with a small patio area to the side. Other than the patio and a relatively small area immediately adjacent to the dwelling, the remainder of the site would be difficult to utilise due to the steep gradient. The Council state that the overall amount of amenity space is too small for a four bedroom house. Whilst the usable part of the garden area is limited by its gradient, in the absence of any specific policy or supplementary planning guidance setting out space standards, I do not consider that the amount of space provided overall would be insufficient. There would therefore be no conflict with Policy TD1 of the Waverley Local Plan Part 1 (2018) (LP Part 1) or Policies D4 or H10 of the Waverley Borough Local Plan 2002 (LP) with regard to outdoor space. Notwithstanding this, the dwelling would appear highly constrained within its plot, this is accentuated by its positioning adjacent to the rear boundary. Furthermore, the parking spaces, retaining walls and the steps up to the dwelling would further result in the development appearing cramped due to the site's constraints. In addition, no turning space is provided on site which further emphasises the restricted developable area.
6. The proposed dwelling, with its associated access and parking, would introduce development into an area characterised by the long gardens of existing residential dwellings. The adjacent dwellings are well set back from Charterhouse Road and are accessed from either Twycross Road or Sellars Hill. The appellant points out that there is an existing access point serving four dwellings on the same side of Charterhouse Road, approximately 200m to the south east of the site. Whilst I acknowledge that this is the case, these dwellings are located beyond the railway bridge over Charterhouse Road and are not viewed in the same context as the appeal site.
7. Whilst the dwelling would be sited towards the rear boundary of the site, it would be much closer to Charterhouse Road than neighbouring dwellings. Given its two storey height and its positioning on higher land the dwelling would be apparent in the street scene and would be at odds with the existing pattern of development in the area. Furthermore, the visual impact of the proposal would be compounded by the creation of the access and parking spaces and turntable, which would require extensive excavation and retaining walls which I find would be visually prominent and harmful to the character and appearance of the area.
8. The Council has also raised concerns regarding the effect of the proposal on trees subject to a Tree Preservation Order. These are a mature oak within the site close to Charterhouse Road and a sycamore and maple which are off-site but are close to the appeal site boundary. The Council's refusal reasons relate to the impact of building and engineering works upon their principal rooting areas and thus future health, and secondly, in terms pressure to lop or fell the mature oak tree due to its juxtaposition with the development.
9. The trees concerned are all clearly visible from Charterhouse Road and are of high public amenity value and as such make a positive contribution to the character and appearance of the area. The root protection areas (RPAs) of these trees have been the subject of discussion between the appellant's and Council's tree specialists. I note that the Council's tree specialist confirms that the RPA's shown on the tree constraints plan produced by Land Arb Solutions are plotted as a reasonable interpretation of the industry standard.

10. The proposed development would be outside of the defined RPAs of the protected trees. Whilst I appreciate the Council's concerns regarding the proximity of the development to the trees and potential practical difficulties in constructing the development having regard to the need for protective fencing etc, in the event that I was minded to allow the appeal, matters relating to construction methods and management could be adequately dealt with by conditions.
11. The mature oak tree is located to the south west of the proposed dwelling. The appeal is accompanied by a sunlight and daylight assessment which considers the effect of this oak tree as well as trees on the opposite side of Charterhouse Road, on internal and external areas of the development. The report concludes that the scheme meets BRE guidance levels for daylight and sunlight both in terms of the internal and external environment. Whilst there may still be pressure from future residents to lop or fell the tree due to its proximity to the dwelling, the tree is protected by a Tree Preservation Order and the Council's consent would be required. I am therefore not persuaded that the future pressure to lop or fell the tree would be so great such that permission should be refused for this reason. I therefore conclude that the proposal would not be contrary to Policies NE1 and NE2 of the LP Part 1 which seek, where appropriate to maintain and enhance existing trees and biodiversity in the Borough.
12. In conclusion on this issue, whilst I find that the proposal would not be harmful to the character and appearance of the area in terms of its effect on trees, the proposal would have a harmful effect on the character and appearance of the area due to its siting and built form. The proposal would therefore be contrary to Policy TD1 the LP Part 1 and Policies D1 and D4 of the LP which collectively require that development is of a high quality and protects the character, and amenity of the Borough and its environment.

Highway safety

13. The appeal site fronts onto Charterhouse Road, classified as the C23. The Council's main concerns with regard to highway matters relate to the level of parking provision and the reliance of a turntable for vehicles to turn on site to enable vehicles to exit the site in forward gear.
14. Surrey County Council, in its role as Highway Authority, state that the use of a turntable in this situation would not be acceptable to the Highway Authority. The main thrust of the concern is that the turntable may not be properly maintained which could lead to malfunction and in turn result in vehicles either reversing in from or on to Charterhouse Road, a classified road (C23). This could unnecessarily interrupt the free flow of traffic on the highway, with the added danger that a driver could reverse out of the site into the path of an oncoming vehicle or cyclist, thereby potentially leading to an accident.
15. I have had regard to the appellant's Appeal Statement Regarding Transport Matters and to the example given elsewhere in Surrey, where an appeal Inspector found a turntable to be an acceptable solution for on-site turning. Whilst I acknowledge that in some situations a turntable may provide an adequate solution, I consider that a condition requiring details of maintenance of the turntable would, in practice, be difficult for the Local Planning Authority to monitor and enforce. I also acknowledge that even if turning space was provided within the site, there would be nothing to stop the householder or

- visitors parking in the turning head. However, if the turntable were to malfunction, there would be no option other than to reverse in, or on to the highway. Given the tandem parking arrangement, this could lead to considerable vehicular movements. This leads me to conclude that the proposal could cause danger and inconvenience to pedestrians and other highway users and interfere with the free flow of traffic on the adjoining highway. This would be contrary to advice contained within Chapter 9 of the National Planning Policy Framework and the Surrey Transport Plan 2011-2026 (December 2016).
16. Two parking spaces are proposed within the site layout, laid out in tandem. Policy GOD6 of the Godalming & Farncombe Neighbourhood Plan (April 2019) (NP) requires that development proposals provide adequate and suitable off-street parking. For 3+ bedroom dwellings, outside of Godalming town centre, the policy requires a provision of 2.5 spaces per dwelling. This level of parking provision reflects the standards set out in the Waverley Borough Council's Parking Guidelines (2013). Whilst I note that Surrey County Council's guidance 'Vehicular and Cycle Parking Guidance' (2018) sets a standard of 2+ spaces for a 4+ bed house, I attach greater weight to Policy GOD6 of the 'made' NP as it forms part of the development plan. The shortfall in parking provision further adds to my concerns regarding highway safety as this could potentially lead to parking on the highway to the detriment of highway safety and inconvenience for users of the highway.
17. In conclusion, I find that the proposal would have a harmful effect on the safety and convenience of users of the adjacent highway, contrary to Policy GOD6 of the NP, the National Planning Policy Framework insofar as it relates to highway safety and the Surrey Transport Plan 2011-2026 (December 2016). Whilst the Council refer to Policy ST1 of the Waverley Borough Council Local Plan I have not been provided with a copy of this policy and therefore cannot have regard to it.

Conclusion

18. The harm that would be caused to the character and appearance of the area and to highway safety leads me to conclude that the proposal would conflict with the development plan as a whole. There are no material considerations of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan.
19. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR