



Appeal Decision

Site visit made on 20 September 2022

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2022

Appeal Ref: APP/R3650/W/22/3298557

31 Hill Road, Haslemere GU27 2NH

- 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 Derek Legge against the decision of Waverley Borough Council.
 - The application Ref WA/2021/0423, dated 16 February 2021, was refused by notice dated 23 December 2021.
 - The development proposed is erection of a dwelling and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a dwelling and associated works at 31 Hill Road, Haslemere GU27 2NH in accordance with the terms of the application, Ref WA/2021/0423, dated 16 February 2021, and the plans submitted with it, subject to the conditions in the schedule below.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, having particular regard to the space around buildings.

Reasons

3. The appeal site is within a residential area of detached and semi-detached dwellings in mature gardens. The design of individual dwellings varies, although many share detailing typical of the local vernacular, such as steep, clay tiled roofs and hanging tiles or timber framing to upper floors. Most of the dwellings are on two storeys, often with additional accommodation in the roofspace. Several are of substantial and imposing proportions.
4. Hill Road is lined with grass verges, without pavements, and there is extensive tree and hedge planting within front gardens, giving the street scene a verdant quality. Several of the larger detached houses are entirely surrounded by generous mature gardens. Other properties are grouped more tightly along the road frontage, while still having a mature garden setting. The latter includes a series of more closely-spaced properties on the south side of Hill Road, east of its junction with Park Road, close to the appeal site.
5. The design of the proposed dwelling would be reminiscent of the adjacent dwellings at 31 and 33 Hill Road, while having its own individual character. It would be set slightly further back than these immediately adjacent dwellings, such that it would not be excessively prominent in the street scene. The intervening garage to no. 31 is set even further back, helping to retain a sense

of separation between buildings along the front boundary. While the new dwelling would be close to one side boundary, there would be sufficient space around the other three sides to prevent it looking cramped. Existing trees along the site frontage would be retained.

6. The adjacent dwellings known as Shepherd's Down and Hollies are a grade II listed building and I deal with this further below. They are set well back behind a larger front garden and driveway. The proposed plans indicate that part of the appeal site would be integrated into their front garden area, with the existing close boarded fence and evergreen hedge around the appeal site being removed and replaced with a lower boundary fence, on a new alignment. This would re-establish a front garden more in proportion to the substantial scale of Shepherd's Down and Hollies. However, as I have not been provided with details of the contract for transfer of ownership, I cannot be certain that a legal mechanism is in place to link such transfer to implementation of the proposed development. There is also limited opportunity within the planning system to control any future planting which could re-establish a greater sense of enclosure in the longer term.
7. Even if ownership of this part of the site were not transferred, there would be an absence of built development to the side of the proposed dwelling, both within the proposed plot and within the adjacent land in front of Shepherd's Down and Hollies. Given the varied amount of spacing around buildings along this side of Hill Road, I conclude that there would be sufficient mature garden setting around the proposed dwelling to maintain the established character of the street scene.
8. While I have noted that an appeal in relation to a previous scheme for a detached dwelling was dismissed in 2017 (APP/R3650/W/16/316380), it is clear from the Inspector's decision that the design proposed at that time was of a different form. The Inspector concluded that the design, variously described as a cottage or lodge, would be at odds with the generally larger and more imposing properties in the wider area. However, he did not consider that the proposed dwelling would appear cramped.
9. The current proposal is of a different design, on two storeys. While it would be smaller than many of the surrounding dwellings, it reflects typical local building detailing and would not appear out of place in what is a reasonably varied street scene. Although the proposed plot would also be smaller than is typical for the area, this would be mitigated by the adjacent garden land alongside the dwelling, as described above. Overall, the proposed development would maintain a suitable balance between built development and surrounding garden land, consistent with the wider character of the street scene.
10. While I have noted the Council's Tree Officer's concern about future growth of the young trees along the site frontage, no immediate issues preventing retention of these trees have been identified and no concern about loss of trees was raised in the reason for refusal. Any conflict with future use of the third parking space would be unlikely to arise until the trees have reached maturity in several years' time. Furthermore, the extent of the proposed driveway area would be capable of accommodating adequate off-street parking even if the third parking space becomes less convenient in the long term.
11. I conclude that the proposed development would not be harmful to the character and appearance of the area. It would accord with Policies D1 and D4

of the Waverley Borough Local Plan, adopted April 2002, Policy TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, adopted February 2018 and relevant paragraphs in the National Planning Policy Framework July 2021 (the Framework). These policies, amongst other things, require that new development protects the character and amenity of the Borough, integrating well with the site and complementing its surroundings, as well as being appropriate to the site in terms of scale, height, form and appearance.

