



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 January 2022

Appeal Ref: APP/R3650/W/21/3274429

Land r/o 3 Hampton Terrace, Beacon Hill Road, Hindhead, GU26 6NR

- 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 Alastair Carr of Uplands Property Investments Ltd against the decision of Waverley Borough Council.
 - The application Ref WA/2020/1065, dated 16 June 2020, was refused by notice dated 23 December 2020.
 - The development proposed is erection of a detached house (re-submit with amendments).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, during the appeal process, the Government published its revised National Planning Policy Framework (the Framework). On 12 November 2021, also during the appeal process, the Haslemere Neighbourhood Plan 2013-2032 (HNP) was made; its policies therefore now attract full weight. Both parties have had an opportunity to comment on the revisions to the Framework and the making of the HNP where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.
3. I have taken the site address from the appeal submissions as it is more accurate than the address provided on the application form.

Main Issues

4. The main issues are:
 - a) whether there would be likely to be a significant effect on the internationally important features of the East Hants Special Protection Area (EHSPA) and the Wealdon Heaths I and II Special Protection Areas (WHSPAs), in combination with other plans and projects,
 - b) the effect of the proposal upon parking provision locally,
 - c) the effect of the proposal upon the living conditions of the occupiers of No. 2 Jacaranda Cottages, and
 - d) the effect of the proposal upon the character and appearance of the area.

Reasons

Special Protection Areas

5. The appeal site is within the 5km buffer zones of the EHSPA and the WHSPAs. The information before me in relation to the internationally important features of the sites and their conservation objectives is very limited. However, from previous casework I am aware that the protected sites have internationally important ground nesting bird species.
6. Recreational pressure can result in disturbance affecting the breeding of these birds, which can increase bird mortality and impact migratory journeys and breeding, ultimately leading to a population reduction. People visit the areas for various recreational activities including dog walking. The proposal is for a new dwelling, which would result in a permanent increase in people on the appeal site. This could have a significant adverse effect on the internationally important species at the protected sites because persons residing at the appeal site could access the protected areas for leisure purposes.
7. The Council has suggested that due to the availability of alternative recreational opportunities within the area, which could divert residents from use of the protected sites, the proposal would not have a likely significant effect upon their integrity. Natural England (NE) as the Statutory Nature Conservation Body was consulted by the Council and has made no comments.
8. There is however no information before me to give any certainty to this matter. I have no details of these alternative sites. I do not know how effective they are at providing attractive alternative recreational space or what capacity they have to ensure that in combination effects are taken into account. Neither do I have evidence to suggest that persons residing at the appeal site in the future would choose to visit these alternative sites in preference to the protected sites for recreation. Therefore, it cannot be ascertained that the proposal would not adversely affect the integrity of these designated sites.
9. No reduction or avoidance measures have been put forward by the appellants. There are no alternative solutions before me that would have a lesser effect, or avoid an adverse effect, on the integrity of the sites. Drawing these matters together, I am unable to conclude that the proposal would not, in combination with other developments, adversely affect priority species and habitats within the protected areas. I am aware of no reasons of over-riding public interest that might justify a grant of planning permission as an exception. As such I cannot be confident that the proposal would not adversely affect the integrity of the protected sites, and cannot therefore fulfil the duty placed on me as the competent authority under Regulation 63 of The Conservation of Habitats and Species Regulations 2017. The appeal must therefore fail.
10. In summary, the proposal does not accord with Policy NE1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 (LP 2018) or Policy H12 of the HNP, which together seek to conserve and enhance biodiversity and ensure that unavoidable effects are appropriately mitigated.

Parking provision

11. The proposal does not provide for off road parking. Future occupiers of the proposed dwelling would therefore either need to rely on public transport or other methods for travel, or would need to park somewhere off site.

12. Some services and facilities exist close to the site along Beacon Hill Road. However, these are limited, and future occupiers are likely to need to travel further to access a wider range of services and facilities to meet their everyday needs. Information relating to public transport provision associated with the site is limited. The Council suggests that local bus services are basic and do not operate in the evenings or on Sundays. In his appeal submissions the appellant refers to the Transport Note submitted with a previous proposal. This provides no information that could counter this claim. Therefore, on the basis of the information before me, I cannot be confident that local bus services would be sufficient to provide future occupiers with access to day to day services.
13. The proposal is for a two bedroom dwelling. Taking into account the evidence before me that suggests that car ownership in the Borough is higher than in Surrey generally, and the potential for the dwelling to be occupied by a small family, I consider it more likely that future occupants would be reliant on a private car when compared with the previous proposal, which was for four small one bedroom flats¹. Future occupants would need to find space to park a car locally. Parking is available in Beacon Hill Car Park to the rear of the site, and some on road parking is available nearby.
14. At the time of my site visit, which was midday on a weekday, Beacon Hill Car Park was almost completely full. This is different to the observations of the Inspector who determined the previous appeal, and the findings set out in the Transport Note. The Council refers to a recent increase in the number of dwellings that are served by this car park. I am also mindful of the changing patterns of work both during and following the Covid-19 Pandemic, which has seen a greater number of people working from home and is likely to have some longer term impacts on working practices. Both matters would increase parking pressure locally and would accord with what I saw at my visit. In this regard I am mindful that the Transport Note was prepared, and the previous appeal determined, before the Covid-19 Pandemic took effect.
15. Some on road parking is available nearby, this would however be less attractive for future occupiers to use as it is further from the appeal site than the car park, and is likely to be in high demand given the increased occupancy of the car park. This position is supported by the comments of local residents, which refer to local parking pressures and the need to retain space in the car park for shoppers and those accessing the school.
16. Previous proposals have included on site parking, with vehicular access to the site achieved via the adjacent lane. Although the appeal proposal does not include onsite parking it would provide a hard surfaced area to the north of the dwelling, which could be used for car parking. An access is shown that would be wide enough for a car to enter the site. However, the lane to the side is very narrow and shared by a significant number of pedestrians moving between the car park and park at the rear and Beacon Hill Road. The regular use of the lane to provide vehicular access to the proposed dwelling would be harmful to pedestrian safety and would therefore not provide an acceptable alternative to a car free proposal.
17. In summary, the proposal would have a harmful impact on parking provision locally. It would thus fail to accord with Policy TD1 of the LP 2018, Saved Policies D1 and D4 of the Waverley Borough Local Plan 2002 (LP 2002) Policy

