



Appeal Decision

Site visit made on 17 January 2022

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2022

Appeal Ref: APP/R3650/W/21/3278629

1 Gadbridge Villas and land to rear of Laurel House, Gadbridge Lane, Ewhurst GU6 7RW

- 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 Nicholas Daley (Concept Developments (Land) Limited) against the decision of Waverley Borough Council.
- The application Ref WA/2020/2125, dated 18 December 2020, was refused by notice dated 16 June 2021.
- The development proposed is erection of 4 dwellings with associated car ports, cycle stores and creation of new vehicular access following demolition of existing outbuildings; erection of extension to existing dwelling (1 Gadbridge Villas).

Decision

1. The appeal is allowed, and planning permission is granted for 'erection of 4 dwellings with associated car ports, cycle stores and creation of new vehicular access following demolition of existing outbuildings; erection of extension to existing dwelling (1 Gadbridge Villas)', at 1 Gadbridge Villas and land to rear of Laurel House, Gadbridge Lane, Ewhurst GU6 7RW, in accordance with the terms of the application, Ref WA/2020/2125, dated 18 December 2020, and the plans submitted with it, subject to the attached Schedule of conditions.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published after the determination of the application. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties have had the opportunity to comment on this matter as part of the appeal process, and I have had regard to the revised Framework in determining this appeal.
3. The description of development as detailed on the application form has been amended in subsequent documents. I have adopted the description included on the Council's Decision Notice, which reflects accurately the proposal before me.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area, and the living conditions of neighbouring residents, with particular regard to noise and disturbance.

Reasons

Character and appearance

5. The appeal site comprises a semi-detached property set within spacious grounds, and includes a large undeveloped area, which currently forms part of the garden of Laurel House. The site lies in a village setting, which is predominantly characterised by dwellings set back from the road frontage, within plots of varying shapes and sizes. The relatively informal pattern of development and the established vegetation give the locality a pleasant, semi-rural feel.
6. The effects of introducing additional residential development onto the site have been considered as part of previous applications and appeals. The most recent appeal¹ concerned a proposal for the construction of 5 dwellings on a larger piece of land, which included the area to the rear of Garden Close. In dismissing the appeal, the Inspector identified 'significant design failings', having particular regard to the 'cramped nature of the development' and the 'poor relationships of dwellings with protected trees'.
7. The Inspector also expressed concerns regarding the significant areas of space which would have been taken up by hardstanding required for the provision of parking, turning and access. The appellant's submissions show that the site coverage of the hardstanding areas and footprint of the proposed buildings have been reduced considerably, and the appeal scheme is also supported by a detailed landscaping strategy.
8. The proposed layout would ensure that the new dwellings are set back from the access drive and benefit from small front gardens. Furthermore, the proposed dwellings would sit within larger plots, which would offer scope for additional landscaping. As noted above, plot sizes vary in the area, and the appeal scheme would not detract significantly from the established pattern of development in that regard.
9. The Council has raised concerns in relation to the number of parking spaces which would be created as part of the development, and the constrained nature of the access and turning area. However, I note that the County Highway Authority did not object to the provision of two spaces per dwelling, or the access and servicing arrangements for the development. Furthermore, the appellant's Transport Statement confirms that suitable room is available for small delivery vehicles to turn within the site. In the absence of substantive evidence to the contrary, I see no reasons to disagree with the assessment carried out by the Highway Authority.
10. The appeal scheme includes the creation of a bin collection point within proximity to the road frontage, and there would therefore be no need to provide large turning areas for refuse vehicles. On collection day, the bins would be presented within the dedicated bin collection point, which would be no different to what other households along Gadbridge Lane would do on a weekly basis to ensure that refuse is collected from their properties. Future occupiers of the development would then be expected to return the emptied bins to the refuse and recycling stores provided alongside each dwelling.

¹ APP/R3650/W/20/3246359.

11. Given the above, the appeal scheme would not cause unacceptable harm to the character and appearance of the area. There would thus be no conflict with Policy TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites² (LPP1) and Saved Policies D1 and D4 of the Waverley Borough Local Plan 2002 (LP). These notably seek to ensure that the character and amenity of the Borough are protected, and that development proposals are of a high quality design which integrates well with the site and complements its surroundings.

