



Appeal Decisions

Site visit made on 11 October 2023

by A J Mageean BA(Hons), BPI, PhD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2024

Appeal A Ref: APP/R3650/W/22/3301155

37-41 Georgian Hotel, High Street, HASLEMERE, GU27 2JY

- 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 Haslemere 20 Limited against the decision of Waverley Borough Council.
 - The application Ref WA/2021/02420, dated 5 October 2021, was refused by notice dated 1 April 2022.
 - The development proposed is redevelopment of the rear car park to provide 8 residential flats; landscaping; associated car parking, refuse and cycle storage.
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Appeal B Ref: APP/R3650/W/22/3305801

37-41 Georgian House Hotel, High Street, HASLEMERE, GU27 2JY

- 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 Haslemere 20 Limited against Waverley Borough Council.
 - The application Ref WA/2022/01531, is dated 27 May 2022.
 - The development proposed is redevelopment of rear car park to provide 8 residential flats; landscaping; associated car parking, refuse and cycle storage.
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Appeal C Ref: APP/R3650/W/22/3305798

37-41 Georgian House Hotel, High Street, HASLEMERE, GU27 2JY

- 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 Haslemere 20 Limited against Waverley Borough Council.
 - The application Ref WA/2022/01545, is dated 30 May 2022.
 - The development proposed is redevelopment of the rear car park to provide 3 houses; landscaping; associated parking, refuse and cycle storage.
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Appeal D Ref: APP/R3650/W/22/3305799

37-41 Georgian House Hotel, High Street, HASLEMERE, GU27 2JY

- 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 Haslemere 20 Limited against Waverley Borough Council.
 - The application Ref WA/2022/01546, is dated 30 May 2022.
 - The development proposed is redevelopment of the rear car park to provide 4 houses; landscaping; associated parking, refuse and cycle storage.
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Appeal E Ref: APP/R3650/W/23/3319530

37-41 Georgian House Hotel, High Street, HASLEMERE, GU27 2JY

- 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 Haslemere 20 Limited against the decision of Waverley Borough Council.
 - The application Ref WA/2022/02888, dated 8 November 2022, was refused by notice dated 31 January 2023.
 - The development proposed is redevelopment of the car park to provide 6 residential flats; landscaping; associated car parking refuse and cycle storage.
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Decisions

Appeal A Ref: APP/R3650/W/22/3301155

1. The Appeal is dismissed.

Appeal B Ref: APP/R3650/W/22/3305801

2. The Appeal is dismissed.

Appeal C Ref: APP/R3650/W/22/3305798

3. The Appeal is dismissed.

Appeal D Ref: APP/R3650/W/22/3305799

4. The Appeal is dismissed.

Appeal E Ref: APP/R3650/W/23/3319530

5. The Appeal is dismissed.

Preliminary Matters

6. A series of five appeals are before me. They are linked insofar as they relate to the same site and the schemes proposed have broad similarities. They therefore raise similar issues. As such, they are considered within a single decision document to avoid duplication. That said, the specific points of contention in relation to each scheme will be drawn out under the appropriate headings.
7. The Council adopted the Waverley Borough Local Plan (Part 2) (the Local Plan Part 2) in March 2023. The adopted development plan also includes the Waverley Borough Local Plan (Part 1) (the Local Plan Part 1) adopted in 2018, and the Haslemere Neighbourhood Plan (the Neighbourhood Plan) adopted in 2013.
8. On 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework). The Framework is a material consideration in the determination of the appeals. However, as the nature of the revisions do not have any direct implications for the outcomes of these appeals, it has not been necessary to consult the main parties on the changes to national policy provisions.
9. Natural England raised objections in relation to Appeal B, Appeal C, Appeal D and Appeal E with reference to adverse effects on the integrity of a Special

Protection Area (SPA) site. The Council has set out that, had they been in a position to determine Appeal B, Appeal C and Appeal D, this would have been a reason for refusing these applications. They have also indicated that, whilst this was not a reason for refusing the Appeal E application, should this appeal be allowed, then further discussion with the appellant and Natural England to secure mitigation measures may be required. There is nothing before me to suggest that the same considerations should not apply to Appeal A.

