



Appeal Decision

Site Visit made on 26 August 2021

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/R3650/W/21/3267807

123 Binscombe, Godalming, Surrey GU7 3QL

- 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 Simon Mariner against the decision of Waverley Borough Council.
 - The application Ref WA/2020/1207, dated 21 July 2020, was refused by notice dated 26 October 2020.
 - The development proposed is demolition of existing bungalow and erection of a replacement dwelling.
-

Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing bungalow and erection of a replacement dwelling at 123 Binscombe, Godalming, Surrey GU7 3QL in accordance with the terms of the application, Ref WA/2020/1207, dated 21 July 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in July 2021. Whilst appeal submissions have referred to the 2019 version of the Framework, I have noted changes made to the content and paragraph numbers in preparing this Decision.
3. At the time of my site visit, the former bungalow at the site had been demolished and work was underway on the construction of a replacement dwelling relating to the approval of a subsequent revised application for a replacement dwelling (ref. WA/2020/1823).

Main Issue

4. The main issue is the effect of the proposal on the living conditions of occupiers of 121 Binscombe in respect to loss of light.

Reasons

5. The appeal site has a rectangular plot and forms part of a continuous line of dwellings on the south-western side of Binscombe. Land levels rise to the rear of the site. The Binscombe Conservation Area covers land to the north-west of the site on both sides of the road, including a pair of listed buildings at 125-127 Binscombe. Its south-eastern boundary bisects the appeal site. The proposed dwelling would be similarly sited to the former bungalow in relation to the adjacent dwelling to the south-east at 121 Binscombe but would be higher.

6. There is a double aspect living room at no.121 close to the appeal site's boundary. This room has its main aspect to the rear with wide full depth folding doors providing an outlook across the dwelling's own back garden enabling entry of natural lighting from a south-westerly direction. There is a smaller secondary window to the living room in the north-western flank wall. This faces a boundary fence about 2m high on the boundary with the appeal site at a distance of about 1m. Outlook and natural lighting are therefore much more restricted from this side window.
7. The proposal was supported by a Rights of Light Study which indicated that the development would result in a 5.59% reduction in the room receiving sufficient levels of light from 95.17% to 89.58%; this is substantially above the 55% generally regarded as satisfactory. A Daylight and Sunlight Report on the impact on no.121 was submitted with the appeal. This followed three methods for calculating daylight levels: 1. Vertical Sky Component (VSC), 2. No Sky Line (NSL), and 3. Average Daylight Factor (ADF). The results for all three calculations greatly exceed the minimum values set by the British Research Establishment (BRE) confirming no material loss of light.
8. Having regard to the secondary nature of the affected window at no.121 and the technical evidence submitted, there would not be a significant adverse effect on the living conditions of occupiers of that property arising from the proposal. As such there would not be conflict with Policy TD1 of the Waverley Borough Local Plan Part 1 Strategic Policies and Sites (2018) that seeks to improve the quality of life and health and well-being of current and future occupiers. Nor would there be conflict with Saved Policies D1 and D4 of the Local Plan (2002) which states that the design and layout of development should not result in a loss of general amenity, including material loss of natural light and privacy enjoyed by neighbours. The Council's Residential Extension SPD has limited relevance to the proposal for a new dwelling but in relation to daylight comments, *"If the side window is a secondary window or one to a non-habitable room, then the loss of light will be less important"*. There would be no material conflict with the SPD.

Other Matters

9. Due to the height and depth of the proposed dwelling, there would be some loss of morning sunlight to the dwelling to the north-west at 125 Binscombe. However, given the overall separation there would not be a material adverse effect on living conditions for occupiers of this dwelling.
10. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering applications which affect Listed Buildings that special regard is paid to the desirability of preserving the building or its setting. The proposal would provide a greater separation to the listed timber framed houses at 125-127 Binscombe than the former bungalow with the closest section being only single storey. It would be a higher building but would nonetheless preserve the special interest and setting of the listed buildings.
11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering applications within a Conservation Area that special regard is paid to the desirability of preserving or enhancing the character and appearance of the area. Surrounding buildings within and outside the Conservation Area are of varied design and size. The proposal would not be unduly large and would not harm the significance of the Conservation Area.

This relates largely to the former agricultural nature of many its buildings. The proposal would preserve the character and appearance of the Conservation Area.

12. The replacement house would be some 4m higher than the former bungalow with a dominant gable front. However, it would not be incongruous in relation to the mixed scale and form of dwellings nearby which include prominent roof forms with asymmetric slopes.

Conditions

13. Although work is currently underway on an alternative replacement dwelling subsequently approved, I have included the statutory condition requiring commencement of development within 3 years as details of differences in the siting of the dwellings have not been specified. A condition listing the plan numbers is included in the interests of certainty. Conditions are necessary to safeguard the privacy of adjoining occupiers in relation to screening for the proposed rear balcony and in relation to the form of side windows. A condition is appropriate to require implementation in accordance with specified materials to ensure a satisfactory appearance to the development. In the interests of sustainability, I have included the Council's suggested condition on water usage. However, I have excluded several of the suggested conditions relating to demolition works respecting ecological concerns as demolition has clearly already taken place. I have instead included a condition enabling the Council to approve landscape measures and ecological controls considered necessary prior to first occupation of the dwelling.

Conclusion

14. The proposal would not result in an adverse effect on the living conditions of occupiers of 121 Binscombe in respect to loss of light. For the reasons given above I conclude that the appeal should be allowed.

Rory MacLeod

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BA075_03_000, BA075_03_001, BA075_03_002 Rev C, BA075_03_003 Rev A and BA075_03_005.
- 3) Prior to the first occupation of the dwelling the proposed balcony shall be screened on the south-eastern and north-western elevations to a level of 1.7m from the finished floor level of the balcony in accordance with plan no. BA075_03_003 Rev A. The screening shall be obscure glazed to the extent that intervisibility is precluded and shall be retained in perpetuity.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or other openings other than those expressly

authorised by this permission shall be constructed on the south-eastern or north-western elevations of the roof to the proposed dwelling.

- 5) The roof windows shown in the south-eastern and north-western roof slopes shall be constructed at a minimum height of 1.7m from the internal finished floor level and shall be retained at not below this height in perpetuity.
- 6) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. BA075_03_003 Rev A.
- 7) The dwelling shall be completed to meet the requirement of 110 litres of water per person per day.
- 8) Before the development is first occupied a schedule of landscape measures and external lighting to be maintained for a period of 5 years shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.