



Appeal Decision

Site visit made on 18 April 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2023

Appeal Ref: APP/R3650/W/22/3302962

9 Coppice Close, Farnham GU9 9DQ

- 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 Simon Deadman against the decision of Waverley Borough Council.
 - The application Ref WA/2021/02764, dated 20 August 2021, was refused by notice dated 30 June 2022.
 - The development proposed is erection of two semi-detached dwellings with parking on and off site. One space for the existing main house and one for both new dwellings together with surrounding off street parking as required.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies was adopted on 21 March 2023 (Local Plan Part 2). It replaces the saved policies of the Waverley Borough Council Local Plan (2002) referred to in the Council's reasons for refusal. It is mandatory for me to take account of the most relevant and up to date information in reaching a decision. I have therefore assessed the appeal proposal against the policies in the Local Plan Part 2. The main parties have been given an opportunity to comment on the relevant policies contained in the Local Plan Part 2 and have therefore not been prejudiced by me considering the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the proposal would provide satisfactory living conditions for future occupants, with particular regard to the amount of internal living space and privacy; and
 - the effect of the proposal on:
 - the living conditions of the occupants of 10 Coppice Close with particular regard to sunlight, daylight and outlook;
 - the character and appearance of the area; and
 - highway safety

Reasons

Living conditions of future occupants

4. I note that in the appellant's statement 'quality of accommodation' is listed as a planning consideration that has been resolved and does not form part of the refusal notice. The appellant considers the proposed dwellings to achieve a size and standard of accommodation with acceptable quality and outlook to habitable rooms. However, on the Decision Notice, the Council's first reason for refusal includes harm to the amenities of future occupiers by way of harmful overlooking and loss of privacy, and that the proposal would not provide an acceptable standard of accommodation. There is no evidence before me to suggest that the Council considers this reason for refusal to be resolved.
5. Policy DM5 of the Local Plan Part 2 requires all proposals for new housing development to meet, as a minimum, the Technical housing standards – nationally described space standard (2015) (NDSS).
6. The gross internal floor areas of the proposed two-bedroom four person dwellings would fall short of the required minimum gross internal floor area of 79m² set out in the NDSS. Also, three of the four proposed bedrooms would fall short of the required minimum floor areas. The NDSS has been put in place to ensure adequate living space is provided and the shortfall in space, in this case, is not insignificant. Consequently, this would lead to an unacceptable standard of accommodation and would not provide satisfactory living conditions for future occupants.
7. Each of the proposed dwellings would have a rear garden. However, the gardens would only be set back one metre from the rear elevation of the existing dwelling, No. 9 Coppice Close. This elevation includes two first floor windows, which are unobscured and, given their size, appeared to serve bedrooms. These windows would allow direct views into the proposed gardens.
8. In addition, there are also two first floor windows of a similar nature in the rear elevation of the adjoining house, No. 10 Coppice Close. Although these windows would not directly face the proposed rear gardens, they would be close to the boundary of the proposed rear gardens and would afford views into them. Subsequently, the proposed rear gardens would be significantly overlooked by these neighbouring properties, such that satisfactory living conditions would not be provided.
9. Furthermore, there would also be views from the first-floor windows of these neighbouring properties into the ground floor windows of the proposed dwellings that would serve the principal living spaces. The distance between the existing and proposed windows, at just over 10 metres, would be significantly less than the 21 metres advised in the Waverley Borough Council Residential Extensions Supplementary Planning Document (2010) (SPD). This would result in a loss of privacy for future occupants of the proposed dwellings, such that satisfactory living conditions would not be provided.
10. I recognise the proposal would not comprise an extension and therefore, in this case, the SPD would not appear to apply. However, the guidance provides a useful benchmark as to what might be acceptable separation distances to protect the privacy of existing and future occupants, which could be applied to any type of new residential development. Moreover, the appellant has not

ventured any alternative standards and there is no substantive evidence before me justifying why a lesser distance may be appropriate in this case.

11. The Council have also raised concerns as to whether sufficient space exists on site for refuse and recycling storage. From my observations, there would be sufficient space to provide this within the proposed rear garden spaces. I am therefore satisfied that adequate refuse and recycling storage could be secured by condition as part of any permission.
12. For the reasons above, despite it being possible to secure adequate refuse and recycling storage, the proposal would not provide satisfactory living conditions for future occupants with particular regard to the amount of internal living space and privacy. It would therefore conflict with Policy TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (2018) (Local Plan Part 1) and Policy DM5 of the Local Plan Part 2. These seek to improve the quality of life and health and wellbeing of future residents, by amongst other things, requiring the provision of adequate internal and external space in order to ensure an appropriate living environment, and ensuring development avoids harm to the amenity of future residents including by way of overlooking.

Living conditions of existing occupants

13. The proposed dwellings would be relatively modest in their scale and shorter than Nos 9 and 10 Coppice Close. Nevertheless, given their proximity to the boundary with No. 10 Coppice Close, they would appear dominant and overbearing from the rear garden space, which would harm the living conditions of the occupants of No. 10 Coppice Close in terms of outlook.
14. The proposed dwellings would be positioned to the southwest of No. 10 Coppice Close and would therefore also likely affect the amount of daylight and sunlight received by its rear windows and rear garden space, particularly in the winter months when the sun is low in the sky.
15. The SPD sets out a vertical analysis that can be undertaken when a proposed development directly faces an existing habitable window in the neighbour's property to ensure adequate daylight is achieved. While the proposed dwellings would not sit directly opposite No. 10 Coppice Close, part of the rear elevation of the house on Plot 1 would face its rear elevation and associated windows. The distance between the proposed dwellings and No. 10 Coppice Close would be significantly less than the 21 metres advised by the SPD. As with the assessment of privacy, while the SPD is not directly applicable, this analysis provides useful guidance as to what might be acceptable separation distances to protect existing occupants from loss of light, which could be applied to any type of new residential development.
16. Furthermore, while the appellant contends that the proposal meets the Building Research Establishment (BRE) guidance regarding site layout and planning, there is no substantive evidence before me to demonstrate this. Neither is there any substantive evidence to demonstrate that the proposal would not result in an unacceptable loss of light. Therefore, despite the modest scale of the proposed dwellings, I cannot be certain that adequate sunlight and daylight would be achieved in this case.
17. For the reasons above, the proposal would have an overbearing and oppressive impact on the occupants of No. 10 Coppice Close. I also cannot be certain that

it would not result in an unacceptable loss of sunlight and daylight. Consequently, it would not provide satisfactory living conditions for these occupants. It would therefore conflict with Policy TD1 of the Waverley Borough Local Plan Part 1 and Policy DM5 of the Local Plan Part 2. These seek to improve the quality of life and health and wellbeing of current residents, by amongst other things, ensuring development avoids harm to the amenity of existing occupants including by way of loss of daylight and sunlight, or overbearing appearance.

Character and Appearance

18. Coppice Close is a cul-de-sac consisting of similar two storey, fairly modest, semi-detached dwellings, although some have been made larger by extensions. Given this, it has a relatively uniform character. The existing property, No. 9 Coppice Close, is positioned at the closed end of the highway. It forms one half of a semi-detached pair with No. 10 Coppice Close.
19. However, the proposed dwellings would not front Coppice Close, nor would they be visible from it. They would be located within the existing rear garden space of No. 9 Coppice Close and would front an existing parking area accessed from Newcombe Road. Visually, their built surroundings would include four small bungalows at 7a-7d Newcombe Road, which are also accessed from the existing parking area, as well as the dwellings along Mill Stream, which can be seen from the parking area.
20. Beyond the parking area are playing fields associated with neighbouring schools, which provide a relatively abrupt edge to the built form in this location. Together the parking area, adjacent playing fields and low profile of the bungalows, give the area to the rear of Coppice Close an open and spacious character, which the appeal site in its current form, as a rear garden, contributes to. However, the adjacent built form, particularly the bungalows, are relatively tightly packed.
21. The proposed dwellings would form a modest semi-detached pair, with a height and scale between that of the two storey properties on Coppice Close and the adjacent single storey bungalows. Given their modest scale, despite being a different height to the surrounding properties, they would not appear as an obtrusive or incongruous feature.
22. The orientation of the proposed dwellings, while at a slight angle to Nos 9 and 10 Coppice Close, would front the parking area in a similar arrangement to some of the nearby houses on Mill Stream. Although the proposed dwellings would be fairly close to Nos 9 and 10 Coppice Close, these properties would only be partly visible from the parking area once the proposed dwellings were constructed, and the close-knit arrangement would have similarities with the adjacent bungalows. The proposal would therefore not appear cramped, contrived or out of keeping with the existing pattern of development.
23. I appreciate that the appeal site in its current form, as a rear garden, contributes to the open and spacious character created by the parking area and adjacent playing fields. Nevertheless, the proposed dwellings would be sited on the edge of the existing built form and, taking into account their modest scale, any affect on the character and appearance of the area would be localised and limited, and not to a degree that it would result in any harm. Furthermore, the

appearance of the proposed dwellings, including the proposed materials, would complement houses in the locality.

24. Accordingly, for the reasons above, the proposal would be in keeping with the established pattern of development and character of the area. It would therefore not result in a harmful impact on the street scene. It would accord with Policy TD1 of the Local Plan Part 1 in this regard, Policy DM4 of the Local Plan Part 2, Policy FNP1 of the Farnham Neighbourhood Plan (2020) (FNP) and the associated aims of the National Planning Policy Framework (the Framework). These seek to ensure all new development is of a high quality that responds effectively to the character of its surroundings.

