



Appeal Decision

Site visit made on 27 July 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2022

Appeal Ref: APP/R3650/W/22/3295025

Green Mantle, Charterhouse Road, Godalming GU7 2AQ

- 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 Groot (Woodville Real Estate Ltd) against the decision of Waverley Borough Council.
 - The application Ref WA/2021/02275, dated 28 June 2021, was refused by notice dated 18 January 2022.
 - The development proposed is the erection of four dwellings with associated landscaping, parking, bin storage area, bike stores and gardens following demolition of the existing two-storey dwelling and ancillary outbuildings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of four dwellings with associated landscaping, parking, bin storage area, bike stores and gardens following demolition of the existing two-storey dwelling and ancillary outbuildings at Green Mantle, Charterhouse Road, Godalming GU7 2AQ in accordance with the terms of the application, Ref WA/2021/02275, dated 28 June 2021, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site comprises of a detached house situated on Charterhouse Road, with Newstead Close to its side. It is a two-storey dwelling, but owing to the large change in levels, it appears as a single storey building in views from Charterhouse Road. The surrounding area is predominantly residential, formed of a wide range of dwelling types, of different styles and utilising a wide palette of materials. The presence of planting within garden areas combined with differing levels provide views of trees behind properties, giving the area a pleasant, verdant character.
4. The appeal proposal would see the existing house replaced with 4 dwellings. Although the density would increase, the proposed scheme would have a similar footprint and layout to the existing dwelling, albeit the proposal would be set further back from Charterhouse Road to accommodate parking. Given the variation that exists in the built form in the area, including plot sizes and building heights, I do not consider the development would be harmful in these regards.

5. The parking provision proposed has also been said by the Council to be cramped and contrived. Most of the parking spaces would be to the front of the proposed dwellings in a linear arrangement with two spaces broadly to the front of each dwelling. The evidence before me demonstrates that the size of the spaces and the access to them, would enable regularly sized vehicles to adequately manoeuvre into and out of them. Two further parking spaces would be on the opposite side of Newstead Close to the proposed dwellings, but these are existing spaces and I see no reason why they are indicative of a cramped layout. The intensification arising from replacing the single dwelling with four would lead to additional vehicle movements and I note in this regard the concerns relating to Newstead Close, a private road. However, given the layout proposed, with vehicles using a short section of Newstead Close, close to Charterhouse Road to access the parking areas, this would not lead to inconvenience for existing occupiers.
6. I therefore conclude that the proposed development would not have an unacceptable harmful effect on the character and appearance of the area. As such, there would be no conflict with Policy TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites February 2018, Saved Policies D1 and D4 of the Waverley Borough Local Plan 2002 which seek, amongst other matters to protect the character of the Borough by requiring development to be of a high-quality design that responds to local character. It would also not be contrary to Policy GOD5 of the Godalming & Farncombe Neighbourhood Plan (Neighbourhood Plan) or Paragraph 130 of the National Planning Policy Framework, which seek development to be in keeping with the form of development of properties in the immediate surrounding area and requires development that is sympathetic to local character.

Other Matters

7. I have considered representations made by interested parties including concerns on inadequate parking provision as well as on access, turning and servicing. The proposal would provide parking in line with Neighbourhood Plan Policy GOD6 and the swept path analysis demonstrates the new parking spaces are accessible. The Highway Authority also consider that visibility would be improved at the junction of Charterhouse Road and Newstead Close and that there would be a safe pedestrian route along the former. As such, and subject to conditions, including details within a Construction Transport Management Plan covering construction activities and movements during development, I do not consider that there would be any material impact on highway safety or living conditions from the scheme before me. Although concerns by interested parties have been expressed on the average speeds and volume of traffic on Charterhouse Road contained within the appellant's submissions, I have not been provided with any substantive evidence to the contrary.
8. The Council has not raised any concerns in relation to the effect on living conditions although I note the various concerns from interested parties relating to overlooking, loss of light and noise and disturbance. Although the proposed building would be taller and sited further to the rear than the existing building, it would still retain a significant separation with the property to the rear on Newstead Close and would not lead to any significant loss of privacy or light. The development would also be to the south of the flats within 'Newstead' and despite being taller and having a differing roof design, given the separation afforded by Newstead Close itself, it would not unduly impact on light to the

southern elevation of this neighbouring building. The proposal would see the introduction of a side facing window at second floor level on its northern elevation, but as it would serve a bathroom, this can be obscure glazed with its opening controlled to ensure no harmful privacy impacts.

9. Two of the parking spaces that would serve the development would be close to the flats in 'Newstead' and reference has been made to vehicle manoeuvring affecting living conditions. As these are existing parking spaces and such manoeuvres would be of a short duration, I do not consider there would be any harmful noise or disturbance arising, even if there was some increase in the usage of these spaces. For these reasons, any views into this neighbouring building from people exiting or entering their parked cars would not unduly impact on privacy.
10. The appeal site lies within 5km of the Wealden Heaths Special Protection Area (SPA) which is a heathland that provide habitat for nationally important bird, reptile and invertebrate populations. The Council has stated that the net addition of three dwellings would not likely have a significant effect, and there is no evidence before me to reach a contrary conclusion. As such, I am satisfied that the proposal would not have an adverse effect on the integrity of the SPA.
11. It has been raised in third party representations that the existing building could be improved, and is preferable to the appeal proposal, which involves the demolition of the existing building. I am however required to determine the appeal before me on its own merits.
12. Reference has been made to various private rights, but planning is concerned with land use in the public interest and these matters are outside the scope of this appeal. I have taken into account all other matters raised including reference to the decision-making process, air quality, and flooding but none of these matters would outweigh my conclusion on the main issue.

