



Appeal Decision

Site visit made on 18 May 2021

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2021

Appeal Ref: APP/R3650/W/21/3267946

Land to the r/o Kingswood, Hookley Lane, Elstead, Surrey GU8 6JD

- 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 Brian Bond against the decision of Waverley Borough Council.
 - The application Ref WA/2020/1816, dated 3 November 2020, was refused by notice dated 11 January 2021.
 - The development proposed is new detached bungalow with attached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Amended plans were submitted in support of the appeal, which did not form part of the original planning application. However, as detailed within the Planning Inspectorate's Procedural Guide, the appeal process should not be used as a means to progress alternatives to proposals which have been refused. Having regard to the Wheatcroft principles¹, I consider that, in the interests of fairness, this appeal ought to be determined on the basis of the plans submitted to the Council, which have been subject to consultation and upon which it based its decision. For these reasons, my findings shall therefore relate to the appeal scheme as determined by the Council.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, and on the landscape and scenic beauty of the Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value.

Reasons

4. The appeal site is located within the Surrey Hills Area of Outstanding Natural Beauty (AONB), which is also designated as an Area of Great Landscape Value (AGLV). It lies within a village setting predominantly characterised by residential dwellings of varying types and sizes which follow a strong linear pattern of development along the main road, as well as agricultural buildings. This, together with the mature trees and hedges and surrounding fields, give the area a pleasant semi-rural character.
5. The site presently forms part of the garden area of the property known as Kingswood, which sits within spacious and landscaped grounds. The appeal

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

scheme seeks to sever part of the existing site and build an additional dwelling in the south-western corner of the plot, in what currently constitutes an undeveloped garden area. However, such a proposal would introduce a sizable built form, which would detract from the prevailing grain and layout of development along Hookley Lane and erode the openness and spaciousness of this area of rural character.

6. The appeal scheme can only be described as backland development, and would therefore not constitute infill development in the commonly accepted sense of the term, by reason of its siting in the rear garden of the existing property. In that regard, my attention has been drawn to a number of residential properties on the opposite side of Hookley Lane, which are described as backland developments. However, I do not have the full details of the circumstances which led to the construction of these developments and cannot therefore be certain that they represent a direct parallel to the proposal before me, thus limiting the weight afforded to this consideration.
7. The size of the new plot would be comparable to other properties along the Hookley Lane frontage. It is also accepted that the new dwelling would be set back from the road frontage and would therefore not be widely prominent within the public realm. Nevertheless, it would remain visible within the street scene from the vehicular access leading to the site, at times when the gates would be open, thus revealing this discordant feature.
8. Whilst the existing boundary foliage is proposed to be retained where possible, an important part of the vegetation would have to be removed to enable the construction of the development and extend the vehicular access serving the proposed dwelling, in addition to the trees which have already been felled. Additional shrub planting is proposed to be introduced as part of the proposal, but having regard to the available evidence, it is unlikely that this would provide an effective form of screening to mitigate the identified harm.
9. Cumulatively, these elements would diminish the contribution made by the appeal site to the verdant character of the area and lead to an urbanisation of the plot. This would be exemplified further by the suburban design approach of the proposed dwelling, which would fail to reflect the area's local vernacular, and the creation of a large hardstanding area to provide adequate parking and turning. Such matters could not, in my opinion, be satisfactorily addressed by the imposition of conditions.
10. For the foregoing reasons, the appeal scheme would unacceptably harm the rural character and appearance of the area and would therefore conflict with Policy TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites² (LPP1) and retained Policies D1, D4 and RD1 of the Waverley Borough Local Plan 2002 (2002 LP). These notably seek to ensure that proposals do not harm the visual character and distinctiveness of the locality, particularly in respect of the design and scale of the development and its relationship to its surroundings.
11. Despite the harm which the proposal would cause to local character, the fact that it lies within the envelope of the village leads me to conclude that the landscape or scenic beauty of the Surrey Hill AONB and AGLV would not be adversely affected. Accordingly, I find no conflict with Policy RE3 of the LPP1,

² February 2018.

which requires development proposals to respect and where appropriate, enhance the distinctive character of the landscape in which it is located.

Planning Balance

12. There is no dispute between the main parties that the Council is presently unable to demonstrate a five-year supply of deliverable housing sites, although the extent of the shortfall is not clearly established. Notwithstanding this, paragraph 11d) of the National Planning Policy Framework (the Framework) advises that in such circumstances, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
13. As detailed within the Framework³, due weight should be given to policies in existing plans, according to their degree of consistency with the Framework. Whether a policy becomes out-of-date is therefore a matter of pure planning judgment. To do so, the Courts have confirmed that the policies from the development plan which constitute those most important for determining the application have to be identified.
14. In this instance, the policies which are most important for determining the application are Policies SP1, TD1 and RE3 of the LPP1, and Saved Policies D1, D4 and RD1 of the 2002 LP. These policies are considered to be in general conformity with the Framework, in seeking to focus development in the most sustainable and accessible parts of the Borough. They also require development proposals to be of a high design quality, protect the character and amenity of the area, and response the distinctive landscape character of the locality. Accordingly, I find that the basket of the most important policies for the determination of the scheme before me, taken as a whole, is not out-of-date, and the proposal does not therefore benefit from the presumption in favour of sustainable development.
15. The proposed development would make a contribution towards housing supply and choice, and support the local economy to some degree. These considerations are afforded some weight. However, as detailed above, the appeal scheme would also cause unacceptable harm to the character and appearance of the locality, to which I ascribe significant weight. Accordingly, I find that the benefits associated with the proposal would not outweigh the identified harm, and there are no considerations which indicate that the appeal should be determined, other than in accordance with the development plan.

Conclusion

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

S Edwards

INSPECTOR

³ Paragraph 213.