The Planning Inspectorate

Appeal Decision

Site visit made on 5 November 2020

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020.

Appeal Ref: APP/R3650/D/20/3248202
The Cherries, Barton Road, Bramley, Guildford, GF5 0EB

- 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 Ms Luxmi Selvarajah & Mr Steve Gentle against the decision of Waverley Borough Council.
- The application Ref WA/2019/1860, dated 30 October 2019, was refused by notice dated 19 December 2019.
- The development proposed is the erection of a garage in the front garden.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a garage in the front garden at The Cherries, Barton Road, Bramley, Guildford, GF5 0EB in accordance with the terms of the application, Ref WA/2019/1860, dated 30 October 2019, subject to the following conditions:

    1. The development hereby permitted shall begin not later than three years from the date of this decision.

    2. The development hereby permitted shall be carried out in accordance with the following approved plans: 034 - 001; 002; 500; 505 & 510.

    3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building

Main Issue

2. The main issue is the effect of the proposal on living conditions for neighbours.

Reasons

Living conditions

3. The appeal site has a detached dwelling with a relatively generous rectangular front garden area. It lies in a quiet cul de sac which has a range of properties of varied front building line and often informal angular relationships to each other. The garage proposed would be a single, detached, and pitched roof.

4. The Council is concerned that the depth and siting of the proposed garage would result in daylight loss to abutting neighbours in the dwelling called The Swallows.

5. The garage would be close to the front side boundary of the appeal site and the position of The Swallows is such that it would feature within a 45 degree zone

from a habitable room's front facing window of this property. However there are a number of factors which mitigate this algebraic imposition. The window looks down a generous front garden and thus has significant outlook within its own site. It is north facing and sunlight imposition from the east would be very minimal. There is an existing fencing and hedging boundary of some height and the planned eaves would be only modestly above the fence line. The pitched roof is set such that it would rise away from the boundary. Furthermore there is a pattern of front garden garage development found on this side of the street and buildings within 45 degree zones are not an unusual sight for this irregularly developed neighbourhood. All told once developed I am satisfied that the garage would be relatively innocuous and any loss of daylight, which would at most be slight, would not be of a scale such that the scheme should be refused planning permission.

6. Policy TD1 of the Waverley Borough Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Local Plan 2002 seek, amongst other matters, to protect the amenities of neighbours from harm. I conclude that this scheme would not run contrary to these policies.

7. The Residential Extensions Supplementary Planning Document (SPD) includes the same objective as the policies and provides more detailed layout guidance. I am satisfied that a key objective of protecting residential amenity which is embodied in the SPD would not be conflicted by the appeal proposal and the SPD cannot be expected to pre-determine or foresee the detail of every scheme or eventuality.

Other matters

8. I am satisfied as to the merits of the appeal proposal as it stands. However I do note that the Appellants and neighbours have been in positive dialogue over a possible revision which could lead to some reduction in length and height. Such a scheme is not formally before me as I have to make a determination on the original application. It would however be open to the Appellants to seek an amendment to the scheme I shall approve via an application to the Council. It would then consider the merits of a smaller building.

9. The site lies within the Green Belt within the settlement of Bramley. I would agree with the Council's analysis of this matter within the Planning Officer's Report. Given all the circumstances of this specific case the proposal would not conflict with Green Belt planning policy as set out locally and nationally and I need not consider this matter any further.

Conditions

10. The Council reasonably suggests the standard commencement condition along with a condition that works are to be carried out in accordance with listed, approved, plans as this provides certainty. Unfinished ground works were underway around the time of my visit and it is important that the garage is not set too high relative to neighbouring levels. Drawing No 034.500 helpfully sets out heights of planned eaves and ridge relative to neighbouring ground level. I would underline that compliance with these dimensions is a part of according with the listed approved plans. The suggested condition requiring the use of matching materials is also appropriate in the interests of visual amenity. Given positioning, the detail on the approved plans which include windows, and the nature of this garage building, I see no need for a specific 'no additional side windows' type condition as suggested by the Council.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on living conditions for neighbours. Accordingly the appeal is allowed.

D Cramond

INSPECTOR