



Appeal Decision

Site visit made on 1 November 2022

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 DECEMBER 2022

Appeal Ref: APP/R3650/W/22/3296333

Chapman House, Meadway, Haslemere GU27 1NN

- 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 Jason Vince of Earlswood Homes against the decision of Waverley Borough Council.
 - The application Ref WA/2021/02448, dated 14 July 2021, was refused by notice dated 24 February 2022.
 - The development proposed is the extension of building to side and roof to create 7 apartments, elevational changes and external landscaping works.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of building to side and roof to create 7 apartments, elevational changes and external landscaping works, at Chapman House, Meadway, Haslemere GU27 1NN in accordance with the terms of the application, Ref WA/2021/02448, dated 14 July 2021, subject to the conditions within the attached schedule.

Preliminary matter

2. The development subject of this appeal follows the granting of a prior approval application (CR/2021/0004) for the change of use of an office building to 14 residential units. Determined on 30 March 2021, I have no reason to doubt that that the prior approval decision is still extant, and I proceed on that basis.

Main Issues

3. The main issues are the effect of the development on;
 - the character and appearance of the area; and
 - European sites designated under the Habitat Regulations.

Reasons

Character and appearance

4. A substantial 2 storey former office building occupies a significant proportion of the appeal site. Large areas of the remainder of the site are covered with hardstanding. The site is located within a built up and predominantly residential area. Neighbouring development is of variety of ages, styles and materials, most being either 2 or 3 storey in height. Although mainly addressing the street, there is no prevailing form, density, bulk or massing of existing development within the area.
5. The proposal to extend the building both outwards and upwards would increase its bulk and massing. However, on all sides the additional storey would be set

- back from the existing and proposed walls serving the ground and first floor accommodation. The effect of this would be to break up the overall bulk and massing of the building, and to minimise the visual effect of the proposed second floor accommodation. Furthermore, and due to the presence of existing three storey accommodation within the area, the addition of a third storey to the building would not be atypical of development in the area.
6. The proposal to set back the outwards extension from the existing building line addressing Meadway, would further interrupt and break up the bulk and massing of the resultant building. It would also prevent the development from being unduly prominent when viewed from locations within the street scene along Meadway or Timbermill Court.
 7. A wide range of materials are used within surrounding development, including timber cladding on bay windows within Timbermill Court. Instead of harming the character and appearance of the area, the addition of vertical black painted timber cladding would add positively to the characteristic variety of finishes in the area. Furthermore, the introduction of individual windows and glazing which would be of a scale more similar to that of neighbouring residential development would improve the relationship between the building subject of this appeal and neighbouring properties. Overall, the development proposals would improve the appearance of the building, and its relationship to neighbouring development.
 8. If implemented, the appeal scheme would result in the enlargement of the footprint of the building, and an increased density of development within the site. However, over half of the site would be retained for car parking and community amenity space. Furthermore, due to the presence of roads at Meadway and Timbermill Court to 2 sides of the site, and rear gardens around the remainder of the site, a reasonable degree of separation between buildings would be retained. The proposal would not therefore result in a cramped form of development, either within the site or within the context of surrounding development.
 9. For the reasons set out above, the development would not harm the character and appearance of the area. Accordingly, I find no conflict with the requirement of policy TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 (the Local Plan), to protect the character and amenity of the Borough and requiring new development to be of a high quality that responds to distinctive local character of the area in which it is located. Nor do I find conflict with the parts of retained policies D1 and D4 of the Waverley Borough Local Plan 2002, where they seek to prevent development which would harm the visual character and distinctiveness of a locality, and to secure high quality design which integrates well with the site and complements its surroundings. It would also comply with paragraph 130 of the National Planning Policy Framework (the Framework) where it indicates that development should add to the overall quality of the area, and be visually attractive and sympathetic to local character.

European sites

10. The appeal site is located beyond 400m but within 5km of the Wealden Heaths Phase II Special Protection Area (SPA). The importance of the SPA stems from its' supporting breeding populations of Nightjar, Woodlark and Dartford

Warbler, all species which nest on or near the ground and are susceptible to predation and disturbance.

