



Appeal Decision

Site Visit made on 28 September 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2021

Appeal Ref: APP/R3650/W/21/3268159

Six Oaks, Guildford Road, Cranleigh GU6 8PP

- 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 and Mrs Grundy against the decision of Waverley Borough Council.
 - The application Ref WA/2020/1437, dated 28 August 2020, was refused by notice dated 10 December 2020.
 - The development proposed is a change of use and works to convert outbuilding to 1 no. 2 bed dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use and works to convert outbuilding to 1 no. 2 bed dwelling at Six Oaks, Guildford Road, Cranleigh GU6 8PP in accordance with the terms of the application, Ref WA/2020/1437, dated 28 August 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. An amended Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal.
3. The appellants have submitted an amended internal layout as part of the appeal, omitting the proposed lower level from the proposal. This is to overcome one element within the overall reason for refusal. The Council has had sight of the amendment and has acknowledged that whilst it would remove part of their concerns regarding damage to tree roots, it would not overcome their concerns regarding the long-term retention of a protected tree. The amendment does not fundamentally change the nature of the development or the Council's overall concerns. I have amended the description to reflect the fact that the dwelling would now provide two, rather than three, bedrooms but I am satisfied that basing my decision on the amended scheme would not prejudice any interested parties and accordingly I have taken it into account.
4. The appeal building is located within the Green Belt. The Council raises no objections to the effect of the proposal on the Green Belt. Based on the evidence before me, including my own observations, I find no reason to conclude otherwise.

¹ National Planning Policy Framework (2021)

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area, including its effect on a protected tree.

Reasons

6. The building to be converted is a single storey breeze block building, partially clad in timber with a pitched roof. A mature oak tree, which is subject to a Tree Preservation Order (TPO), is located to the north of the building. The area is characterised by detached dwellings of varied design and size, set within substantial plots. Together with trees and other foliage to the fronts of these properties, and the protected tree forming a prominent backdrop, the area has a verdant and spacious character.
7. There are proposed openings to the building's front elevation, to serve a bedroom and a study; and two sizable, full height, glazed openings on the north elevation, serving the proposed kitchen and dining areas.
8. The bedroom window would be the closest opening to the protected tree. Notwithstanding this, it is to the south of the tree and faces directly east, so would benefit from sunlight during the early part of the day. The window is also well sized in relation to the bedroom. The study window is smaller but serves a smaller room. It would similarly face eastwards and is set further away from the tree, so would also receive sunlight during the early part of the day. The openings on the north elevation would be located centrally such that the one serving the dining area would be just over midway along the elevation and thus a considerable distance from the tree. The kitchen area would be directly supplemented by a rooflight.
9. Even allowing for future growth of the tree, which might overhang part of the building, I am satisfied that the proposed openings would each be of a size and position such that they would continue to offer sufficient light to the rooms that they would serve. Given my reasoning above, I find that the building's internal arrangement and design would be unlikely to lead to pressure for the tree's lopping or felling.
10. The Officer Report acknowledges that the proposed dwelling would be provided with 'ample' garden area. Given the extensive areas available for future occupants to use, the area immediately to the north of the building is unlikely to be used as the main garden area. Indeed, the proposed means of enclosure and pedestrian entrance which would separate this area from the front garden, suggests it would act as more of a route through to the stables and garden areas beyond. The front garden area immediately under the tree would be more likely to be directly affected by any future tree growth. However, given the other areas of garden that would be available to future occupiers, and the siting of the car parking away from the tree, this would be unlikely to result in significant pressure for the lopping or felling of the tree.
11. The proposal would not prevent future maintenance of the tree from taking place as and when required. Between such times there will be growth of the tree. However, given its stated health, the recent works to the tree and the removal of the subterranean element from the scheme, there is no substantive evidence to suggest that there would be any safety concerns leading to the tree's loss. Overall, I find that the tree would not have an effect on future

occupiers living conditions such that it would create consequential pressure for the tree's lopping or removal.

12. I therefore find that as the proposal would not result in undue pressure for the tree's lopping or felling it would not have a harmful effect on the character and appearance of the area. Accordingly, the proposal would accord with Policy NE2 of the Local Plan² and Policies D6 and D7 of the retained Local Plan³, which amongst other things, seek to ensure that important and protected trees are not lost and can be adequately protected during construction.

Other Matters

13. In coming to my decision, I have not placed any reliance on the Council having to use TPO legislation to make the proposal acceptable.

Conditions

14. In addition to the standard time limit condition, a condition is required in the interests of certainty that lists the approved plans. Given my observations in relation to the size and positioning of the openings it is also important to ensure that these are provided prior to occupation as a dwelling and are retained. The application submission identifies the external materials to be used on the walls as cedar cladding but there are no details regarding the colour or exact profile of the roof. A condition requiring such details to be submitted is necessary in order to ensure the building does not harm the character and appearance of the area.
15. The turning and car parking area needs to be secured by condition, to ensure these facilities are provided in the interests of highway safety. Similarly, the installation of car charging facilities would accord with the Council's sustainable transport policies. Conditions securing reduced water consumption and the provision of high-quality broadband are also necessary to comply with Policy CC2 of the Local Plan.
16. A condition to protect the retained trees on site from being damaged during the building works, for example through the use or storage of equipment, machinery or material is necessary. The condition needs to be pre-commencement to ensure that suitable protection measures are in place before any work commences.
17. The Council has suggested a condition requiring the development to proceed in accordance with the recommendations set out in the ecological survey that accompanied the application. The Council also specifically identify measures in relation to bats, reptiles and amphibians. Given that there is other legislation which would cover most of the ecological survey's recommendations and that it found no substantive evidence of any protected species or species of particular note on the site, the condition as proposed would not be necessary. However, given the site's semi-rural context, a condition to provide bat/bird boxes and a control on external lighting are necessary to ensure that biodiversity is conserved and enhanced.

² Waverley Borough Council Local Plan Part 1: Strategic Policies and Sites (2018)

³ Waverley Borough Council Local Plan 2002

Conclusion

18. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Stewart Glassar

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:
Location Plan - September 2019
Site/Block Plan – 2019/BROOK/01C
Proposed Plans – 2019/BROOK/03C
Proposed Elevations – 2019/BROOK/04B
- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) in accordance with paragraph 5.5 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]
- 4) Prior to the replacement of the roof, details of the materials to be used for the new roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 5) The dwelling shall not be occupied until all the openings shown on the east and north elevations have been installed and they shall be retained as such thereafter.
- 6) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 2019/BROOK/01C for two cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 7) The dwelling shall not be occupied until a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 8) The dwelling shall not be occupied until details confirming that the dwelling has been completed to meet the requirement of 110 litres of water per person per day have been submitted to and approved in writing by the Local Planning Authority.
- 9) The dwelling shall not be occupied until a scheme providing bird and bat boxes on the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 10) The dwelling shall not be occupied until the highest available speed broadband infrastructure has been installed and made available for use.

- 11) No external lighting shall be introduced on the site unless and until details have first been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be implemented in accordance with the approved details and shall be retained as such thereafter.