10. Further clarification on the policy basis for concluding the possibility of adverse effects on the SPA site was sought from Natural England. The response included reference to the guidance note 'Waverley Planning FAQ November 2020' (the guidance note) produced jointly by Natural England and the Council to help inform decisions making, as well as supporting text in the Local Plan Part 2. The Appellant has been given the opportunity to comment on this matter. It is considered further below as part of my decision.

Main Issues

11. The applications were either refused planning permission or not determined by the Council between October 2021 and November 2022. The following matters have been identified for one or more of the appeal proposals:
- Whether the proposal would represent a satisfactory standard of accommodation for future occupiers, with particular reference to outlook and the provision of amenity space;
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular reference to privacy;
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would preserve or enhance the character or appearance of the Conservation Area, with particular reference to its scale, mass and design and also its effect on trees;
 - The effect of the proposal on the setting of Tudor Cottage, a Grade II listed building; and,
 - The effect of the proposed development on the integrity of the Wealden Health Phase II Special Protection Area (SPA) and on the interest features for which the Devil's Punch Bowl Site of Special Scientific Interest (SSSI) and Bramshott and Ludshott Commons SSSI have been notified.

Reasons

Context

12. The appeal site is located in Haslemere Town Centre and lies within the designated Conservation Area (CA). It lies to the rear of the Georgian House Hotel within the car park area. An extant approval¹ ('the extant approval') relating to the wider site of the Georgian House Hotel included residential buildings comprising two detached dwellings on the appeal site. From the limited details before me, this scheme appears to relate to two one and a half storey dwellings, in a staggered layout. I understand that the extant approval

¹ WA/2019/1525

was presented as a phased scheme, with the two detached dwellings defined as Phase 3. On the basis of the evidence before me, it is not clear whether the implementation of the extant approval has commenced, noting particularly that the car parking provisions appear to be in place. The appellant refers to the extant approval as the fallback position for the appeal site, in the event that the appeals are dismissed.

13. A previous application for the wider site² was refused planning permission ('the refused scheme'). This proposal was for 3 mews cottages on the application site, as well as the wider redevelopment of the site. I understand that whilst this was recommended for approval by officers, it was refused planning permission on the basis of concerns regarding the proposed scale, bulk, and form of the scheme resulting in unacceptable harm to the setting of the Grade II Listed Buildings (The Georgian House Hotel and Tudor Cottage), and the Conservation Area. I am also aware of an earlier proposal which was dismissed at appeal in 1999, though the details of this are sketchy.
14. The Council does not dispute the fact that the principle of residential development on this site has been established. Further, this is a sustainable location, such that the proposals would accord with Policy SP2 of the Local Plan Part 1 which sets out the spatial strategy of focusing development on the main settlements.
15. The Appeal A proposal relates to eight units of accommodation within a one and a half storey building, with four flats on the ground floor and four in the roof space. This would be a mix of one and two bedroomed units.
16. The Appeal B proposal relates to eight units of accommodation within a two and a half storey building, with three flats on the ground floor, three on the first floor and two in the roof space. This would be a mix of one and two bedroomed units.
17. The Appeal C proposal relates to three dwellings, each with four bedrooms, in a two and a half storey building. The site plan, massing and elevational appearance of the Appeal C proposal bears a close resemblance to Appeal B.
18. The Appeal D proposal relates to four dwellings, each with three bedrooms, in a two and a half storey building.
19. The Appeal E proposal relates to six units of accommodation, in a one and a half storey building. This would be a mix of one and two bedroomed units.

Standard of Accommodation

20. I turn firstly to the Appeal A proposal. The light and outlook from the bedrooms of Units 1 and 2 would be somewhat restricted by the fact that they would be served by single windows close to the site boundary. As bedrooms are considered as habitable rooms they should be expected to provide a satisfactory level of outlook. Nonetheless, in this case the moderate outlook provided would not in itself be unreasonable, noting the more generous provision to the main living areas.

² WA/2018/0408

21. The bedroom of Unit 8 would be served by two obscure glazed windows and a rooflight, meaning that the outlook would be restricted. This may be acceptable if the outlook from elsewhere in this Unit was of a good standard. However, in this and the other first floor units, 1.8m privacy screening to the balcony areas and opaque glazing to windows means that the outlook from the main living areas of Units 5 and 7 would not be acceptable, resulting in unacceptable living conditions for the occupiers of these Units. More generally, the balconies themselves would have no outlook which would undermine their value as amenity space. Similarly the terrace areas relating to the ground floor Units would be largely enclosed with limited outlook.
22. Policy DM5 of the Local Plan Part 2 sets out that developments should provide an area of external amenity space for each dwelling that is private, usable, secure and defensible and appropriately located. These requirements must be considered alongside those of Local Plan Part 2 Policy DM27 which sets out that proposals for higher density housing schemes will be supported in the Town Centre. These provisions taken together suggest that in Town Centre locations such as this, it can be appropriate to make some compromises as part of the planning balance in order to make the best use of space. I understand that the extant approval includes flats with limited amenity space, however the precise details of this are not before me. Nonetheless, when considering the quality of accommodation provided overall, my view is that the suggested compromises in both outlook and amenity space for Units 5, 7 and 8 would not be acceptable.
23. Turning to the Appeal B proposal, the Council raises concerns about what are referred to as the corridor-like proportions of the second bedrooms of the three ground floor Units. Whilst this would restrict the flexibility of the use of these bedrooms, it would not unduly undermine the standard of accommodation provided. The ground floor units would also have windowless kitchens. Kitchens are generally regarded as habitable rooms. In this case the adequately sized living areas, which could include a dining space, suggests that this may not in itself be unreasonable.
24. The second floor accommodation would include obscure glazing to the windows on the south east elevation. Most notably, the living area of Unit 8 would be only served by an obscure glazed window. The greatly restricted outlook from this room would undermine the standard of accommodation provided by this Unit to an unacceptable degree.
25. The parties disagree about whether all units would meet the nationally described space standards (NDSS). I prefer the Council's conclusion that there would be some deficiencies. I reach this view noting that the bedrooms of Units 5 and 8 are illustrated as accommodating double beds. Also, with reference to the measurements of the bedrooms of the ground floor units, it is clear that the configuration of the south-east facing rooms vary slightly, leading to differences in measured sizes.
26. The upper floor units would not have private amenity space, noting particularly that Unit 8 would be a two bedroomed 3 person flat. Again, this would undermine the quality of accommodation provided.
27. No particular concerns are raised in relation to the Appeal C proposals and there is nothing before me to suggest that I should take a different view.

28. With regard to the Appeal D proposals, the second floor south-eastern facing bedrooms of these houses 1 and 4 would be served by modestly sized and obscure glazed windows to 1.7m, and small velux windows. It is suggested that the first floor southeast facing bedrooms of each unit could also be served by obscure glazed windows, though this is not entirely clear. This would not represent a satisfactory standard of accommodation. There would be some discrepancies with the NDSS relating to bedroom sizes, though I agree that given the reasonable size of these properties overall, this would not be a significant concern.
29. Finally, in relation to the Appeal E proposals the Council refers to the fact that the first floor bedrooms to Unit 4 would be served by high level windows in order to address concerns relating to overlooking. Whilst it does appear from the plans that these windows would be reasonably high level (the appellant suggests that they would be 1.2m), this would still allow for some visibility of surrounding trees. In this way a sense of connection to the outside context would not be obstructed to an unacceptable degree.
30. With reference to the recessed terrace serving the kitchen and living room of Unit 6 my view is that this would provide a reasonable outlook for this living space. Further, when combined with the rooflight there would be sufficient natural light.
31. Unit 5 would also be served by a terrace, as well as the large window to the southeast elevation, though it is possible that the latter would need to be fixed shut and obscure glazed to prevent overlooking issues. Overall, noting that the southwest elevation would be modestly set in from the site boundary, with the terrace for Unit 5 overlooking the small amenity space, the standard of outlook from this Unit would be acceptable. The quality of the private amenity space for Unit 1 would be undermined by its exposed position. The private amenity areas for the other units being smaller than ideal. This modest deficiency is a matter to be weighed in the overall planning balance.
32. Concluding on this topic, I find that the Appeal A, Appeal B and Appeal D proposals would not provide a satisfactory standard of accommodation for future occupiers, with reference to findings in relation to outlook and the provision of amenity space. In this regard there would be conflict with Policy DM5 which sets out that proposals for new housing developments should demonstrate that they provide adequate internal and external space in order to ensure an appropriate living environment for future occupiers. There would also be conflict with the Framework which at paragraph 135 f) sets out the general requirement that places should provide a high standard of amenity for existing and future users.
33. Whilst in most respects the standard of accommodation provided by the Appeal E proposal would be acceptable in policy terms, I have found that concerns relating to the provision of amenity space are to be weighed in the overall balance.

Living conditions of neighbours

34. The assessment of the effect of the proposals on the living conditions of the occupiers of neighbouring properties has been made using the standards set out in the Council's Residential Extensions Supplementary Planning Document

- (the SDP) as a starting point. The SPD sets out the recommended separation distances between new windows and neighbouring private amenity space as 18m, and between new windows and the windows of neighbouring properties as 21m, though this may be relaxed if the character of the immediate area suggests that lesser distances may be appropriate.
35. The Appeal A proposal would introduce a one and a half storey building which would extend close to the site boundaries. It would include two full height first floor dormer windows with small terrace areas on the southeast elevation facing Tudor Cottage. The Council estimate that these would be around 13.8m and 13m respectively from the rear elevation of Tudor Cottage, though appellants suggest that the distance would be 30m. Judging by the scale provided on the block plan, whilst the applicant slightly overestimates this distance, it appears that it would be in excess of the Council guideline of 21m. In this regard it would be acceptable.
36. When looking at the distance between the proposed windows/terraces and the main private amenity space to the rear of Tudor Cottage, the suggested 18m separation distance would be breached by a modest degree. The 1.7m privacy screening would reduce the degree of direct overlooking. However, noting that the terraces would span the whole of this elevation, a strong sense of being overlooked would remain. Whilst a similar arrangement may be present on the extant approval, due to the position of the eastern of the two dwellings it appears that any overlooking relating to that scheme would be over the driveway/parking area of Tudor Cottage, rather than the lawned area of the garden. The mature horse chestnut tree on the northwest boundary of Tudor Cottage would provide screening during summer months when the private garden area of Tudor Cottage is most likely to be in use. My view is that, overall, the proposal would introduce a modest level of harm to the living conditions of the occupiers of Tudor Cottage.
37. With reference to the presence of four first floor windows on the southeast and northeast elevations, the Council suggests that, notwithstanding the use of privacy screening and obscure glazing, there would be overlooking of the rear garden area of No 43 High Street. This garden is particularly long and narrow, with the area of potential overlooking relating to the part furthest from the dwelling, which is less likely to be in regular use. Further, the presence of high boundary walls and mature vegetation would serve to mitigate any actual or perceived overlooking.
38. I turn to the effect of the proposal on the living conditions of the occupiers of the George Denyer Close dwellings, noting that these properties are positioned at a lower level than the appeal site, particularly No 25. The first floor windows and terraces relating to the northwest elevation would be in particularly close proximity to the rear garden space and elevation of No 25, with the height differential adding to the sense of being overlooked. The obscure glazing and privacy screening would not address the sense of perceived overlooking, which would be unacceptably harmful to the living conditions of the occupiers of this property. Similar concerns relate to No 24, though the rear garden area is set a little further away. The applicant suggests that the extant approval would have a similar arrangement, though the precise details are not before me.
39. The Appeal B proposal indicates a two and a half storey building with a smaller footprint than the Appeal A proposal, though positioned with a similar front

building line. There would be an area of private amenity space to the rear. There would be a series of window serving first floor bedrooms on the southeast elevation facing the garden area and rear elevation of Tudor Cottage. Noting that the closest relationship would be with the driveway/parking area, this would introduce a similar modest degree of harm in terms of overlooking of the rear amenity space as the Appeal A proposal. The additional storey would contain further windows which, whilst obscure glazed, would introduce a sense of perceived overlooking which would, to a further modest degree, exacerbate the harm identified.