11. Natural England have confirmed that they have no objection to the development proposals.
12. The Habitat Regulation Assessment (HRA) prepared in support of the Local Plan, indicates that effects of the plan upon the SAC may arise from urbanisation, atmospheric pollution, reduced water availability and recreational pressure and disturbance. With regard to atmospheric pollution, it suggests that development leading to increases in vehicle emissions within 200m of the SPA could contribute cumulatively to adverse effects on the integrity of the SAC. In terms of water availability, it advises that the Environment Agency considered that it will be possible for water companies to meet the future resource requirements of the Waverley area without increased abstractions from watercourses and groundwaters that are of importance to the SPA. In respect of urbanisation, the HRA suggests that large amounts of development within 400m of the SPA could result in adverse effect on the SPA. In terms of recreational pressure and disturbance, the HRA indicates that there is a wide range of alternative greenspace options available within 5km of the SPA. It also suggests that the expected change in the number of dwellings within the 5km zone is sufficiently small that it is unlikely that the associated in combination increase in visitors, will result in a perceptible change in the disturbance experienced by the bird populations of the SPA.
13. I have found that the development accords with the relevant policies of the development plan. Alone and in combination with other plans or projects, I conclude that the development would not give rise to risk of significant effect on the internationally important features of the SAC. This is because of the limited number of houses proposed, the distance of the appeal site from the identified SPA (in excess of 400m); and the presence of alternative outdoor open access countryside within the area.

Other Matters

14. Occupiers of neighbouring properties at Timbermill Court, would not suffer any unacceptable loss of light, outlook or privacy within their houses and gardens, as a result of the implementation of the development proposals. This is because of the extent of the separation distances between the development subject of this appeal and the houses and rear gardens at Timbermill Court. Similarly, the development would not cause any unacceptable loss of light, privacy or outlook within either the houses or gardens, for the occupiers of properties at Oak End and Lions Mead. This is for the same reasons as for the properties at Timbermill Court. It is also due to the presence of intervening trees and fences, and because the only second floor window in the Lionmead facing elevation of the proposed development would serve a bathroom. Furthermore, no roof terrace is proposed on this elevation. As such it would not be possible to directly overlook properties on Lionsmead. Conditions are attached to the permission to ensure that no future harm would be caused in respect of these matters.
15. The use of balconies and the roof terraces would result in a level of noise generation. However, there is no reasonable basis to conclude that the level of noise would be distinguishable or inappropriate within this residential area.

16. Even if the level of on-site parking provision would be marginally lower than that set out within Waverley Council's 2013 Parking Guidelines, the site is within close walking distance of Haslemere Town Centre, which is a location where the Council indicate that there are transport modes alternative to the private car available. In such instances, it is reasonable to expect that levels of car ownership may be reduced. Furthermore, there is unrestricted on street parking within the area. Although a snapshot in time, during my morning and mid-week site visit, I found no evidence of parking stress within the area. I therefore find that, in combination with the on-site provision, there is adequate capacity within the nearby streets to accommodate car parking associated with the proposed development, without causing harm to pedestrian or highway safety. Given the small scale of the development proposal, it would not generate a level of vehicle movements which would obstruct the flow of traffic on the existing junction between Meadway and Lionmead. As such there is no basis to consider that it would cause unacceptable harm to highway safety in the area.
17. In addition to communal outdoor spaces within the site, individual patios, balconies or roof terraces are proposed to serve the seven residential units. In the absence of any compelling evidence regarding the level or standard of outdoor space required, I have no reason to conclude that the level of proposed outdoor space provision would not be adequate to meet the needs of future occupiers.
18. No cogent evidence has been put forward indicating that the proposed development would have an adverse effect on water supply within the area.
19. Although no ecological survey has been submitted in support of the scheme, the proposed development would be located on areas of existing hardstanding or on top of an existing building, and as such the existing biodiversity value of the parts of the site to be developed are considered to be low.
20. The submitted arboricultural method statement indicates what actions should be taken to prevent unacceptable damage being caused to the trees which are subject of tree preservation orders and which are located outside of the site. Subject to these actions being undertaken, the trees would be afforded adequate protection during the construction. Whilst the raising of the height of the building may reduce the level of sunlight available to the tree at T1, the small reduction would not be expected to lead to significant harm to the health of the tree.
21. The scheme is for 7 residential units, and the appellant advises that the site area is 0.19 hectares. I have proceeded on that basis. Paragraph 64 of the Framework indicates that provision of affordable housing should not be sought for residential development proposals that are not major developments. The seven additional units proposed do not constitute major development, and I have been presented with no compelling justification for why affordable housing provision should be made in this case.
22. Within the Committee Report the Council indicates that it could not demonstrate a five-year supply of housing land. An additional seven residential units in a location where the development would not harm the character and appearance of the area would help to boost the supply of homes. This would accord with Policy ALH1 of the Local Plan and paragraph 60 of the Framework.

