



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: 27 January 2023

Appeal Ref: APP/R3650/W/22/3290089

Kirriemuir, 3 Forestdale, Grayshott, Hindhead, Surrey GU26 6TA

- 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 P Kearon against the decision of Waverley Borough Council.
 - The application Ref WA/2021/01456, dated 29 March 2021, was refused by notice dated 1 November 2021.
 - The development proposed is erection of a 3 bedroom detached bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 3 bedroom detached bungalow at Kirriemuir, 3 Forestdale, Grayshott, Hindhead, Surrey GU26 6TA in accordance with the terms of the application, Ref WA/2021/01456, dated 29 March 2021, and the plans submitted with it, subject to the conditions in the schedule below.

Preliminary Matters

2. In the heading and decision above I have used the description of the development as given on the application form. This differs from that used by the Council, but accurately describes the development under consideration. The Council's description also referred to the proposed vehicular access and associated works. These are detailed on the application plans and I have taken account of these elements of the proposed development.

Main Issue

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

Reasons

4. The appeal site is in a cul-de-sac of detached dwellings, sloping down from Headley Road. It is currently part of the garden of no. 3 Forestdale, which is one of several bungalows with shallow gable roofs arranged around the lower end of the cul-de-sac. Closer to Headley Road, there are a variety of two storey and single storey dwellings of contrasting designs. Ridge heights are generally higher at this upper end of the cul-de-sac, diminishing as the land slopes down.
5. While the bungalows in the lower part of the cul-de-sac have a very open setting, often without fences or walls to the front, the dwellings closer to Headley Road are more enclosed, by mature trees and hedges. Mature trees also provide an attractive backdrop to all parts of the street scene.

6. The proposed chalet bungalow would be in a transitional location between the more enclosed dwellings on the higher land and the more open street scene around the bungalows further down. The design makes effective use of the topography, with the dwelling proposed to be set below the existing level of the lawn and the ridge height reflecting the pattern of diminishing building scale as the land slopes downwards.
7. The half-hipped roof form and modest dormers would prevent the roof appearing unduly bulky. These features are found on a number of dwellings in the surrounding area, if not immediately adjacent. As such, the design reflects local building styles sufficiently to avoid appearing contrived. While bungalows are prevalent in the lower part of the cul-de-sac, they are not ubiquitous and the street scene is capable of accommodating a different but complementary building form.
8. The degree of separation from adjacent dwellings would be comparable to other parts of the street scene, given that gaps between the existing dwellings are quite varied. The amount of space along the northern side boundary would be limited, but the proximity to the neighbouring boundary hedge would be consistent with the way boundary vegetation encloses the dwellings in this part of the cul-de-sac. There would be sufficient space around the other three sides of the dwelling to prevent it appearing unduly cramped.
9. The amount of private amenity land would be sufficient to meet the reasonable needs of future occupiers, given that not all households seek extensive areas of private garden. The proposed dwelling would be set back sufficiently to enable planting along the site frontage, as is shown on the plans. This would complement the mature landscape setting of the wider street scene and help offset the increased level of built development.
10. For the reasons set out above, I conclude that the proposed development would not harm the character and appearance of the area. It would be in accordance with Policy TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, adopted February 2018 (Part 1 Local Plan) and Policy D4 of the Waverley Borough Local Plan adopted April 2002. 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

11. The site is located within 5km of the Wealden Heaths Phase I (Thursley, Hankley & Frensham Commons) Special Protection Area (SPA) and the Wealden Heaths Phase II SPA. The SPA includes several sites which support breeding populations of ground nesting birds and are potentially vulnerable to harm due to recreational disturbance.
12. At the time of considering the application, the Council concluded that the proposed development would not have a likely significant effect upon the integrity of the SPA. The Officer Report highlighted the availability of alternative recreational opportunities within the area which could divert additional residents from use of the SPA. On that basis, the Council concluded that an appropriate assessment was not required.

13. The Council has provided evidence in the form of a Waverley Planning FAQ (November 2020), based on advice from Natural England, which indicates that developments of fewer than 20 dwellings, located between 400m and 5km from the SPA, would be unlikely to need mitigation or an appropriate assessment. Furthermore, following consultation on the appeal, Natural England, in its capacity as Statutory Nature Conservation Body, has confirmed that development of the proposed scale can be permitted without likely significant effects on the SPA. I have had no information to suggest that an alternative conclusion would be appropriate.
14. Adopting the precautionary principle, on the basis of the evidence I have before me there is nothing to indicate that the proposed development would result in likely significant effects on Habitats Sites, either alone or in combination. On that basis, an appropriate assessment is not required.
15. The site lies outside, but in relatively close proximity to, the boundary of the Surrey Hills Area of Outstanding Natural Beauty (AONB). The Council did not raise any concerns about effects on this designated landscape. Given the site's location within an established built-up area, and the extent of the intervening urban development, I am satisfied that there would be no harm to the setting of the AONB.
16. While I have noted the planning history which has been brought to my attention, this is of limited relevance, particularly as a number of the previous decisions pre-date the current Development Plan. I have based my decision on the proposed development and the evidence which is currently before me.
17. No highway safety concerns were raised by the Highways Authority. The proposed access would be on the inside of a gentle bend in the road, providing an acceptable standard of visibility, taking account of likely traffic levels and speeds within this modest cul-de-sac. The plans indicate off street parking, which the Council's officer report confirms meets local parking standards. There were no parking restrictions in Forestdale at the time of my site visit. Therefore, while the risk of overspill parking appears limited, some degree of on-street parking could be accommodated when necessary.
18. The proposed dwelling would be visible from adjoining gardens, but would not have an overbearing visual impact, given the level of boundary screening and the relatively modest scale and form of the upper floor. Nor would the development obstruct sunlight or daylight to adjoining properties to any material degree.
19. The proposed first floor windows at the rear would be at a high level, which would effectively prevent any loss of privacy within the adjoining property. Alternative window openings at the rear could potentially harm living conditions for neighbouring occupiers, therefore I have imposed a condition to prevent this eventuality, as set out below. There would otherwise be no material impact on the privacy of adjoining properties, given the orientation of windows and level of boundary screening.
20. Given that I have concluded that the proposal would be consistent with the development plan, it would not increase the risk of future harmful developments in Forestdale.

21. The Council's landscape officer did not raise any concerns about impacts on existing trees and hedges and based on the evidence before me, I have no reason to reach a different view. The plans include proposed tree and hedge planting to maintain the character of the area and it is not the function of this appeal to comment on removal of trees and hedges prior to submission of the application.
22. The proposed dwelling would make a small contribution to the supply of housing and would be suitable for a range of potential occupiers. Its suitability for the intended occupiers has not been a factor in my decision that the development would be acceptable on its own merits.
23. Any dispute as to land ownership issues is a private matter between the relevant parties and not within my jurisdiction.

Conditions

24. The Council has suggested a number of conditions which I have considered against advice in the National Planning Policy Framework July 2021 (the Framework) and Planning Practice Guidance. As a result I have amended some of them for consistency and clarity, and have omitted others.
25. A condition specifying the approved plans is necessary to provide certainty. I have added drawing number 2021/6/6A, which was not listed in the Council's recommended condition, but is referenced in the Officer Report, so clearly formed part of the application.
26. I have imposed conditions requiring approval of external materials and landscaping, in the interests of maintaining the character of the area. However, I have modified the Council's suggested wording, since there is no clear evidence that these details are required prior to commencement of development. Approval of landscaping details will also enable the Local Planning Authority to secure planting along the front boundary, as shown on the approved drawings.
27. Conditions to secure the implementation of access and parking arrangements are necessary to ensure that these essential elements of the development are available prior to occupation. However, I have omitted any reference to visibility zones, since none are specified on the plans.
28. A requirement for one electric vehicle charging point is consistent with Policy CC2 of the Part 1 Local Plan and with standards in the Surrey County Council Vehicular and Cycle Parking Guidance January 2012, which have informed local parking guidelines. This requirement is therefore justified so that the development complies with the development plan. However, I have omitted the detailed requirements in the Council's proposed wording, since these details can be secured through submission and approval of the required scheme.
29. The optional water efficiency standard of 110 litres per person per day is incorporated in Policy CC2 of the Part 1 Local Plan, so this requirement is justified and consistent with the Framework. I have modified the suggested wording, since compliance would be secured through the Building Regulations and separate submission and approval of details by the Local Planning Authority is not necessary.

30. I am mindful that the Framework states that permitted development rights should not be restricted unless there is clear justification to do so. In light of the siting and orientation of the proposed dwelling, a restriction on the insertion of additional first floor windows at the rear is necessary, to avoid unacceptable intrusion on the privacy of the adjoining property Copper Beeches. However, removal of permitted development rights for side-facing windows would not be justified, given the requirement in the Town and Country Planning (General Permitted Development) Order 2015 that any such windows should be obscure glazed with restrictions on opening, to maintain privacy.
31. While I have concluded that the space around the proposed dwelling would be acceptable, the plot would nevertheless be limited in extent. Further additions could result in an excessively cramped building, detrimental to the character of the street scene and/or adversely affecting living conditions within adjoining properties. As such, removal of permitted development rights for extensions, roof extensions or outbuildings is justified given the circumstances of this specific development.
32. Given the limited scale of the proposed development, a restriction on hours of construction work is not justified. Any unreasonable level of disturbance could be addressed through other regulatory regimes.
33. Application drawing 2021/6/6A includes the intended ground and finished floor levels in relation to a datum point outside the site. Therefore, a condition requiring submission and approval of further details is not necessary, since this information is included in the application.
34. Given that the appeal site is within a well-established residential area, the proposed development would be well located to take advantage of any existing broadband infrastructure. A requirement for significant expansion of off-site infrastructure would not be fairly and reasonably related to the development, given that only a single dwelling is proposed. Therefore, while I have noted that a similar requirement is included in Policy CC2 of the Part 1 Local Plan, I do not consider that the Council's suggested condition meets the tests in the Framework, in relation to this particular development.

Conclusion

35. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that 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: 2021/6/1, 2021/6/2, 2021/6/3, 2021/6/4A, 2021/6/5A and 2021/6/6A. The development shall be carried out in accordance with the approved plans.
3. 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.
4. No works above ground level shall commence until a detailed landscaping scheme for 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), schedules 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. 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. Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees and shrubs of the same size and species.
5. The vehicular access to Forestdale hereby approved shall be constructed prior to the first occupation of the dwelling hereby permitted, in accordance with the approved plans, and thereafter retained.
6. 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 and cycles to be parked. Thereafter the parking areas shall be retained and maintained for their designated purposes.
7. The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with one Electric Vehicle charging point in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter retained.
8. 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.
9. 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 within the rear roof slope of the dwelling hereby permitted without the written permission of the Local Planning Authority.

10. 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 extensions or alterations or outbuildings as defined within Part 1 of Schedule 2, Classes A, B, and E inclusive of that order shall be constructed on the site without the written permission of the Local Planning Authority.

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