¹ APP/R3650/W/19/3228289

H7 of the HNP and Waverley Borough Council Parking Guidelines 2013, which together seek to ensure that development proposals meet the needs of future occupiers and do not harm local provision, by providing sufficient off-street parking.

Living conditions

18. The proposed dwelling would stand alongside and to the northeast of No. 2 Jacaranda Cottages. It would be set back from the rear elevation of this neighbour and would thus have no impact on the privacy of the existing rear garden and neither would it appear overbearing from this perspective.
19. It would step forward, beyond the front elevation of this neighbour, however at this point the first floor would take on an ancillary form that would be set in and down from the larger two storey part to which it would attach. This design detail would ensure it would not appear overbearing to the occupiers of this neighbouring dwelling. Owing to its orientation, the proposal would not affect daylight or sunlight levels reaching the neighbouring dwelling from the southeast through to the west. It would impact on two modest side facing windows, however principal openings facing out to the front and rear would be unaffected.
20. The proposal would see one of the two circular windows that would serve the second bedroom facing out towards the front of the neighbouring cottage. This would however be set back into the site and this frontage area serves as a modest front garden to the neighbouring dwelling that looks towards the adjacent shared parking area and therefore has only a modest level of privacy. I am not satisfied that this side facing window would need to be obscurely glazed on the basis of the layout of the neighbouring dwelling.
21. The proposal would include other side facing windows. These would face towards the side of the neighbouring dwelling and towards a small existing first floor window that is obscurely glazed and would thus have no impact on the privacy enjoyed by the occupants of the neighbouring dwelling.
22. In summary, I am satisfied that the proposal would not have an adverse impact on the living conditions of No. 2 Jacaranda Cottages. It would accord with Policy TD1 of the LP 2018, Saved Policies D1 and D4 of the LP 2002 and Policy H6 of the HNP, which together seek to ensure that development proposals are well designed to protect the residential amenity of neighbours.
23. The Council also referred to its Residential Extensions Supplementary Planning Document 2010. However, as the proposal is for a new independent dwelling, I am not satisfied that this document is relevant.

Character and appearance

24. The proposed dwelling would stand behind other buildings. It would stand between and within the wider context of numerous two storey residential buildings at the rear, that have developed on sites at the rear of the principal buildings fronting Beacon Hill Road.
25. The Council suggests that the small size of the second bedroom is indicative of the cramped nature of the proposal. However, I am satisfied that its modest form would be compatible with the scale of existing buildings. It would be set in sufficiently from boundaries to either side and would leave significant areas of

the site undeveloped to the front and rear, to the extent that it would not appear cramped or overdeveloped.

26. Its mass would be broken up by forming the second bedroom as a secondary first floor element that would appear as an extension and would result in a mass and bulk that would be considerably more modest than Jacaranda Cottages and the flats to the north. The building would be set back a considerable distance from the park to the rear, between existing buildings, and in other respects would not front the public realm. It would be viewed across neighbouring plots and accessways, where it would read as part of the developed context of the rear of plots fronting Beacon Hill Road.
27. The buildings either side of the appeal site and others nearby, including the larger block of flats to the southwest are not consistent in terms of their siting or orientation. They do not form a strong building line and neither do they all front an area of public realm in a similar matter. The proposed dwelling would step forward of Jacaranda Cottages, however, as a result of the lack of a strong building line or strong interrelationship between the nearby buildings, I am satisfied that this arrangement would not be harmful.
28. In summary, I am satisfied that the proposal would not harm the character or appearance of the area. It would accord with Policy TD1 of the LP 2018, Saved Policies D1 and D4 of the LP 2002, Policy H6 of the HNP and advice set out within the Haslemere Design Statement, which together seek to ensure that development proposals are well designed to respect local context including matters of scale and layout.

Other Matters

29. Although not a matter referred to in the submissions before me relating to this appeal, on the basis of other recent appeals that I have determined in the area, it would appear that the Council is unable to demonstrate a five year supply of deliverable housing sites (5YHLS). As such the 'tilted balance' set out at paragraph 11d) of the Framework should be engaged. In this context, where the policies are out of date, which would be the case where a Council cannot demonstrate a 5YHLS, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
30. However, paragraph d) i. provides an exception where policies in the Framework that protect assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 establishes that this includes habitats sites. Consequently, with reference to my findings on the first main issue of this decision, the 'tilted balance' is not engaged.
31. The proposal would make a small contribution to local housing supply and would be located in an established residential area, making use of an underutilised piece of land. The proposal would deliver a modest dwelling that could be attractive to young people or those wishing to downsize. These matters weigh in favour of the proposal, however the weight I give to them is limited to the small scale of the proposal, and they are not sufficient to overcome the harm I have identified regarding the first two main issues.
32. I have found that the proposal would not harm the living conditions of the occupiers of existing dwellings or the character and appearance of the area.

However, these are neutral matters that do not outweigh the harm I have found in respect of the first two main issues of this appeal.

Conclusion

33. In conclusion, the proposal would conflict with the development plan and there are no other considerations that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR