



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: 2nd November 2023

Appeal Ref: APP/R3650/W/23/3322211

Land at Catteshall Lane, Godalming, GU7 1DE

- 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 planning permission.
 - The appeal is made by Builder Merchant Wimbledon Ltd against Waverley Borough Council.
 - The application Ref WA/2023/00666, is dated 9 March 2023.
 - The development proposed is described as the 'erection of 4 houses consisting of two pairs of 2-bedroom semi-detached houses, with parking and landscaping'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have also dealt with another appeal (Ref. APP/R3650/W/22/3313319) on the same site. That appeal is the subject of a separate decision.
3. Amended plans have been submitted with the appeal, (drawings 0901/02, 2001/02 and 0201/02) which amend the landscaping details, providing a 8m buffer strip to the river. In addition, a preliminary ecological appraisal¹ has been submitted with the appeal.
4. I have considered the revised plans under the principles established by the Courts in Wheatcroft². The alterations are minor in this case, and the scheme is not substantively different to the scheme determined by the Council. Therefore, in accepting them I would not prejudice the interests of interested parties. However, in the interest of natural justice, the Council and Environment Agency have had opportunity to comments on these documents, and I have had regard to their comments.

Background and Main Issues

5. The appeal is against a failure of the Council to give notice of its decision on the planning application Ref WA/2023/00666 within the prescribed period. As such, there is no decision notice. However, the Council's appeal statement sets out its concerns with the proposed development and includes the refusal reasons it would have provided had it made a formal decision.
6. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area;

¹ By Darwin Ecology, Dated Nov 2021

² Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37] & Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

- whether the proposal provides adequate living conditions for future occupiers, with respect to outlook and privacy; and
- the effect of the development on biodiversity.

Reasons

Character and appearance

7. 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 and there is a clear distinction between this and the traditional road facing dwellings to the east. The space between the built forms provides views of the riverside and a pleasant spacious setting for Weirview Place.
8. Compared to the scheme appealed under APP/R3650/W/23/3322211, the dwellings are sited slightly further to the north and orientated east-west. Nevertheless, despite the path and landscaping to its frontage, the development 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. They would appear squeezed into the existing landscaping area of Weirview Place and detract from the currently open character.
9. Whilst not shown on the proposed floorplan drawings, the appellant sets out that the front and rear elevation of the proposed properties would have high level windows, with a 'panelled' area in between. These are intended to visually reference Weirview Place, where the area in between the ground and first floor windows is finished in cladding or panels.
10. However, this arrangement on the proposed two storey dwellings would appear incongruous, with the introduction of high level windows, particularly to the otherwise windowless front elevation, resulting in an unattractive and contrived design.
11. I acknowledge that the development would not extend built form closer to the river to the north and there would be no loss of required parking spaces. 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.
12. I conclude that the development would harm the character and appearance of the surrounding area. The proposal would therefore conflict with Policies DM1 and DM4 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.

Living conditions for future occupiers

13. 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.
14. Given the high level windows, the dwelling would not be single aspect, and all other windows would face down the gardens of each property. As such, the rooms they serve would be provided with a pleasant aspect, and an acceptable level of outlook.
15. I therefore find that acceptable living conditions for future occupiers would be provided, and there is no conflict with the safeguarding amenity and high-quality development requirements of LP Policy DM1, DM4 and DM5, and BLP Policy TD1. These policies are in broad conformity with the high-quality design goals of the Framework.

Biodiversity

16. The appeal site comprises of a road, an area of semi-improved grassland with scattered trees, a small area of scrub and a bike store. The Council set out that the site sits within 8 metres of a main river, the River Wey. As such, and as identified by the submitted preliminary ecological appraisal, the development would result in the loss of riparian semi-natural habitat. The Environment Agency (EA) set out that the river in this location is a migratory route for Atlantic Salmon and European Eel which are protected species. The land adjacent to the river therefore provides a buffer zone and important habitat corridor.
17. The EA identify the site as being adjacent to the River Wey and River Wey South (Waverley) Site of Nature Conservation Interest (SNCI), a locally designated site. LP Policy NE1 sets out that '*Development adjacent to locally designated sites will not be permitted where it has an adverse impact on the integrity of the nature conservation interest.*'
18. In addition, LP Policy NE2 seeks to protect and enhance benefits to the existing river corridor and canal network, including landscaping, water quality or habitat creation. It states that this will be partially achieved, on development sites, '*by retaining or creating undeveloped buffer zones to all watercourses of 8 metres for main rivers and 5 metres for ordinary watercourses.*'
19. As set out above, the submitted amended landscaping plans illustrate a 8m buffer strip to the river. This buffer strip is free from all built development including lighting, domestic gardens and formal landscaping. The EA have had opportunity to comment on these alterations and are satisfied that, subject to conditions, the development would not result in the loss of riparian semi-natural habitat.

20. From what I have observed and from the information submitted, were I minded to allow the appeal, I am satisfied that conditions relating to retaining this buffer zone, requiring a construction environmental management plan and landscape and ecological management plan, would ensure that the development would not harm nature conservation interests and deliver biodiversity net gain.
21. The proposal would have therefore an acceptable effect on biodiversity. As such the development would not conflict with the nature and biodiversity conservation and enhancement interests of BLP Policies NE1 and NE2 and LP Policy DM1. These policies are in broad conformity with the Framework.

Planning Balance and Conclusion

22. The proposed development would harm the character and appearance of the area. The proposal would not accord with the development plan. Given the consistency of the policies set out above with the Framework, the conflict between the proposal and these policies set out above are given significant weight.
23. 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 does not weigh in favour of the proposal. As set out above, I have found no harm with regards to living conditions and ecology. In addition, whilst the development would comply with the development plan requirements of climate change and sustainability, this also does not weigh in favour of the proposal. As such, there would be a conflict with the development plan as a whole.
24. 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 shortfall. The Council set the shortfall as 4.28 years, as set out in its latest Five-Year Housing Land Supply Position Statement (28 Feb 2023), however I note that this figure is disputed by the Inspector in a later appeal statement³.
25. 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, as supported by the Framework.
26. I further note the additional benefits of improved landscaping and planting that the development would provide, in addition to biodiversity net gain, however, again, given the quantum of development, this would be a modest improvement.
27. 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 support for the proposal in the Framework is countered by the importance of design which is a key aspect of sustainable development. Even if there is a significant shortfall in terms of five year supply of housing sites, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when

³ Appeal reference APP/R3650/W/22/3311941

assessed against the policies in the Framework taken as a whole. Hence, the proposal would not comprise sustainable development.

28. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

B Phillips

INSPECTOR