40. There are similarities between this and the refused proposal, for which the effect on living conditions was judged by officers to be acceptable. Also, the appellant suggests that their drone image indicates no loss of privacy. However, the fact remains that standards would be breached to a modest degree. In such circumstances, this matter should be considered as part of the overall planning balance.
41. The plan form and front elevation configuration of the Appeal C proposal present very similar arrangements to that of Appeal B. For this reason my conclusions in relation to the effects on the living conditions of the occupiers of Tudor Cottage are the same.
42. The Appeal D proposal has close similarities to the Appeal B and C schemes in terms of plan form and configuration. As a consequence, there would be a similar level of harm regarding overlooking of the private amenity space of Tudor Cottage from first floor bedroom windows, and perceived overlooking from second floor bathrooms.³
43. The Appeal E proposal would present a similar plan form and general configuration to the Appeal A proposal, though would be set in from the north-eastern boundary. It would nonetheless remain that the large picture window to the living room of Unit 5 would breach the 18m guidance figure for separation distance, creating some inter-visibility with the rear garden area of Tudor Cottage. Whilst this would relate in the main to the driveway/parking area, there would be a modest degree of overlooking of the lawned area of this garden. I have noted that harm in this regard would be reduced to some extent by the presence of the horse chestnut tree which would provide screening during summer months.
44. The appellant states that this proposal would be set 2.5m back from the boundary adjacent to the George Denyer Close properties than the Appeal A scheme. Also the first floor full height dormer windows and terraces on the northwest elevation would be removed, replaced with a rooflight and two smaller dormer windows. This would significantly reduce the degree of perceived and actual looking of the properties on George Denyer Close. That said, even noting that views from the new first floor windows would be angled, the Councils standards would still be breached, with first floor windows within recommended distances to both the rear garden and elevation of No 25. However, noting the extant approval appears to have a similar, if not more direct, overlooking opportunity, this matter should be considered as part of the overall planning balance.

³ Whilst the appellants statement for Appeal D refers at 5.30 to distances being increase with dormer windows set back from principal elevations, dormer windows are not present in this scheme.

45. To conclude on this topic, I find that in relation to Appeal A the proposal would conflict with the requirement of Local Plan Part 2 Policy DM5 which seeks to safeguard the amenity of future occupants and existing occupants of nearby residences by way of overlooking and overbearing appearance. In this regard it would also fail to meet the requirements of Local Plan Part 1 Policy TD1 in relation to high quality and inclusive design, and Neighbourhood Plan Policy H6 in relation to the protection of the residential amenity of neighbours.
46. I have found that the Appeal B, Appeal C, Appeal D and Appeal E proposals would cause modest degrees of harm in relation these policy provisions. These are matters to be considered further as part of the overall planning balance.

Character and Appearance of the area

47. Haslemere Town Centre is characterised by an interesting and attractive mix of architectural styles reflecting its development from mediaeval times. Those fronting the High Street date in the main from the Georgian and Victorian periods, with elements of the Arts and Crafts tradition also being apparent.
48. The appeal site is located to the rear of the High Street and is adjacent to both a town centre car park and the car park associated with the Georgian House Hotel. To the southeast is the rear of Tudor Cottage, a Grade II listed building dating from the 17th with clear Arts and Crafts influences.
49. The site itself whilst overgrown and neglected, is fenced off and not generally visible, though some of its mature boundary vegetation is visible in the vicinity. More generally, the openness and mature trees that characterise the less prominent area around the appeal site provide an attractive setting for the interesting rear elevations of the Listed Buildings.
50. The one and a half storey building of the Appeal A proposal would occupy a large proportion of the site area and would have a significantly sized first floor area. It is described as having two distinct areas of massing with a central link, with the roof pitches arranged on this basis. However, as the roof ridge height would be uniform across the central area, and there would be limited modelling of the building footprint, in reality there would be little visible differentiation.
51. A variety of building styles are evident in the vicinity, with the vernacular elements of listed building fronting High Street apparent, along with the modern appearance of the Bramshaw Court and George Denyer Close properties. The proposed building would be of contemporary appearance with white render and metal roof panelling, though in basic terms the gabled and pitched roof would reflect the roof form of Tudor Cottage. The appearance of the built structure was modified following pre-application advice, including removing a flat roof element, though the scale and mass would remain the same.
52. Overall, the degree of site coverage and mass of this building would appear as cramped and obtrusive in its context. Whilst soft landscaping is proposed, the modestly sized space available would not be sufficient to soften the appearance of a structure of this size.
53. With reference to the extant approval for two detached dwellings, whilst they would stand a little taller than the Appeal A proposal, the extent of built