Conditions

13. I have considered the suggested conditions, having regard to the six tests set out in the Framework. For the sake of clarity, conciseness and enforceability, I have amended the wording of some of the suggested conditions as appropriate.
14. I have attached materials and landscaping conditions in the interests of ensuring the development's acceptable appearance in order to safeguard the area's character and appearance.
15. A Construction Traffic Management Plan (CTMP) is required given the proposal involves the demolition of an existing building and the location of the site in a residential area. A drainage condition is also required to address surface water run-off. It is essential for both these to be pre-commencement conditions to ensure there are no adverse effects arising on highway safety, living conditions and in relation to the drainage condition and for the reason of flood prevention.
16. Conditions are also necessary to control water usage to ensure efficient use of resources and to protect the mature tree to the rear in the interests of the character and appearance of the area. Given the proximity of the rear gardens of the proposed dwellings to the protected tree, I consider it necessary to restrict Permitted Development rights.

17. A condition relating to a side facing window being obscured and non-opening below 1.7m is required to prevent harm to living conditions and for the development to be undertaken in accordance with the submitted Preliminary Roost Assessment in the interest of protected species.
18. For highway safety reasons, I have imposed conditions to ensure the provision of a modified access, and for vehicular and cycle parking to be provided. I do not consider that the separate suggested condition is required in relation to pedestrian visibility as this is addressed by the condition on the modified access to Charterhouse Road, which requires visibility zones to be kept clear. I also consider a condition is necessary to secure electric vehicle charging points in the interests of promoting more sustainable modes of travel with the details of these to be submitted and agreed with the Council.

Conclusion

19. I conclude, for the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeal is allowed.

F Rafiq

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P-21-003-P-001 Rev A Location and Orientation Plans, P21-003-P-002 Rev C - Proposed Block Plan, P21-003-P-111 Rev A - Proposed Ground Floor Plan, P21-003-P-112 Rev A - Proposed First Floor Plan, P21-003-P-113 Rev A - Proposed Second Floor Plan, P21-003-P-114 Rev A - Proposed Roof Plan, P21-003-P-201 Rev A - Proposed Sections, P21-003-P-301 Rev A - Proposed North Elevation, P21-003-P-302 Rev A - Proposed East Elevation, P21-003-P-303 Rev A - Proposed South Elevation, P21-003-P-304 Rev A - Proposed West Elevation, P21-003-P-305 Rev A - Proposed Street Scene, P21-003-P-501 Rev B - Bike and Bin Store, 2021/5900/001 P5 - Proposed Access and Visibility Splays and 2021/5900/003 P2 - Parking Swept Path Analysis.
- 3) No above ground development shall commence until details and 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 / samples.
- 4) No above ground development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees, shrubs and hedges to be planted. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the completion of the development and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species.
- 5) No development shall commence until details of a scheme for disposing of surface water by means of a sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full in accordance with the approved details prior to the first occupation of the development hereby permitted and retained thereafter.
- 6) Prior to the commencement of any above ground works on the development hereby permitted, written evidence shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings will achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence shall be in the form of a Design Stage water efficiency calculator. Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity.

- 7) Protective measures shall be implemented in strict accordance with the arboricultural information provided by SouthOaks Arboricultural Consultancy received on 8th November 2021, including arboricultural supervision as indicated. The tree protection measures shall be implemented before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
- 8) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no building, structure or other addition or alteration permitted by Classes A, AA, B, E, and F of Part 1 of Schedule 2 of that Order shall be erected or constructed on the appeal site.
- 9) No part of the development shall be first occupied until the second floor window in the side (north) elevation of the development hereby permitted shall be glazed entirely with obscure glass and be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. Once installed the window shall be permanently retained in that condition.
- 10) No part of the development shall be first occupied until the proposed modified access to Charterhouse Road has been constructed and provided with tactile paving and visibility zones in accordance with the approved plans (Drawing No. 2021/5900/001 P5). Thereafter, the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.
- 11) No part of the development shall be first occupied until spaces has been laid out within the site in accordance with the approved plans (Drawing No's P21-003-P-002 Rev C and P21-003-P-501 Rev B) 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 purposes.
- 12) No part of the development shall be first occupied until each of the proposed dwellings are provided with electric vehicle charging points in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be retained thereafter.
- 13) No demolition/construction shall commence until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved in writing by the Local Planning Authority and shall confirm/provide the following:
 - (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) programme of works (including measures for traffic management),
 - (e) provision of boundary hoarding behind any visibility zones,
 - (f) measures to prevent the deposit of materials on the highway.

The approved CTMP shall be adhered to throughout the demolition/ construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods.

- 14) The development hereby approved shall be undertaken in accordance with the avoidance, mitigation, and enhancement measures set out in the Preliminary Roost Assessment report dated June 2021.

End of Conditions