



Appeal Decision

Site visit made on 8 August 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2023

Appeal Ref: APP/R3650/W/23/3315890

Stilemans, West Lodge, Hascombe Road, Godalming, Surrey GU8 4AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Asi Zarbafi against Waverley Borough Council.
 - The application Ref WA/2022/01819, dated 15 July 2022, sought approval of details pursuant to condition No 2 of planning permission Ref WA/2020/1155 granted on 12 November 2020.
 - The development proposed is reserved matters application pursuant to WA/2020/1155 regarding the proposed construction of a replacement dwelling following the demolition of the existing detached dwelling.
 - The details for which approval is sought are: access, scale, layout, appearance and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission was granted at the appeal site under reference WA/2020/1155. That permission establishes the principle of the proposed development for the demolition of the existing buildings and their replacement with a residential dwelling. For ease of reference, I refer to that permission as 'the outline permission' henceforth.
3. I can only consider the acceptability of the reserved matters which are before me. There is no scope to reconsider the principle of development or other matters which were dealt with at the outline stage.
4. The Council, in its appeal statement, sets out that it has no objection in respect of access or layout. I have no reason to disagree with those findings and therefore do not consider these matters further.

Main Issues

5. The appeal was submitted due to the Council failing to make a decision within an agreed period of time. Based on the evidence before me, the main issues are:
 - the effect of the proposed development on the character and appearance of the area, with particular regard to landscaping, scale and appearance.

Reasons

Landscaping

6. An Estate Landscape Plan has been submitted in support of the scheme. This sets out a long-term enhancement strategy for the wider Stilemans Estate.
7. Although I appreciate that the appeal site lies within this landscape plan, it provides only a general concept of landscaping proposals across the wider estate. Some further landscaping detail is provided on the submitted site plan, however these details are vague and unclear, particularly in relation to the soft and hard landscaping materials to be used and the size, amount and species of the proposed plants.
8. On the basis that there are no other conditions attached to the original outline permission to secure details of landscaping proposals, I concur with the Council that the level of detail submitted is insufficient. I note the appellant's suggestion of including a further condition to deal with landscaping. However, I do not consider this to be appropriate in this instance. Details of landscaping have been put forward at this stage, as required by Condition 2, and I am therefore assessing them on the basis of the evidence before me.
9. Overall, I conclude that insufficient detail has been provided in respect of landscaping, contrary to the relevant provisions of Policy TD1 of the Waverley Local Plan Part 1 (LP1, 2018) and Policies DM1 and DM4 of the Local Plan Part 2 (LP2, 2023). These policies in summary seek to ensure high quality design which responds to distinctive local character and existing features. This is in a similar vein to the provisions of the National Planning Policy Framework (the Framework) insofar as good design is concerned.

Scale and Appearance

10. The appeal site forms a parcel of land in part accommodated by buildings in equestrian use. It is surrounded by open countryside and accessed from the main driveway to Stilemans, a large detached dwelling, from Hascombe Road.
11. The surrounding area has a rural character, predominantly comprising agricultural land with areas of woodland amongst it. Farms, individual dwellings and small clusters of development also exist in the landscape, including along the Hascombe Road. The site lies within the Green Belt, the Surrey Hills Area of Outstanding Natural Beauty and an Area of Great Landscape Value. As set out above, the principle of the development has been accepted here and there is no scope to reconsider the matters which were dealt with at the outline stage.
12. A parameter plan has been presented to me, setting out a maximum GEA of 600sqm, maximum ridge level of 7.5 metres and a maximum eaves height of 5.7 metres. This was submitted with the original planning application. The appellant sets out the details presented under this appeal accord with that parameter plan.
13. The Council sets out its acceptance of the footprint and volume of the proposal, in line with the outline permission. However, it considers the scale of the property, at two storeys high, would not accord with that parameter plan, or permission generally. I note the original officer report, submitted in support of the Council's case, sets out that a two-storey building would be excessive in scale and would have a greater impact on the openness of the Green Belt.

14. Although the parameter plan was not listed as an approved drawing, its inclusion in Schedule 1 makes it clear that the Council had regard to it in making its decision. Moreover, the Council's acceptance of the details in respect of footprint and volume, and also its reference to a ridge height of 7.5 metres in its original officer report, demonstrates this.
15. I concur with the appellant that the maximum heights originally put forward go above a typical single-storey structure. It is therefore reasonable that a building of greater than a single-storey could come forward at the details stage. I also accept that the inclusion of an informative in respect of the numbers of storeys is not determinative as these carry no legal weight.
16. In granting permission, the Council have accepted the principle of a building in this location of the indicative scale set out, with a ridge level of up to 7.5 metres high. I have no reason to conclude that the details put forward do not accord with those accepted principles.
17. In respect of appearance, I accept that the design of the proposed dwelling is not a common feature of the surrounding area. However, existing domestic and agricultural buildings along the Hascombe Road are varied in scale, period and design. These buildings tend to be visible but set within landscaped or well screened plots. From that perspective, the proposed development would not appear out of keeping with the prevailing pattern of development within the surrounding area or appear overly dominant in this rural setting.
18. Moreover, the appeal site is not readily visible from Hascombe Road by reason of mature intervening landscaping and the presence of intervening established buildings. In respect of the impact on landscape character, the site already contains built form, is self-contained and is the subject of an outline permission for a domestic building. Accordingly, I find that the proposed development would have a neutral effect on the site and wider landscape.
19. Overall, I conclude that the scale and appearance of the development would be acceptable, in accordance with the relevant provisions of LP1 Policy RE2 and LP2 Policy DM14, which taken together seek to ensure high quality design in development that respects the Green Belt. This is in a similar vein to the provisions of the Framework insofar as the protection of the Green Belt is concerned.

Conclusion

20. Although I have found details in respect of scale and appearance to be acceptable, and the Council have no objection in respect of access and layout, I have insufficient detail before me to demonstrate that landscaping proposals would be appropriate. Consequently, the proposed development would fail to accord with the relevant provisions of LP1 Policy TD1 of the and LP2 Policies DM1 and MD4.

Overall Conclusion

21. For the reasons given above, having considered the development plan as a whole and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A Price

INSPECTOR