Living conditions

12. The proposed dwellings would be built at reasonable distance away from the neighbouring properties adjoining the site. This, together with the orientation of the new houses, would ensure that the appeal scheme causes no loss of privacy for the occupiers of neighbouring properties.
13. There is an existing drive serving no 1 Gadbridge Villas, which is located along the boundary shared with the neighbouring property known as Bellargus. Compared with the existing layout, the proposed driveway would be sited further away from the neighbouring property. It would then extend further to the rear, along the site's eastern boundary, to provide access to the new houses. Concerns have been raised regarding the effect that the vehicular movements associated with the appeal development would have on the living conditions of these neighbouring residents, especially in respect of noise implications and light pollution from headlights.
14. However, the additional vehicular movements generated by four additional dwellings would remain relatively limited. The noise would be brief and the possible fleeting disturbance from headlights at night would to some extent be mitigated by the close boarded fence sited on the boundary shared with Bellargus. Additional planting would further assist to minimise the impact of the proposed development.
15. Overall, I am satisfied that the appeal scheme would have no significant adverse effect on the living conditions of neighbouring residents, either in respect of privacy, noise or disturbance, and would therefore not conflict with Saved Policies D1 and D4 of the LP. In particular, these seek to ensure that development proposals do not result in material detriment to the environment and do not significantly harm the amenities of occupiers of neighbouring properties by way of overlooking, loss of daylight or sunlight, overbearing appearance or other adverse environmental impacts.

Other Matters

16. A number of objections have been raised by interested parties, including reservations regarding the effect of the development on highway safety, which I have noted. However, no objection was raised by the Local Highway Authority, and there are no reasons for me to take a different view. The Case Officer's report has addressed concerns in relation to flooding issues, which could be satisfactorily addressed by way of condition.

² February 2018.

Conditions

17. The Council has referred to the conditions included within the Case Officer's report to the Planning Committee. The appellant has confirmed his agreement to these. I have considered the suggested conditions, making minor amendments where necessary, to ensure compliance with the tests as set within the Framework and the national Planning Practice Guidance.
18. In addition to the standard time limit, I shall impose a condition specifying the relevant drawings which the development must accord with, in order to provide certainty and clarity. A pre-commencement condition requiring the submission of a Construction Transport Management Plan is considered necessary to minimise any disturbance as part of the construction phase.
19. Furthermore, I shall impose pre-commencement conditions requiring the submission of further information in respect of arboricultural protection measures, landscaping scheme and cross-sections and details of the proposed finished ground levels, to protect existing trees and in the interests of the character and appearance of the area. It is also considered necessary to add pre-commencement conditions to ensure that the drainage details are agreed upfront, to ensure the satisfactory and sustainable operation of the development.
20. It is considered necessary to request further details of the external materials, to preserve the character of the site and surrounding area. There is however no reason for these details to be submitted prior to commencement of the development, and I have therefore amended the wording of the condition accordingly. Conditions restricting permitted development rights for the creation of additional windows/dormer windows and requesting windows to be fitted with obscure glass are considered necessary to protect the living conditions of neighbouring residents.
21. Additional conditions to secure the provision of access, visibility splays, parking and turning areas are needed to preserve highway safety. I shall also impose conditions regarding travel plans, installation of electric car charging points, water consumption and broadband infrastructure, in the interests of sustainability. Furthermore, it is necessary to impose a number of conditions to protect biodiversity.

Conclusion

22. The appeal scheme would make a contribution towards housing supply and choice, and support the economy to some degree, notably during the construction phase. It is also likely that future occupiers of the development would then use a number of local services and facilities. There are no material considerations which indicate that the appeal should be determined, other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

S Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The plan numbers to which this permission relates are: LP30, CP30, P301, P302, P303, P304, P305, P306, P307, P308, P309, P310 and P110. The development shall be carried out in accordance with the approved plans.
- 3) No development shall take place until a Construction Transport Management Plan, to include details of:
 - (a) Parking for vehicles of site personnel, operatives and visitors;
 - (b) Loading and unloading of plant and materials;
 - (c) Storage of plant and materials;
 - (d) HGV deliveries and hours of operation;
 - (e) Measures to prevent the deposit of materials on the highway;
 - (f) On-site turning for construction vehicles;has been submitted to and approved by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
- 4) No development shall commence on site, including any groundwork preparation of demolition, until detailed, scaled Tree Protection Plans 'TPPs' for each phase of development and related Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. These shall include details of the specification and location of exclusion fencing, ground protection and any development activity that may take place within the Root Protection Area of trees shown to scale on the TPP including installation of service routings, installation of hard standings and foundation formation. All works shall be carried out in strict accordance with the subsequently approved details.
- 5) No development, site remediation, groundworks or demolition processes shall be undertaken until an agreed scheme of supervision for the arboricultural protection measures have been submitted to and approved in writing by the Local Planning Authority. The supervision and monitoring shall be undertaken in strict accordance with the approved details. The scheme shall include details of a pre-commencement meeting between the retained arboricultural consultant, Local Planning Authority Tree Officer and personnel responsible for the implementation of the approved development and timings, frequency and methods of site visiting and an agreed reporting process to the Local Planning Authority. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during development.
- 6) Prior to commencement of the development, cross sections/details indicating the proposed finished ground levels, surface materials including sub-face and depth of construction and method/materials used for

edging, within protected zone around retained trees shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in strict accordance with the subsequently approved details.