Conditions

23. The Council have suggested 15 conditions. The wording of conditions has been amended where appropriate. This is for the purposes of clarity and to meet the six tests outlined within paragraph 56 of the Framework.
24. The statutory condition which specifies the time-period for the implementation of the permission is imposed. For clarity a plans condition is also imposed, which identifies the plans to which the permission relates.
25. Given that it has been identified that parts of the site have formerly been used as a builders yard and timber mill where potentially contaminative activities may have taken place, 3 conditions related to contamination risk assessment and remediation are imposed.
26. Conditions are also imposed to secure the fastest possible broadband connection; electrical vehicle charging points; and water consumption minimisation. These are to minimise the energy and resource requirements of the development and to promote sustainable patterns of development.
27. Conditions requiring; the blocking up of the vehicular access onto Meadway; the provision and retention of vehicle parking and manoeuvring space and bicycle parking; a construction transport management plan; and a welcome pack, are all necessary. These are to protect highway safety and to promote sustainable transport use.
28. Although the Council have requested a condition preventing the formation of a roof terrace on the north-western elevation of the building, the provision of such a terrace would not give rise to any unacceptable harm to the living conditions of the occupiers of neighbouring properties. However, for the aforementioned reasons, a condition preventing the formation of a roof terrace on the north-eastern elevation of the building is appropriate and necessary. Therefore, and in order to protect the living conditions of occupiers of neighbouring properties and to ensure adequate living conditions for future occupiers of the development, 3 conditions are imposed. These require details of privacy screening for balconies and terraces to be provided to the LPA for their approval; the obscure glazing and non-opening of a window on the north-eastern elevation of the building at second floor level; and, the prevention of the creation of outdoor spaces at second floor level on the north-eastern elevation of the building.

Conclusion

29. For the reasons given above and having regard to the development plan as a whole and any other relevant material considerations, I conclude that the appeal should be allowed.

V Simpson

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: 001 Rev 01, 002 Rev 01, 003 Rev 01, 004 Rev 00, 006 Rev 00, 007 Rev 00, 008 Rev 01, 009 Rev 02, 010 Rev 01, 011 Rev 01.
- 3) No development shall take place, including any works of demolition, until a Construction Transport Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - measures to control the emission of dirt and construction materials on to the highway;The development shall be implemented in accordance with the approved Construction Transport Method Statement.
- 4) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

The assessment shall include:

 - a survey of the extent, scale and nature of contamination; and
 - the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters; and
 - ecological systems.
- 5) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to

ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.

- 6) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the relevant phase of development is resumed or continued.
- 7) The development shall not be occupied until space has been laid out within the site, in accordance with drawing number 009 revision 02 for vehicles and bicycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. That space shall thereafter be kept available at all times for those purposes.
- 8) The development shall not be occupied until the existing vehicular access between the site and Meadway has been permanently closed and any kerbs, verge and footway have been instated to match those on the section of Meadway adjacent to the site.
- 9) The development shall not be occupied until a welcome pack providing information to new residents regarding the availability and whereabouts of local public transport, walking and cycling routes and car rental facilities is submitted to and approved in writing by the Local Planning Authority. The approved welcome pack shall be provided to the occupiers of each apartment.
- 10) The development shall not be occupied until each of the 7 apartments authorised by this planning permission is provided with an on-site fast-charge electric vehicle charging point. The charging points shall thereafter be retained and maintained in working order unless otherwise agreed in writing by the Local Planning Authority.
- 11) The development shall not be occupied prior to details of measures to provide privacy between all patios, balconies and terraces, which shall include permanent 1.8m high opaque screening between all apartments, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to its occupation. It shall thereafter be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.
- 12) The development shall not be occupied prior to details being submitted to and approved by the Local Planning Authority demonstrating that;
 - the use of the development may be undertaken without occupiers exceeding 110 litres of water usage per person per day.

- 13) Prior to the first occupation of the development, details of how the highest available broadband speed infrastructure will be delivered to the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved broadband infrastructures shall be installed prior to occupation of the development.
- 14) No part of the roof or roof terrace on the north-eastern elevation of the building shall be used as a balcony, roof garden, pathway or outside amenity area.
- 15) The 2nd floor window on the north-eastern elevation of the building shall be obscure glazed and fixed shut beneath a height of 1.7m from the floor level of the room that the window serves. It shall thereafter be retained in that form.

End of conditions.