



Appeal Decision

Site visit made on 27 April 2023

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2023

Appeal Ref: APP/R3650/D/23/3316575

40 Binscombe Lane, Farncombe, Godalming, GU7 3PP

- 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 Mrs & Mrs V and K Van Rooyen against the decision of Waverley Borough Council.
 - The application Ref WA/2022/02572, dated 9 October 2022, was refused by notice dated 2 December 2022.
 - The development proposed is described as the erection of detached garage with ancillary room above accessed by external staircase; retaining boundary walls and brick piers with sliding vehicle access gate following demolition of existing detached garage.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. On 21 March 2023 the council adopted the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies March 2023 (LPP2) and the policies within it replace the saved policies in the Woking Borough Local Plan 2002 (LP). In particular, the council has confirmed that LP Policies D1 and D4 have been replaced by LPP2 Policies DM1, DM4, DM5 and DM13. Both the council and the appellant have had the opportunity to comment of these changes.
3. The refusal notice does not clarify which dwelling(s) are affected by the proposal. However, from the officer report and the appellants appeal statement it is apparent that the properties concerned include 6 Meadow Close (No.6) and 42 Binscombe Lane (No.42).
4. The appeal has been determined on this basis.

Main Issues

5. The first main issue is the effect of the proposal on the character and appearance of the setting to the host dwelling, the street scene and the surrounding area. The second main issue is the effect of the proposal on the living conditions of the occupiers of No.6 and No.42, with particular regard to visual impact and privacy.

Reasons

6. The appeal site is located within a row of detached two storey family houses with similar front building lines and which front onto Binscombe Lane. The dwellings have deep rear gardens which rise to the rear and which are separated from each other by tall fences and hedges, shrubs and trees. To the rear of this row of dwellings is a small cul-de-sac which includes six detached single and two storey dwellings. These dwellings occupy an elevated and open position and are served by a small private road that is located between the side boundaries of the appeal site and 38 Binscombe Lane.
7. Currently the appeal property includes a modest sized single detached garage with a fully hipped roof. The existing garage is located close to the rear of the site, adjacent to the boundaries with No.6 and No.42 and is set back from Meadow Close by a parking area.
8. The proposed garage would replace the existing garage and would be located immediately alongside the boundaries with No.6 and No.42. It's footprint, eaves and ridge heights would be materially larger than the existing garage and at ground floor level it would comprise a garage and storage area.
9. At first floor level would be an office which would be partially accommodated within the roof space. It would include a large almost flat roofed dormer window facing towards Binscombe Lane and two large roof-lights facing towards No.6. Access to the first floor would be via an open external staircase, with low timber slatted outer railings. It would be sited partially over the rear of the ground floor garage and adjacent to the boundary with No.42. It's landing area would be sited a short distance from the boundary with No.6.
10. Together and amongst other things Policy TD1 of the Waverley Local Plan 2028 Part 1 (LPP1), LPP2 Policies DM4 & DM5 and policy GOD5 of the Godalming and Farncombe Neighbourhood Plan 2019 (NP), seek to ensure that new development is of a high quality and inclusive design. It should be sympathetic of the prevailing pattern of development and respond to local context in terms of the mass, height, bulk of neighbouring properties. In addition, it should maximise opportunities to improve the quality of life of current and future residents, whilst making the most efficient use of land. Development should avoid harm to the living conditions of the occupiers of nearby land, due to visual impact, privacy, daylight and sunlight.
11. Paragraph 130 of the National Planning Policy Framework 2021 (Framework), similarly states that new development should be sympathetic to local character, be visually attractive as a result of good architecture and add to the overall quality of the area, whilst optimising the potential of the site. It should provide a high standard of amenity for existing and future users.
12. The Waverley Borough Council Residential Extensions Supplementary Planning Document 2010 (SPD), is consistent with this. It advises that garages should be designed to complement the host building and the street and that large and visually dominating extensions can undermine the living conditions of the occupiers of adjacent properties. To protect the privacy of the occupiers of adjacent properties there should be a distance of at least 21 metres between proposed windows and those of existing dwellings and 18 metres between proposed windows and neighbouring gardens. Although, as advised in the

SPD, these distances can be relaxed where the character of an area suggests that lesser distances may be appropriate.

13. Whilst LPP2 Policies DM1 and DM13 have also been referred to, they primarily relate to pollution, contamination and the need for developments to comply with other policies within the Development Plan. Accordingly, they are not directly relevant to the consideration of the main issues identified in paragraph 5 of this decision.

