



Appeal Decision

Site visit made on 27 September 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2023

Appeal Ref: APP/R3650/W/22/3313885

5 Croft Road, Witley, Godalming, Surrey GU8 5RF

- 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 Matt Dudzik against the decision of Waverley Borough Council.
 - The application Ref WA/2022/01936, dated 22 July 2022, was refused by notice dated 12 December 2022.
 - The development proposed is the splitting of one existing residential dwelling into 2 residential dwelling houses
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the date of the decision on the planning application the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (2023) (LPP2) was adopted. This supersedes the Waverley Local Plan 2002. The Council included these policies in their statement and the appellant has had the opportunity to comment on these. I have therefore assessed this appeal in light of the LPP2.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area, and whether the proposed development would provide an acceptable standard of living conditions for future occupiers with particular regard to internal space and external amenity space at 5A.

Reasons

Character and Appearance

4. Croft Road is generally characterised by pairs of semi detached properties, some of which are occupied as flats located along a curving cul de sac along with mainly detached bungalows opposite the site. There are generous gaps between buildings and properties mainly have large rear gardens resulting in a spacious character to the area and largely regular pattern of built form. The property at No 5 has been extended, but nonetheless it maintains these positive characteristics.
 5. The proposed development would subdivide the existing plot. Although there would not be any physical changes to the building, this would nevertheless be evident through the fencing used to separate the proposed gardens.
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6. The resultant plot for 5A would be narrower and shorter than others nearby. It would be further constrained as, due to the existing outbuilding, a significant majority of the plot would be occupied by buildings. This would result in a dwelling with a very constrained plot and garden. This would harmfully erode the open and spacious character and pattern of development.
7. As such, the proposed development would be harmful to the character and appearance of the area. As such it would be contrary to Policy DM4 of the LPP2, and Policy TD1 of the Local Plan Part 1 (2018). Together these seek high quality design from new development including responding to local character and context by taking into account the building plot sizes and widths and plot coverage amongst other things.
8. Policy DM1 of the LPP2 mainly relates to environmental implications, therefore the policies set out above are more relevant to this main issue.

Living Conditions

9. Policy ND7 of the Witley Neighbourhood Plan 2017-2032 (2020) (NP) requires that new homes must provide good levels of internal and external space and DM5 of the LPP2 sets criteria to achieve this. These include that developments should meet the DCLG's Technical Housing Standards – Nationally Described Space Standard. These require that a 3-bedroom, 3-storey property should have a minimum of 90sqm of floor area. They also require that each dwelling should have private, usable amenity space which in this case should be at least 10m in depth and the width of the dwelling.
10. The proposed dwelling at 5A would be a 3 bedroom dwelling, over 3 storeys. The LPA states that it would have a total floor area of 74sqm, and this is not disputed by the appellant. The layout of the ground floor and first floor have adequate space for furniture and circulation for the proposed uses of the rooms. However, the bedroom on the third floor is set into the loft space, as such part of the room has a limited head height. Consequently, it would not provide adequate space or layout for the proposed use as a bedroom.
11. The external amenity space for this dwelling would be split into two main parts, a small area to the rear of the house enclosed by the 2 storey rear wall of 5A, the side wall of no 5m, the boundary fence and the garden room. The second area would be to the rear of the garden room, which would only be accessed through this outbuilding. The first area would be surrounded by built development and, along with its orientation, this means that it would be quite gloomy. However the rear area would be more open and reasonably well lit. Nevertheless, overall, the outdoor amenity would have issues of usability in part due to light and in part access via the garden room. It would also be limited in width, and a significant part of its depth would be occupied by the garden room. Overall it would not provide a suitable size, layout or quality of outdoor space for a 3-bedroom house.
12. Consequently, taken together the proposed development would not provide acceptable living conditions for future occupiers. As such, it would be contrary to policies DM1 and DM5 of the LPP2 and Policy ND7 of the NP which require that development should avoid harm to the amenity of future occupants as well as the aims set out above.

Other Matters

13. Wealden Heaths I Special Protection Area is a habitats site that has a high level of protection. It is designated due to its populations of nightjar, woodlark and Dartford warbler. The LPA has determined that, due to the proximity of the proposed development, either alone or in combination with other plans and projects there would be a significant effect on the interest features of the site from the proposed residential development. Notwithstanding this, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Conclusion

14. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, this appeal should be dismissed.

H Miles

INSPECTOR