Other Matters

12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest. Therefore, although the Council did not raise any heritage concerns, I have considered whether the proposed development would affect the setting of Shepherd's Down and Hollies, the Grade II listed building adjacent to the appeal site.
13. The evidence confirms that the listed building, originally a single dwelling, was listed for historic reasons as the last home of Sir Archibald Geikie OM, a celebrated geologist and volcanologist. It is also noted for its distinctive arts and crafts design, showing the influence of CFA Voysey.
14. The listed building is set well back and at an angle to the road. The open land in its foreground is an important aspect of its setting. The 2017 appeal Inspector highlighted that this area has been somewhat truncated by modern development, notably the current appeal site and its evergreen boundary hedge, and this situation is unchanged.
15. The proposed dwelling would be located to the far side of the appeal site, at a lower ground level than the listed building and set back within its site. It would not obstruct any existing views of the listed building or intrude further into its open setting. The Inspector considering the 2017 appeal did not identify any harm to the setting of the listed building as a result of a proposed dwelling in a similar location. While the current proposal would be of greater height, it would have a similar relationship with the listed building and I see no reason to reach a different conclusion.
16. Removal of the existing evergreen hedge and close boarded fence would increase the space in front of the listed building. Views of the listed building from the road would also be less truncated, allowing its design to be more widely appreciated. This would potentially enhance the setting of the listed building. However, as noted above, there is no legal mechanism before me to secure transfer of this parcel of land or the extent of any future planting on it. For that reason, I have given this potential benefit limited weight.
17. Nevertheless, for the reasons set out above I conclude that the proposed development would preserve the setting of the listed building and would therefore be in accordance with Section 66(1) of the Act.
18. I have noted that a number of earlier schemes were dismissed at appeal, prior to the 2017 appeal considered above. However, full details of the circumstances surrounding those earlier decisions are not before me. Furthermore, those decisions were reached in a different national and local

policy context. I have considered the current proposal on its merits, taking account of the current development plan and other relevant material considerations.

19. Although my attention has been drawn to planning permission granted in 2019 in relation to an alternative proposal comprising a new dwelling attached to no. 31 Hill Road, the evidence is unclear as to whether this permission remains extant at the time of determining this appeal. In any event, since I have concluded that the proposed development is acceptable on its own terms, any fallback position established by this previous permission has not been relevant to my consideration of the issues above.
20. The appeal site is located within 5km buffer zones associated with two sites within the Wealden Heaths Phase II Special Protection Area (SPA), referred to in the Council's Officer Report as the East Hants SPA and the Wealden Heaths SPA. As such, a Habitats Regulations Assessment is required, to determine whether there would be any likely significant effect on the SPA, as a result of the proposed development.
21. During consideration of the application, the Council noted that the proposal would result in an increase in people (permanently) on the site. However, due to the availability of alternative recreational opportunities within the area, which could divert residents from use of the SPA, they concluded that the proposal would not have a likely significant effect upon the integrity of the SPA. Natural England, in its capacity as Statutory Nature Conservation Body, also considered that the proposed development would not have likely significant effects on statutorily designated sites, including European Sites covered by the requirements of the Habitats Regulations.
22. There is no evidence before me indicating any change in circumstances since the application was considered by the Council. As such, I similarly conclude that the proposed development would not have any likely significant effects on Habitats Sites and an appropriate assessment is not required.
23. Updated evidence concerning the Council's housing land supply was brought to my attention while the appeal was under consideration and the Council accepted that it cannot currently demonstrate a five year housing land supply. The proposed development would make a small but positive contribution to the current housing land supply position.

Conditions

24. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result I have amended some of them for consistency and clarity and I have omitted others.
25. I have imposed condition 2 specifying the approved plans as this provides certainty.
26. Submission of a construction transport management plan is required in order to protect residential amenity and in the interests of highway safety. I have therefore imposed condition 3 requiring approval of these details prior to commencement of development, in order to support effective management of construction works from the outset.