Character and appearance

14. The proposed garage building would be sited on its own to the front of No.6 and within a prominent, elevated and exposed position when viewed from the street scene and the adjacent properties. The eaves and ridge heights of the proposed garage would be uncharacteristically high and due to its combined height, depth and width the proposed dormer window would appear disproportionately top heavy and bulky. Together the proposed high eaves height, roof-lights, external staircase and the dormer window would result in the upper part of the building appearing top heavy and out of keeping with the street scene.
15. As a result of these factors the proposed replacement garage would be particularly prominent. It would unacceptably detract from the open, spacious and uncluttered character and appearance of the street scene. This harm would materially outweigh the benefits for the appellant and their family that would result from the enlarged garage and office accommodation.
16. It is noted that there is a large garage at the front of 1 Meadow Close, however, it is only single storey with a shallow pitched roof; sits at a lower level to its host dwelling; and is partially screened from the street scene by a tall mature hedge along the side boundary of the property. Whilst the tall garage to the rear of 4 Binscombe Lane has first floor accommodation, it is located to the rear and in close proximity to its host dwelling. As a result, these garages are visually unobtrusive and readily assimilated into the street scene.
17. Finally, the appellant has referred to the availability of permitted development rights. However, the concerns relating to the visual impact of the proposal relate to its height and accommodation of a first-floor office, not its footprint. Accordingly, the availability of permitted development rights would not set a precedent for allowing the appeal proposal.
18. I conclude on the first main issue that the proposal would unacceptably harm the character and appearance of the street scene. Accordingly, it would conflict with LP Policy TD1, LPP2 Policy DM4, Np Policy GOD5, paragraph 130 of the Framework and the advice set out in the SPD

Living conditions

19. Due to its proximity and juxtaposition the proposed building would occupy a central position in the outlook from the front facing habitable room windows at No.6. As a result of its combined eaves and ridge heights, form, large roof-light, external staircase and overall appearance, the proposed building would be both prominent and visually intrusive. Due to its height and proximity., the upper part of the new building would not be screened by the

parking of cars at the front of No.6 or the proposed new retaining wall. For these reasons the proposal would unacceptably detract from the living conditions of the occupiers of No.6.

20. Regarding privacy, as stated by the appellant the dormer windows could be obscure glazed and a privacy screen could be erected around the external staircase. Subject to this, together with restricted opening of the roof-lights, the proposal would not result in a material loss of privacy for the occupiers of No.6. However, no details are provided for a privacy screen and in the absence of such details I am concerned that it could add to the bulk of the proposed building above ground floor level. This would exacerbate the harmful visual impact of the proposed building.
21. Due to the distance between and juxtaposition of the proposed building and the dwelling at No.6, I am satisfied that any loss of daylight/sunlight within No.6 would be minimal and would not amount to a reason for dismissing this appeal.
22. There is a tall fence and mature planting adjacent to the boundary between the appeal site and No.42. In addition, the proposed building would be sited in excess of 26 metres from the rear elevation of the dwelling at No.42. Accordingly, notwithstanding its elevated position the proposal would not be visually overbearing in the outlook from the dwelling at No.42, or result in a loss of privacy within that dwelling. Also, the closest windows in the proposed dormer window could be obscure glazed and fixed shut which would minimise overlooking of the rear garden area at No.42. This is something that could be secured through the imposition of a condition.
23. However, the proposed external staircase would be located alongside the boundary with No.42 and when exiting the proposed office, the landing and staircase would provide clear views over the rear garden at No.42, including its main sitting out area. Given its elevated and open views such overlooking would be invasive and unneighbourly. It would materially detract from the living conditions of the occupiers of No.42. As indicated above the stairs could be enclosed by privacy screens, however, that would result in an unduly high wall/fence alongside the garden at No.42 and it would only partially screen north-easterly views from the open stairs.
24. I conclude on the second main issue that the proposal would unacceptably harm the living conditions of No.6 due to its overbearing visual impact and the living conditions of No.42 due to loss of privacy. Accordingly, the proposal would conflict with LPP1 Policy TD1, LPP2 Policy DM5, paragraph 130 of the Framework and the SPD.

Other Matter

25. The proposal also includes a retaining wall and sliding gate. Whilst limited details are given, provided the wall was constructed from brick to match the host property, it would respect and blend in appropriately with the street scene. Notwithstanding this as the proposed garage is an integral part of the proposed boundary wall, it would not be possible to issue a split decision for this part of the proposal.
26. Finally, without details regarding the proposed materials for the sliding gate it is not possible to fully assess its likely impact on the street scene. Had I found

in favour of all other matters, this is a matter upon which I would have sought further details from the appellant and the local planning authority.

Conclusion

27. The conclusions on both main issues amount to compelling reasons for refusal, which the imposition of conditions would not satisfactorily address.

Elizabeth Lawrence

INSPECTOR