coverage would be considerably less. In this regard the greater openness assisting with assimilation. The three mews cottages of the refused scheme would similarly span the width of the appeal site and would be of greater height. This scheme proposed a greater area of amenity space to the front and rear of the building which would modestly assist in providing a greater sense of openness in the immediate vicinity. Notwithstanding this point, I understand that this proposal was refused permission due in part to concerns about scale and bulk.

54. The Appeal B proposal indicates a two and a half storey building with a smaller footprint than the Appeal A proposal. It would be positioned towards the front south-eastern boundary of the plot and would occupy almost the full plot width. Whilst it would have a pitched and gabled roof, it would retain full ridge height across the front elevation. The mass and bulk of this structure would have appear dominant and overbearing particularly when viewed from the south. Whilst the appellant suggests that they have sought to use traditional materials and architectural detailing, the overall mass and extent of brickwork would not recognise the scale, subtlety and visual interest of adjacent vernacular buildings. The fact that the front elevation of this proposal would be the same in height and bulk as the refused scheme does not alter my conclusions on this matter.
55. The Appeal C proposal is almost identical in appearance, scale and position to the Appeal B proposal. For the reasons given, my view is that in terms of scale and bulk the Appeal C proposal would not be acceptable.
56. The Appeal D proposal would also be a two and a half storey building with a similar footprint and position to that of Appeals B and C, though would be slightly lower in height. Its front, southeast elevation would be largely flat and rendered under a multi-gable roof form. The scale and mass of this structure, along with its stark industrial appearance would result in an oppressive building which would appear in contrast to the more subtle and characterful detailing of adjacent buildings.
57. The Appeal E proposal would be a one and a half-storey building. It would have a similar footprint to the Appeal A proposal and would still occupy a large proportion of the plot, though would be set in a little further from the northeast and southwest boundaries and would therefore appear less bulky. Whilst of contemporary appearance, the creative use of brickwork and modelled elevations indicate a more considered response. Overall, this would appear less visually jarring in the local area than the other proposals.
58. With the exception of the Appeal E proposal, I have found that the other proposals would not represent an appropriate response to the character and appearance of the area. Whilst this is not a prominent site in terms of visibility from public vantage points, the proximity of designated heritage assets mean that it is of some visual sensitivity, a matter to which I turn next.
59. For the reasons set out above I conclude that Appeal A, Appeal B, Appeal C and Appeal D would conflict with Policy TD1 of the Local Plan Part 1 which requires new development to be of high quality and inclusive design that responds to the distinctive local character of the area in which it is located. For the same reasons Appeal A, Appeal B, Appeal C and Appeal D would also conflict with Local Plan Part 2 Policy DM4 which also requires all new development to be of a

high quality design, responding to the local context and character by taking into account the scale of development and considering a range of matters including the height, mass, form and bulk of adjacent and surrounding structures; building plot sizes and widths and plot coverage. There would also be conflict with Neighbourhood Plan Policy H6 which similarly requires high quality design.

