



Appeal Decision

Site visit made on 30 November 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 December 2021

Appeal Ref: APP/M1710/W/21/3275675

Farthings, Jubilee Lane, Grayshott, HINDHEAD, GU26 6HQ

- 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 T Brown against the decision of East Hampshire District Council.
 - The application Ref 49946/001, dated 20 August 2020, was refused by notice dated 23 April 2021.
 - The development proposed is demolition of existing garage and erection of new dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr T Brown against East Hampshire District Council. The application is the subject of a separate decision.

Preliminary Matters

3. On 20 July 2021, during the appeal process, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.

Main Issues

4. The effect of the proposal on:
 - a) The living conditions of the occupiers of the existing dwelling, No. 11 Jubilee Lane and No. 1b Grayshott Terrace, with particular regard to outlook, privacy and daylight, and
 - b) The character and appearance of the area, including the Grayshott Conservation Area.

Reasons

Living conditions

5. The rear of the proposed dwelling would be very close to the southern end of No. 1b Grayshott Terrace. Although it would not result in any overlooking, the proposed dwelling would stand to the west of this neighbour, and thus would have a significant impact on daylight and direct sunlight reaching this dwelling

in the late afternoon. Although this impact would only be for part of the day it would affect the principal outlook of this modest single storey dwelling, which appears to be in a northwesterly direction. The dwelling has a small area of garden to the side and rear, over which the proposed dwelling would cast a significant shadow during the latter part of the day. This adverse impact would be exacerbated by its very close siting relative to this neighbour, and the overbearing impact it would have on the outlook from this dwelling and the garden area.

6. The proposed dwelling would be much more substantial than the existing garage, and significantly higher. It would also be much higher than the existing boundary vegetation.
7. Openings facing out from Farthings towards the proposed dwelling would be relocated, to mitigate against what would otherwise be an overbearing relationship. Noise and disturbance to this dwelling arising from the parking area that would serve the proposed dwelling would be modest. It would be no more significant than the impact of existing vehicles moving up and down the lane or parking in front of the dwellings on the opposite side of the lane.
8. A first floor window would face out from the proposed dwelling towards the neighbour opposite, No. 11 Jubilee Lane. Although this would be a reasonably close relationship, I am satisfied that it would be acceptable as the dwelling would be offset slightly and would face across an area of public realm where a degree of overlooking is to be expected. Furthermore, the proposed window would be narrow, which would restrict the ability of future occupiers to look out towards the dwellings opposite.
9. In summary, although I have found that the proposal would not harm the living conditions of the occupiers of Farthings or No. 11 Jubilee Lane, I have found that it would have a significant adverse impact on the living conditions of the occupiers of No. 1b Grayshott Terrace. It would thus be contrary to Policies CP27 and CP29 of the East Hampshire District Local Plan: Joint Core Strategy 2014 (JCS), insofar as they seek to ensure that the layout and design of proposals are appropriate and sympathetic to adjoining buildings and that they do not have an unacceptable effect on the amenity of the occupiers of neighbouring properties.

Character and appearance

10. The appeal property is within the Grayshott Conservation Area (GCA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
11. The GCA covers the core of the late 19th century village, which has developed into a tightly packed commercial area fronting Crossways Road surrounded by lower density residential development. Buildings in the GCA display strong architectural form. They are mainly two storey with many orientated to face the road with prominent gables. Decorative tile hanging to upper floors is common place and is complemented by the use of brick as the main walling material. These characteristics are significant contributors to the character and appearance of the GCA.

12. The appeal site sits just behind the tightly packed commercial core, and fronts a secondary lane. It stands alongside a swathe of dense development, that reflects the spacing of buildings fronting Crossways Road. This includes the dwellings opposite the site and those beyond to the northwest, which can be easily viewed across the open car park to the rear of Edinburgh House, and is quite different to the lower density of development to the south.
13. The proposed dwelling would be sited against the site's side and rear boundaries, leaving space for a small garden and parking area. A large gap would be retained between the building and Pendarvis Court to the northeast. The gap between the proposed dwelling and the existing dwelling would be smaller, however I am not satisfied that it would be so small that the relationship between the buildings would appear cramped. Indeed, the spacing would be greater than the gaps between the pairs of dwellings on the opposite side of the road and those at Ashburnham Mews and Elm Mews.
14. The dwelling would have an appropriately modest form for a small site, with a low eaves and narrow gable fronting the road. This gable would be glimpsed from Crossways Road, where it would be seen to relate well to the strong gable forms of its road fronting buildings. It would also adopt an entirely appropriate material palette with tile hanging over brick.
15. The side facing dormer has a bold contemporary form with a flat roof and a projection that breaks forward of the eaves line. This would add some interest to the building's side elevation and accord with the contemporary design approach. Its position on the side elevation would however ensure that it would not be overly prominent.
16. The small garden of the proposed dwelling would be similar to the garden size of many dwellings nearby. It would be to the side, which would be different to the layout of most dwellings nearby, however it would wholly accord with the arrangement of the existing bungalow which occupies a shallow plot with side gardens. The garden for the proposed dwelling and retained garden for the existing dwelling would be sufficiently sized for the occupants of these dwellings, and both would be well orientated with an open south-westerly aspect.
17. In summary, the proposal would not harm the character or appearance of the area, including the GCA. It would thus accord with the requirements of the LBCA and paragraph 199 of the Framework, which states that great weight should be given to the conservation of heritage assets. It would also accord with Policies CP29 and CP30 of the JCS, paragraph 130 of the Framework and the design guidelines set out within the Grayshott Village Design Statement, insofar as they seek to ensure that development proposals are well designed so that they are visually attractive, contribute to local distinctiveness and conserve and where possible enhance the historic environment.

Other Matters

18. The appeal site is within 5km of the Wealden Heaths Phase II Special Protection Area. The addition of a residential unit within this area could have a significant effect on the internationally important interests and features of this site. I am mindful of the Council's position on this matter, however as I am dismissing the appeal for other reasons, a significant effect cannot occur in any event, and this matter does not therefore need to be considered further.

19. The appellant suggests that all of the Policies of the existing development plan should be considered out of date because the emerging Local Plan 2017-2036 is set to replace them in their entirety. However, a plan should not automatically be regarded as out of date just because the Council is preparing its replacement, and no specific case is made as to why the Policies most important for determining the proposal should be considered out of date. I am therefore not satisfied that paragraph 11 d) of the Framework should be engaged.
20. Paragraph 69 of the Framework establishes that great weight should be given to the benefits of using suitable windfall sites within existing settlements. The site is within an established residential area, however, for the reasons given already related to the proposal's impact on living conditions I cannot agree that it is a suitable site for the development proposed.
21. The proposal would see the existing site used more efficiently in a manner that maintains an area's prevailing character. The site would however not constitute previously developed land (PDL) as it is a residential garden in a built up area and does not therefore meet the definition for PDL set out in the glossary to the Framework.
22. The proposal would make a small contribution to local housing supply and is well located, with good access to services and facilities. These matters weigh in favour of the proposal, however the weight I give to them is limited by the small scale of the proposal, and they are not sufficient to overcome the harm I have identified regarding the significant impact of the proposal on the living conditions of the occupiers of No. 1b Grayshott Terrace.

Conclusion

23. In conclusion, the proposal would conflict with the development plan and there are no other considerations, including the benefit of providing a unit of residential accommodation, that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR