



Appeal Decision

Site visit made on 9 August 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2022

Appeal Ref: APP/R3650/W/21/3286161

Gemini Chapel, Kings Road, Haslemere GU27 2QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Hayward against Waverley Borough Council.
 - The application Ref WA/2021/01399, is dated 22 March 2021.
 - The development proposed is described on the planning application form as 'Demolition of single storey extension on Kings Road and conversion of disused church hall into four dwellings with associated amenity space, refuse and cycle storage.'
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matter

2. Since this is an appeal against non-determination, there is no decision notice, albeit the Council indicates that it incorrectly issued a decision after the appeal had been submitted. That said, the Council has provided an officer report and a letter, which together set out the reasons why they would have refused planning permission. This evidence has informed the main issues of the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on protected species (Bats).
 - Whether the proposed development would provide an acceptable standard of living accommodation for future occupiers, with particular regard to outlook/access to natural light (Plot 1) and the amount and quality of amenity space (Plot 1 and 2).
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Protected Species

4. The Council consulted the Surrey Wildlife Trust (SWT) in the course of considering the planning application. SWT highlighted that the building is within the vicinity of known bat roosts, is in close proximity to a rail line (used by bats as commuting routes) and in close proximity to woodland providing foraging

habitat. Indeed, it is notable that there are relatively extensive areas of woodland adjacent to the railway line to the north of the appeal site. Taking all of these factors into consideration and given that the proposal involves accommodation within the roof space, it is necessary to be certain that the development would not have an adverse impact on bats, which are a protected species.

5. No ecological survey, confirming the likely presence or absence of bats and/or any appropriate mitigation measures, has been provided by the appellant.
6. Circular 06/2005 advises that, where there is a reasonable likelihood of protected species being present, it is essential that the presence of protected species, and the extent to which they would be affected by the development, is established prior to planning permission being granted. Whilst ecological surveys can be carried out under conditions attached to a planning permission, this should only be done in exceptional circumstances. There is no evidence before me to suggest that there are any such exceptional circumstances in this case.
7. Therefore, in line with the precautionary approach set out in paragraph 99 of Circular 06/2005, without this evidence it has not been demonstrated that the proposed development would not have an adverse impact on a protected species. As such, the proposed development would conflict with Local Plan¹ Policy NE1 which seeks to ensure that new development conserves and enhances biodiversity. There would also be a conflict with the general objectives of conserving and enhancing the natural environment as set out in the Framework.
8. The Council has referred to Haslemere Neighbourhood Plan: 2013 – 2032 Policy H14. However, the evidence provided to me indicates that this policy relates to retaining, protecting and developing local employment and it is therefore not relevant to this main issue.

Standard of accommodation

9. The proposed development includes various areas which are shown as 'Private Amenity Space' on the submitted plans. However, these areas are all relatively small. In particular, the private amenity space for Plot 1 would be wholly comprised within the building and is therefore a room as opposed to an area of outside space. Local Plan Policy TD1 requires that opportunities are taken to improve the quality of life and well-being of future residents. Including through providing 'private, communal and public amenity space'. Saved Local Plan Policy D4 requires that development provides adequate amenity space 'around' the proposed development.
10. Whilst there is insufficient evidence before me to define whether such spaces should be outside, taking a common-sense approach it is reasonable to expect that such spaces can be differentiated from standard rooms. Plot 1 would not meet this requirement and the small size of the proposed amenity space would further exacerbate the substandard of accommodation which would be provided.
11. The appellant has made a brief reference to surrounding areas of open space. However, I have not been provided with precise details (for example plans or

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

- maps) of the location of these areas in relation to the appeal site. In any case, they would not be equivalent to private spaces.
12. The other three units would provide larger areas of amenity space. Boundary treatments could suitably mitigate any noise or overlooking emanating from the highway to these spaces. As such, they would be a suitable standard.
 13. Both parties refer to the Government's Technical Housing Standards². However, whilst the development complies with these standards, they only relate to internal space.
 14. The Council has indicated that there would be poor outlook from Plot 1. However, only part of the dwelling, comprising the kitchen and living area, would include windows with a limited outlook (facing a brick wall). Despite this, sufficient access to natural light would be achievable, given that two windows are proposed and the alley is relatively wide (enabling natural light to filter down into the ground floor). The fact that outlook would be limited from this room is not sufficient to result in harm, given that the majority of rooms within the unit have good and unobstructed outlook.
 15. Despite this, the lack of harm in this regard would not outweigh the harm which would result from the insufficient private amenity space for Plot 1. The proposed development would therefore fail to provide a suitable standard of accommodation for future occupiers and it would conflict with Local Plan Policy TD1 and Saved Local Plan³ Policy D4.
 16. There would also be a conflict with Framework Paragraph 130, insofar as it requires a high standard of amenity for 'future users'.