27. I have imposed condition 4 requiring implementation of tree protection measures to prevent damage to existing trees on and around the site, since these contribute to the character of the surroundings. Approval of tree protection measures is required prior to commencement, since the earliest stages of development would involve disturbance of the ground which would be potentially harmful to root systems. However, I have deleted the Council's suggested wording relating to any alteration of the existing condition of the site, since this is insufficiently precise and therefore not capable of enforcement. I have not included the Council's suggested requirement for a pre-commencement meeting, since this would be unduly onerous if the required measures can be adequately submitted and approved in writing. I have also omitted part (e) of the Council's proposed condition, as it duplicates part (c) and the element of part (c) which duplicates condition 3.
28. Since the finished floor level of the proposed dwelling is not clearly specified on the plans, I have imposed condition 5 to ensure that the scale of the dwelling in relation to the site and its surroundings is as indicated on the street scene drawing. Confirmation of these details is required prior to commencement of development, to ensure that initial ground works are consistent with the approved details.
29. The appellant has confirmed acceptance of pre-commencement conditions 3, 4 and 5, in the event that the appeal is allowed.
30. I have imposed condition 6 requiring approval of the external materials, to ensure that the development harmonises with its surroundings.
31. A condition to secure the implementation of access arrangements in accordance with the approved plans is necessary to ensure that the proposed dwelling has adequate means of access from the highway. Although it is intended that the existing access is used, this is not currently complete, having no hard surface connecting the site to the adjacent highway. When imposing condition 7, I have included a requirement that the access is provided prior to occupation of the development. Since a similar requirement is included in the related condition for provision of on-site parking, and in practice the access and parking areas would be provided at a similar time, this does not make the condition any more onerous. However, it would ensure that the condition is more precise and capable of enforcement.
32. I have imposed condition 8 to secure implementation of on-site parking, to ensure that the development meets the requirements of the development plan in relation to car parking, and so that these facilities are provided prior to occupation and maintained in the long term.
33. A requirement for provision of an electric vehicle charging point is consistent with Policy CC2 of the Part 1 Local Plan which requires that new development encourages access to sustainable forms of transport (which could include low emission vehicles). It is also consistent with the standards in the Surrey County Council Vehicular and Cycle Parking Guidance January 2012, which I note have informed local parking guidelines within the Borough. This requirement is therefore justified to ensure that the development complies with the development plan.
34. However, when imposing condition 9 I have omitted the prescriptive detail included in the Council's proposed wording, since these details can be secured

through submission and approval of the required scheme. I have also omitted wording requiring maintenance of the EV charging point to the satisfaction of the planning authority, as this is insufficiently precise and unlikely to be enforceable.

35. I have imposed condition 10 to secure agreement, implementation and initial maintenance of soft landscaping, in order to ensure that the landscape treatment of the site is consistent with the verdant quality of the surrounding area. This includes the area intended to be transferred to the adjoining property, which is within the appeal site and therefore subject to the terms of the conditions imposed.
36. The optional water efficiency standard of 110 litres per person per day is incorporated in Policy CC2 of the Part 1 Local Plan and therefore this requirement is justified and consistent with the Framework. However, when imposing condition 11, I have amended the Council's suggested wording, since compliance would be secured through the Building Regulations. Therefore, separate submission and approval of details by the Local Planning Authority is not necessary.

Conclusion

37. For the above reasons, I conclude that the proposed development is in accordance with the development plan as a whole, and that there are no other relevant material considerations that would indicate a decision otherwise would be appropriate. Therefore the appeal should be allowed subject to the conditions set out in the schedule below.

Jane Smith

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
2. The plan numbers to which this permission relates are: 1220/80 Floor Plans + Elevations, 1220/81 Site Layout and location plan scale 1:1250. The development shall be carried out in accordance with the approved plans.
3. No development shall commence 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) Measures to prevent the deposit of materials on the highway has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
4. Prior to the commencement of development, a tree protection method statement shall be submitted to and approved by the Local Planning Authority (LPA) in writing detailing:
 - a) Tree works schedule in accordance with BS3998:2010 Tree Work – recommendations.
 - b) Proposed on-site protection measures, scheme of works supervision and reporting, scheme of tree protection measures and tree protection plan in accordance with BS587:2012 for all phases of development phasing of works, including specification for construction of a 'no-dig driveway'.
 - c) Position and installation of new or replacement surface and utility runs, to include details of the layout of all foul and surface water drains and soakaways, and lighting columns, together with any associated plan and equipment showing their relationship to existing trees.
 - d) Cross sections/details indicating the proposed finished ground levels, surface materials including sub-base and depth of construction and method/materials used for edging, within protected zones around retained trees.

Construction shall thereafter be carried out in accordance with the approved details.
5. No development shall commence until full details of the finished levels, above ordnance datum, of the ground floor of the proposed dwelling, in relation to existing ground levels, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
6. No works above ground level shall commence 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.

7. The proposed modified vehicular access to Hill Road hereby approved shall be constructed prior to the first occupation of the dwelling hereby permitted, in accordance with the approved plans, and thereafter shall be permanently maintained.
8. 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 for vehicles 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 purposes.
9. The development hereby approved shall not be occupied unless and until the proposed parking area is provided with a fast-charge Electric Vehicle charging point in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained.
10. Prior to occupation of the dwelling hereby approved a detailed landscaping scheme shall be submitted to and approved by the Local Planning Authority in writing. The landscaping scheme shall be carried out strictly in accordance with the agreed details. The landscaping shall be maintained to the satisfaction of the Local Planning Authority for a period of 5 years after planting, such maintenance to include the replacement of any trees and shrubs that die, with such replacements to be of same species and size as those originally planted.
11. The dwelling shall not be occupied until the Building Regulations optional requirement of 110 litres of water per person per day has been complied with.

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