



Appeal Decision

Site visit made on 11 September 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2023

Appeal Ref: APP/R3650/W/22/3313319

Land at Catteshall Lane, Godalming GU7 1DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission.
 - The appeal is made by Builders Merchants (Wimbledon) Ltd against the decision of Waverley Borough Council.
 - The application Ref WA/2022/01377, dated 12 May 2022, was refused by notice dated 7 July 2022.
 - The development proposed is described as the 'erection of 4 dwellings, with access to Catteshall Lane'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have also dealt with another appeal (Ref. APP/R3650/W3/23/322211) on the same site. That appeal is the subject of a separate decision.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupants of neighbouring properties, having particular regard to the outlook, light and privacy; and
 - whether the proposal provides adequate living conditions for future occupiers, with respect to outlook, light and privacy.

Reasons

Character and appearance

4. The appeal site is located within the car parking area and grassed area adjacent to it, of a large office building, converted to residential use. To the east is a housing estate characterised by consistent two-three storey terraced properties, facing the highway. Nearer to Catteshall Lane is a former office block currently under demolition. Whilst the wider area is mixed in character, the appeal site retains the character of a large office use and its car park.
5. The proposed development would be partly sited on existing parking spaces. Whilst the appellant sets out that the parking spaces are redundant, I observed that some of these spaces were in use at the time of my visit. Nevertheless, the new two storey semi-detached dwellings would appear incongruously sited

next to, and would have the appearance of being within, this large car parking area. New independent houses in this location, accessed through the existing substantial car park, would appear as neither part of the Weirview Place converted office development nor the traditional linear pattern of street facing dwellings in the surroundings such as Grange Close to the east.

6. I acknowledge that the development would not extend built form closer to the river to the north. However, the dwellings would have an awkward and uncomfortable visual relationship with their setting and would not reflect the form or grain of existing development. The development would not integrate well with its surroundings nor provide a high quality and attractive environment. Additional landscaping and planting would not mitigate this harm.
7. I conclude that the development would harm the character and appearance of the surrounding area. The proposal would therefore conflict with Policies D1 and D4 of the Waverley Borough Local Plan (2002) (LP), Policy TD1 of the Waverley Borough Local Plan (2018) (BLP) and Policy GOD5 of the Godalming and Farncombe Neighbourhood Plan (2019) (NP). These policies collectively require development to be high quality and integrates well and makes a positive contribution to the street scene and character of the area. These policies are in broad conformity with the National Planning Policy Framework (the Framework).

Living conditions for occupiers of neighbouring properties

8. The two sets of properties would be sited opposite the entrances on the eastern projections of Weirview Place. The nearest windows serving residential units appear to be dual aspect. In addition, given the separation distances and existing trees and planting sited next to the building, based on the evidence before me and what I observed on site, I am satisfied that the side elevations of the proposed dwellings would not be overbearing on the outlook from the nearest residential units within Weirview Place.
9. The Council set out that the proposal would contradict the 45-degree rule when drawn from Weirview Place. The 45-degree rule is taken from the Supplementary Planning Document 'Residential Extensions' (2010) and does not specifically relate to new dwellings. As such this document is not determinative in this case. However, LP Policy D4 requires development to not significantly harm the amenities of occupiers of neighbouring properties by way of loss of light. The appellant has submitted a light report¹ which sets out how the development would not have an unacceptable impact on light levels reaching any neighbour and would comply with the BRE² guidance. I note letters of objection from neighbouring residents in this regard, particularly regarding the roof overhang and position of first floor windows in relation to the building footprint. However, in the absence of any substantive evidence to contradict the findings of the light report and based on what I observed on site regarding dual aspect windows and separation distances, I am satisfied that the proposal would not lead to an unacceptable impact upon light.
10. The proposal includes first floor side facing windows facing Grange Close (particularly unit 4) and Weirview Place (particularly unit 1), however as these serve bathrooms, were I minded to allow the appeal, a condition that requires

¹ By Richard W Staig, Chartered Building Surveyor, dated 22 April 2022 (updated 6 December 2022)

² BRE Second Edition, 2011

obscure glazing would ensure that there is no direct overlooking of the nearest properties.

11. In light of the above, I conclude that the proposed development would not harm the living conditions of the occupants of neighbouring properties, having particular regard to outlook, light and privacy. There is therefore no conflict with the general protection of amenity requirements of LP Policies D1 and D4, BLP Policy TD1 and NP Policy GOD5. These policies are in broad conformity with the protection of amenity goals of the Framework.

Living conditions for future occupiers

12. The rear gardens of the proposed properties would be obliquely overlooked by its attached neighbour, in addition to, at a distance, by the first floor properties within Weirview Place and the upper floor windows of the dwelling on Grange Close. However, such oblique or distant overlooking is not unusual in an urban environment and would not lead to unusable garden space or unacceptable living conditions for future occupiers. A condition to ensure that the first floor side elevation windows are, as set out above, obscure glazed, would prevent unacceptable direct overlooking of the bathrooms these windows serve.
13. Given the separation distances to neighbouring properties, there would also be no unacceptable impact on light or outlook for future occupiers of the proposed properties.
14. I therefore find that acceptable living conditions for future occupiers would be provided and there is therefore no conflict with the high-quality development requirements of LP Policy D4 and BLP Policy TD1. These policies are in broad conformity with the high-quality design goals of the Framework.

Planning Balance and Conclusion

15. The appellant sets out that the Council cannot demonstrate a five year supply of deliverable housing sites. This is not disputed by the Council, and the appellant gives several figures for this shortfall³. The proposal would result in 4 additional units of accommodation which would contribute to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes, in a location with good access to services and facilities. I also acknowledge that the development would make efficient use of the site, within the established settlement.
16. The appellant refers to the lack of conflict with policies relating to issues such as the parking, flooding and ecology, however, this to be expected in any development and as such is a neutral matter, not in favour of the proposal.
17. I further note the additional benefits of improved landscaping and planting that the development would provide, in addition to complying with the requirements of climate change and sustainability. However, given the quantum of development, this would be a modest improvement.
18. I have taken full account of all the matters advanced in support of the proposal. However, due to the nature and scale of the appeal proposal, the benefits would be relatively limited. The harm to the character and appearance of the surrounding area is a matter to which I attribute great importance, in

³ Including appeal decisions reference APP/R3650/W/22/3302987, APP/R3650/W/22/3312128 & APP/R3650/W/22/3310793

accordance with Framework paragraph 130. Even if there is a significant shortfall in terms of five year supply of housing sites, and I note the Inspector's⁴ comments regarding a lack of credible strategy to address this shortfall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the proposal would not comprise sustainable development.

19. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

B Phillips

INSPECTOR

⁴ Appeal reference APP/R3650/W/22/3310793