



Appeal Decision

Site visit made on 23 May 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Appeal Ref: APP/R3650/W/22/3308875

Foxwood, Hookley Lane, Elstead, Godalming, Surrey GU8 6JD

- 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 & Mrs A Little against the decision of Waverley Borough Council.
 - The application Ref WA/2022/01637, dated 8 June 2022, was refused by notice dated 7 October 2022.
 - The development is described as "Retention of dwelling and associated works".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council determined the planning application, it has adopted the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (WLP2). The policies in WLP2 supersede saved policies from the Waverley Local Plan 2002, which were included in the Council's reasons for refusal of the planning application. The Council has confirmed the adoption of WLP2 does not affect its reliance on policies in the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (WLP1). I have therefore determined the appeal based on the current applicable policies in both WLP1 and WLP2.
3. Drawing No MLP/05 'Site plan as existing' was submitted with the appeal but was not included with the planning application. It shows a different boundary layout from that shown on drawing No MLP/02 'Site plan', which was part of the planning application. This has a material effect on the design of the development proposal, irrespective of land ownership. Moreover, it could result in new issues arising that have not been the subject of detailed evidence. To accept the plan, therefore, could lead to injustice. The 'Procedural Guide: Planning appeals – England' states the appeal process should not be used to evolve a scheme.
4. I note the revised boundary alignments would be entirely on land within the control of the appellant. However, some of that land would be outside the appeal site. Notwithstanding the potential for injustice described above, I could not, therefore, impose enforceable planning conditions to require it to be installed and retained in perpetuity in accordance with drawing MLP/05, even if I found it acceptable. Whether or not it could be erected under permitted development rights does not change this.

5. The revised fencing has been erected, broadly in accordance with the details shown on drawing MLP/05. However, for the above reasons, I have determined the appeal on the basis of the drawings and proposed boundary treatments originally submitted and considered by the Council at application stage.

Main Issues

6. The main issues in this appeal are:
- i. The effect of the proposed boundary fence on the living conditions of the occupiers of Foxwood, with particular reference to outlook and light.
 - ii. Whether the proposed fence would provide adequate living conditions for existing and future occupiers of the new dwelling, with particular reference to outlook and light.
 - iii. The effect of the new dwelling and the proposed fence on the character and appearance of the surrounding area.

Reasons

Living conditions of the occupiers of Foxwood

7. The proposed fence would be located very close to the longest side of the bungalow at Foxwood. This would result in a significant worsening in outlook from the windows of the habitable rooms facing it. Given the fence would turn a corner behind Foxwood, the outlook from part of the rear of the host dwelling would also be significantly reduced, even though the distance from the fence would be slightly greater on this side.
8. The orientation of Foxwood means light to rooms on the affected sides of the dwelling would also likely be diminished, with little evidence that secondary windows would compensate for this.
9. For the above reasons, I conclude the proposed fence would have a harmful effect on the living conditions of the occupiers of Foxwood. This is contrary to Policy TD1 of WLP1 and Policies DM1 and DM5 of WLP2, which protect the quality of life of residents and require development to avoid harm to the amenity of existing and future occupiers. This is also contrary to the Framework where it requires development to create a high standard of amenity for existing users.
10. The WBC Residential Extensions Supplementary Planning Document (RESPD) covers residential extensions, alterations and annexes, so is not relevant to the proposal.

Living conditions of existing and future occupiers of the new dwelling

11. The proposed fence would be located close to the front of the new dwelling. It would be very prominent in views from the glazed front door and main window to the open plan lounge/kitchen, resulting in a poor outlook from this side. Although there is a secondary window in the kitchen part of the main living space, this faces the existing boundary of the site so also has a restricted outlook. The outlook from the study and bedroom would also be reduced by the new fence, although this would be partly mitigated by the presence of secondary windows to those rooms looking out over the garden of the dwelling.

12. In addition, the new fence would reduce the amount of light entering the dwelling from its main frontage. Although this frontage is well-oriented for light, there is little evidence the residual light levels to the main living area would be acceptable.
13. For the above reasons, I conclude the proposed fence would not provide adequate living conditions for existing and future occupiers of the new dwelling. This is contrary to Policy TD1 of WLP1 and Policies DM1 and DM5 of WLP2, which protect the quality of life of residents and require development to avoid harm to the amenity of existing and future occupiers. This is also contrary to the Framework where it seeks a high standard of amenity for future occupiers. As above, the RESPD is not relevant.

Character and appearance

14. The appeal site is located in the rural settlement of Elstead on a lane that comprises mainly detached two storey houses, along with a few bungalows such as Foxwood and its neighbour Il Bosco. The predominant character of the section of Hookley Lane near the appeal site is linear frontage plots with generous rear gardens. Some, like Foxwood, back onto woodland. There are a small number of cul-de-sacs and backland plots nearby. Houses have a varied mix of traditional and modern building styles and sizes.
15. The new single-storey dwelling's modest scale, siting towards the rear of the plot, perpendicular orientation, flat roof and simple lines make it appear subordinate to the host property. When viewed from Hookley Lane, it is relatively unobtrusive against the woodland backdrop, so Foxwood and Il Bosco remain the primary features in this part of the street scene. Their appearance is relatively modern so there is not a marked contrast with the appearance of the new dwelling. The area to the front of Foxwood, which has been laid out to accommodate parking for the new dwelling, is comparable in appearance to several other front driveways along Hookley Lane used primarily for parking. Consequently, it does not look out of place.
16. The boundary fence shown in the planning application would result in a linear subdivision of the plot at Foxwood. The host plot is significantly wider than the plot of Il Bosco, so the subdivision would make three adjacent plots of broadly similar width, all occupied by bungalows. The new dwelling would be located towards the rear of this third linear plot. This is not typical of the prevailing pattern of development and not directly comparable with back-land layouts nearby, which generally involve a separate driveway. However, the building's recessive appearance means this unusual layout would not detract significantly from the character of the street.
17. For the above reasons, I conclude the new dwelling does not, and the proposed fence would not, have a harmful effect on the character and appearance of the surrounding area. Nor, given its location amongst dwellings, is there any particular evidence it would cause harm to the landscape and scenic beauty of the Surrey Hills Area of Outstanding Natural Beauty, within which the site is located. Accordingly, I find no conflict with Policy TD1 of WLP1 and Policy DM4 of WLP2, which seek good design that makes the most efficient use of land, while being sympathetic to the prevailing pattern of development and responding to distinctive local character. I also find no conflict with the Framework where it seeks development that is sympathetic to local character and the surrounding built environment.

Other Matters

18. The Council is satisfied with the effects on living conditions of occupiers with respect to separation distances, the standard of accommodation in the new dwelling if occupied by one person, and external amenity space provision. I see no reason to disagree with their conclusion on these points. However, compliance with the development plan in these respects is a neutral factor. Even if there is sufficient space for parking and there would be no harm to flood risk, biodiversity and ecology, these are also neutral factors that would not weigh in favour of the scheme.
19. I note the reasons why the appellant changed the use of the outbuilding to residential, but little weight can be attached to such personal circumstances.
20. The development makes a modest contribution of one small self-build dwelling to the supply of housing within a settlement boundary where additional dwellings are supported in principle under Policy DM13 of WLP2. This helps to meet housing need in the area, including that for small dwellings. The house would also make a modest contribution to local economic growth through occupiers' use of local services and facilities. This accords with the Framework where it seeks to increase the supply of housing, including self-build, and support economic growth. However, given the proposal is only for one dwelling, these benefits are of limited weight.

Planning Balance

21. For the reasons set out above the proposal would conflict with Policy TD1 of WLP1 and Policies DM1 and DM5 of WLP2. The proposal may comply with other policies of the development plan. Nevertheless, I conclude this conflict means the proposal conflicts with the development plan as a whole.
22. The Council accepts it cannot demonstrate a five-year supply of deliverable housing sites. This means, according to the Framework, the policies most important for determining the appeal are out of date. In these circumstances, Paragraph 11(d)(ii) of the Framework states permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole.
23. The harms resulting from the conflict with the development plan as a whole also result in conflicts with the Framework for the reasons given above. In this case, those harms would affect people's living conditions, so I attribute them substantial weight such that they would significantly and demonstrably outweigh the limited benefits of the proposal, when assessed against the policies in the Framework taken as a whole.

Conclusion

24. I have found that the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

C Carpenter

INSPECTOR