- 7) No development shall commence on site until a scheme for the landscaping and replacement tree planting of the site, including the retention of existing landscape features, has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedule of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme. All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to occupation or use of the development hereby permitted, or in accordance with a programme agreed in writing with the Local Planning Authority. All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837 – Trees in relation to construction.
- 8) Prior to commencement of any works on site, details of any services to be provided or repaired including drains and soakaways, on or to the site, shall be submitted to and approved by the Local Planning Authority in writing. The works shall be carried out in accordance with the approved details. Any amendments shall be agreed with the Local Planning Authority in writing.
- 9) No development shall take place on site until details of the implementation, adoption, maintenance and management of a sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.
- 10) Prior to commencement of the development, the applicant shall undertake a walkover of the site in relation to badgers. If any badger activity is detected, works shall cease and the advice of a suitably qualified ecologist sought to prevent harm to this species.
- 11) No building works above floor slab level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 12) Prior to the first occupation of the dwellings hereby permitted, details shall be submitted to and be approved in writing by the Local Planning Authority to confirm that the dwellings have been completed to meet the requirement of 110 litres of water per person per day.
- 13) Prior to the first occupation of the dwellings hereby permitted, the highest available speed broadband infrastructure shall be installed and

made available for use unless otherwise agreed in writing by the Local Planning Authority.

- 14) No vehicle shall access the site from Gadbridge Lane unless and until the proposed modified access to the development hereby approved has been constructed and provided with visibility zones in accordance with the approved plans (Drawing No.099.0010.002_RevD) and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1m high.
- 15) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans (Drawing No.HA19- 078/3_P302) for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.
- 16) Prior to the first occupation of the development hereby permitted, a Sustainable Travel Information Pack shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's Travel Plans Good Practice Guide for Developers. The approved Sustainable Travel Information Pack shall be issued to the first-time occupier of each dwelling, prior to first occupation.
The pack should include:
 - Details of local public transport services and location of rail stations and local bus stops
 - Details of lift sharing schemes
 - Maps showing local walking and cycling routes and isochrone maps showing accessibility to public transport, schools and local community facilities
 - Information to promote the take-up of sustainable travel.
- 17) The development hereby permitted shall not be occupied unless and until each of the dwellings are provided with a fast charge socket (current minimum requirements – 7 kw Mode 3 with Type 2 Connector – 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 in the proposed dwellings without the written permission of the Local Planning Authority.
- 19) The windows proposed at first floor level in the eastern elevation of Plot 1 and the south eastern elevation of Plot 3 shall be fitted with purpose made obscure glazing to the extent that intervisibility is excluded and shall be retained in this form.
- 20) The applicant shall either:

- Obtain a European Protected Species (EPS) licence from Natural England following the receipt of planning permission and prior to commencement of any works which may affect bats and undertake all the actions as detailed in the Method Statement which will be required to accompany the licence application, based on the mitigation, compensation and enhancement actions presented within paragraph 4.7 of the above Bat Emergence / Re-entry Survey Report; or
 - Undertake works under the brief of a Registered Consultant who holds a Low Impact Class Licence for bats.
- 21) Any external lighting installed on this development shall comply with the recommendations in the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK – Bats and The Built Environment Series".
- 22) The development shall only proceed in a precautionary approach to works being undertaken in accordance with the Great Crested Newt Mitigation and Reasonable Avoidance Measures report and the Reasonable Avoidance Measures advised as paragraph 2.7 of the BEMP. This approach shall also be followed in respect of protected reptiles.
- 23) Construction activities on site shall have regard to the potential presence of badgers to ensure that badgers do not become trapped in trenches, culverts or pipes. All trenches left open overnight shall include a means of escape for any animals that may fall in.
- 24) The developer shall take action to ensure that development activities such as vegetation or site clearance are timed to avoid the bird nest season or early March to August inclusive. If this is not possible and only small areas of dense vegetation are affected, the site shall be inspected for active nests by an ecologist immediately prior to clearance works. If any active nests are found, they should be left undisturbed with a buffer zone around them, until it can be confirmed by an ecologist that the nest is no longer in use.

END OF SCHEDULE