Character and Appearance

17. The appeal site comprises a property known as Gemini Chapel, which is located on the junction of Lower Street and King's Road in Haslemere. The building is fairly prominent when viewed from Lower Street with its full two-storey height appreciable when travelling along the highway. In contrast, the appearance is less prominent when viewed from King's Road, with the top storey the primary visible element when viewed in the street scene. The building has a relatively traditional appearance and the existing eastern elevation has attractive glazing and provides a focal point when viewed from the junction of Lower St and King's Road. That said, a single storey flat roof extension and existing planting visually screen much of this elevation from view.
18. The surrounding area is characterised by a mixture of residential and commercial development with fairly compact layouts and relatively high densities. The appearance of development in the surrounding area is largely traditional but there are a variety of architectural styles and the character is not particularly uniform in this regard. There are examples of boundary treatments visible within the street scene including brick walls, railings and close boarded fences, including that which partially surrounds the appeal site on Lower Street.
19. The proposed development would convert the 'disused church' into four dwellings. The Council asserts that the layout is cramped and contrived and

² Technical Housing Standards – Nationally Described Standards (2015) – These do not apply to outside spaces

³ Waverley Borough Local Plan 2002

that it represents 'overdevelopment of the site'. The development includes the installation of a mezzanine floor which would provide residential accommodation in the roof of the building. As a result, there would be several roof lights installed. However, these are well proportioned, evenly spaced and they would not significantly alter the external appearance of the building.

20. The main external alterations would include several new doorways visible from Lower Street and King's Road, a new balcony and a 1.8 metre high hit and miss fence which would surround the proposed external amenity areas. The proposed doorways would be well designed with detailing to reflect the existing fenestration. Again, they would not significantly alter the appearance of the building.
21. The proposed balcony would be a contrasting feature, given its more modern appearance in relation to the traditional appearance of the building. Nonetheless, given its small scale, this would not result in a harmful visual impact.
22. The proposed boundary treatment would be fairly extensive. However, front boundary treatments are not uncommon in the surrounding area and the materials and design could be subject to a pre-commencement condition, such that smaller treatments of more sympathetic design could be adopted. In any case, the demolition of the single-storey flat roof extension would have a beneficial impact, opening up the views of the original eastern elevation. There would also be scope to enhance the planting to the east of the appeal site through an appropriately worded planning condition.
23. For these reasons, the proposed development would not be detrimental to the visual amenities, or indeed the character and appearance, of the area. It would therefore comply Local Plan Policy TD1 and Saved Local Plan Policies D1 and D4 which collectively seek to ensure that development is in keeping with local character and of a high-quality design.
24. The proposed development would also comply with Framework Paragraph 130 insofar as it requires development to respect local character.

Other Matters

25. I note that the appellant entered into pre-application discussions with the Council, however the conclusion of that process does not have any bearing on my decision because it is a procedural matter.
26. Various representations have been made by interested parties. However, given that I am dismissing this appeal on other grounds it is not necessary to address these in detail.
27. The proposed development would include some economic and social benefits, with four new dwellings providing an increase to the housing stock. However, given the small scale of the development, these benefits would not outweigh the significant harm which I have identified.

Conclusion

28. The proposed development, subject to suitably worded conditions, would not be harmful to the character and appearance of the area. However, the absence of harm in this regard does not outweigh the harm which would be caused as a

result of the substandard of accommodation provided. In addition, insufficient information has been submitted to confirm that the development would not adversely impact upon bats (which are a protected species).

29. Therefore, the proposed development would conflict with the development plan taken as a whole and there are no material considerations of sufficient weight which indicate a decision other than in accordance with it. As such, the appeal is dismissed.

Luke Simpson

INSPECTOR