Highway Safety

25. Coppice Close is a narrow highway with limited opportunities for on-street parking that would not block the carriageway or crossovers to existing driveways. Nonetheless, there is no vehicular access to the appeal site from Coppice Close nor any allocated parking on the close for the existing dwelling, 9 Coppice Close. I saw on site that the parking arrangement for the existing dwelling comprises off-street spaces at the end of its rear garden, accessed from Newcombe Road via the existing parking area.
26. There did not appear to be any parking restrictions relating to the existing parking area or the nearby residential roads, including Newcombe Road and Courtenay Road. At my time of visiting, although the existing parking area was relatively full, there were several spaces available on the sections of Newcombe Road and Courtenay Road closest to the appeal site.
27. Policy ST1 of the Local Plan Part 1 requires development schemes to make appropriate provision for car parking, having regard to the type of development and its location, in accordance with local standards. While the appeal site is not located in a town centre, it is within walking distance of the centre of Aldershot and its train station, and close to bus stops on Upper Weybourne Lane and Weybourne Road. Therefore, future occupants would not be reliant on using private vehicles to access local services and facilities.
28. The proposal would provide three vehicle parking spaces, one for each of the proposed dwellings and one for the existing dwelling, 9 Coppice Close, served by the existing vehicular access. This would be less than the 6.5 spaces recommended in the Waverley Borough Council Parking Guidelines (October 2013) (Parking Guidelines). However, the recommended guidelines include an allowance for visitor parking, and it is not uncommon for this type of parking to be provided off-site and unallocated. There is also no substantive evidence before me that this type of parking would compromise highway safety in this case.
29. Given the existing and proposed parking and access arrangements, and the limited opportunities for on-street parking on Coppice Close, it is unlikely that occupants of the proposed dwellings or their visitors would choose to park on Coppice Close. Therefore, while the proposal could give rise to some additional demand for on-street parking, it is likely any increase in demand would relate to Newcombe Road and Courtenay Road rather than Coppice Close.
30. Paragraph 111 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable

impact on highway safety, or the residual cumulative impacts on the road network would be severe.

31. I note that the County Highway Authority requested that the applicant provide a Parking Beat Survey covering Woodside Road, Newcombe Road and Courtenay Road. However, that this was not provided. Nevertheless, I am satisfied, from the evidence before me and my observations on site, that there is sufficient capacity on the surrounding streets of Newcombe Road and Courtenay Road to provide the modest amount of on-street parking that would likely be generated by the proposal. As such, the proposal would not result in unacceptable effects on highway safety.
32. Given my findings above regarding access and parking, it is unlikely that the proposal would result in any significant increase in the number of vehicle movements on Coppice Close or at its junction with Upper Weybourne Lane. Subsequently, while the existing visibility splays at this junction may be substandard and the carriageway narrow, there would be no increase in the risk of vehicular and pedestrian conflict.
33. Accordingly, for the reasons above, the proposal would not compromise highway safety. Therefore, despite not fully complying with the Parking Guidelines, it would accord with Policy ST1 of the Local Plan Part 1, Policy DM9 of the Local Plan Part 2 and Policy FNP30 of the FNP. These seek to ensure that development schemes provide safe and convenient access for all highway users and make appropriate provision for car parking.

Other Matters

34. The site is located within 5km of the Thames Basin Heaths Special Protection Area (TBHSPA) and the proposal would result in an increase in people (permanently) on the site. To avoid likely significant effects upon the TBHSPA, the appellant has provided a unilateral undertaking to secure a financial contribution towards a Suitable Alternative Natural Green Space (SANG) and Strategic Access Management and Monitoring (SAMM).
35. Nevertheless, given I am dismissing the appeal due to its harmful effect on the living conditions of future and neighbouring occupants, no pathways to significant likely effects in the TBHSPA would arise from my decision. I, therefore, do not need to consider this issue further.

Conclusion and Planning Balance

36. Overall, while I found the proposal would not harm the character and appearance of the area nor compromise highway safety, this absence of harm neither outweighs nor addresses the harm to the living conditions of future and neighbouring occupants that I have identified. The proposal would therefore conflict with the development plan read as a whole.
37. At the current time the Council is unable to demonstrate a five-year supply of deliverable housing sites. It is stated in the officer's report that the current figure is 4.3 years, which shows there to be a moderate shortfall in supply. Given this, paragraph 11.d) ii) of the Framework falls to be considered. Therefore, permission should be withheld only where the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits.

38. The proposal would provide two small family dwellings that would contribute towards the borough's housing supply and range of dwelling sizes. However, while in view of the housing supply position the provision of any additional housing, particularly those in an accessible location, carries significant weight, the contribution of two dwellings would be modest and thus the benefit limited.
39. The proposal would have social and economic benefits resulting from its construction and subsequent occupation, as future occupants would likely contribute to the viability of local services and facilities. However, the modest scale of the proposal means these benefits would also be modest.
40. The proposal would conflict with Policy TD1 of the Local Plan Part 1 and Policy DM5 of the Local Plan Part 2. These are broadly consistent with the Frameworks aim to create places with a high standard of amenity for existing and future users. Therefore, while the Framework seeks to significantly boost the supply of housing and recognises the important contribution that small sites can make to speeding up the delivery of homes, in this case, the harm I have identified to the living conditions of future and neighbouring occupants would outweigh the benefits to the borough housing supply. The proposal would therefore not benefit from the presumption in favour of sustainable development.
41. For the reasons above, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Hannah Guest

INSPECTOR