60. The Appeal E proposal would be acceptable in these regards.

Conservation Area

61. The CA is focused on the principal streets and routes of the historic Town Centre. I have noted that it contains an interesting and attractive mix of buildings reflecting the organic growth of the town, dating from the medieval period through to the early 20th century, with varied architectural styles and plot sizes. This is particularly apparent on High Street, with its straight length, generous width and wide verges affording characterful views along its length, framed by a number of mature street trees.
62. Architectural variety is a key attribute of the significance of the CA. This is enhanced by trees in and around the CA which create an attractive green setting for the town centre.
63. The CA encompasses the plot boundaries of properties fronting the High Street. The appeal site occupies a backland position located adjacent to and just within the CA boundary. It contains four boundary trees, a mature and a semi-mature wild cherry to the west and a semi-mature holly and a semi-mature wild cherry to the east. These trees are visible within the public car park area. They make a modest contribution to the verdant setting of this part of the CA, which includes the attractive rear elevations of the period properties fronting High Street. That said, other adjacent trees, notably the mature yew trees in the rear garden of Tudor Cottage, are of greater significance noting their visibility in the wider area, including from the High Street. This, along with its backland position, means that the contribution of the site to the significance of the CA is presently neutral, though the site trees contribute to a modest degree.
64. In terms of the effect of the built form of the proposals on the character and appearance of the CA, the conclusions I reached in the previous section are of relevance. I have concluded that in terms of its effect on local character the Appeal A proposal would appear cramped and obtrusive in its context. I have also referred to the Appeal B and Appeal C proposals as having an domineering and overbearing appearance which would not recognise the scale and subtlety of local built form. I have also referred to the stark industrial appearance of the Appeal D proposal which would also appear oppressive in its context. In each of these cases my view is that as the proposals would fail to reflect the significance of the CA in terms of the character and variety of the built form, the Appeal A, Appeal B, Appeal C and Appeal D proposals would cause less than substantial harm to this designated heritage asset. The level of harm would be somewhat greater in relation to Appeal B, Appeal C and Appeal D noting the greater height and therefore degree of visual intrusion in CA.

65. No specific concerns have been raised regarding the effect of the Appeal E scheme on the character and appearance of the CA. I agree that this would present a more considered response to its context.
66. Turning to the effect of the proposal on trees, all site trees noted above would be removed to accommodate the Appeal A, Appeal B, Appeal C and Appeal D schemes. Based on their contribution to the CA and its verdant setting, and noting the lack of space for replacement trees, it follows that their loss would constitute modest harm to this part of the CA.
67. Tree removal was considered by Council officers in relation to the refused scheme. The focus of the Officer Report is on the retention of the two mature trees associated with the wider site, one of which it is suggested could be harmed by the proposal. Reference is made to the removal of other trees, including the mature cherry, considered to be of good form. Less than substantial harm to the significance of the CA was noted, along with the fact that such harm must be weighed in the overall planning balance.
68. The mature wild cherry would be retained within the Appeal E scheme. As this makes the most notable contribution within this group, its retention would significantly diminish any harm in this regard.
69. Additionally, the Council makes reference to concerns about the health and retention of other trees in relation to each of the appeal schemes. Specifically, it is suggested that the Root Protection Areas (RPA) of the horse chestnut tree and the yew tree would be encroached on with the formalisation of the parking area and the laying down of services. However, the area adjacent to these trees has already been laid out for parking. If the appeal proposals were successful, the management of the site to ensure that service provision would not impact the RPAs of these trees could be managed by condition.
70. Summing up on this matter, I have found that the Appeal A, Appeal B, Appeal C and Appeal D proposals would lead to less than substantial harm to the character and appearance of the CA in terms of both the impact of the proposed buildings and the effect of the removal of on-site trees. Noting the relatively inconspicuous nature of the site, this harm would be at the lower end of the spectrum. I have found that the Appeal E proposal would represent a more considered response to its setting and would not therefore result in harm.
71. It follows that Appeal A, Appeal B, Appeal C and Appeal D would be in conflict with the requirements of Policy DM21 of the Local Plan Part 2. This Policy sets out that development should preserve or enhance the character of Conservation Areas by requiring that the design of development be of high quality and respond appropriately to the character of the area. There would also be conflict with Policy HA1 of the Local Plan Part 1 which requires that the significance of all heritage assets are conserved or enhanced. There would also be some conflict with the policies, including Local Plan Part 3 Policy DM11 and Neighbourhood Plan Policy H9, which require that development retains important trees.
72. The Appeal E proposal would be acceptable in with regard to these policy provisions.

Listed Building

73. I have referred to Tudor Cottage as a Grade II listed building dating from the 17th Century with clear Arts and Crafts influences. I understand that the appeal site previously formed part of the rear garden of Tudor Cottage. It has been variously extended, with its rear elevation facing the appeal site having an interesting organic appearance. Whilst the front elevation onto High Street is the primary focus of its architectural interest, to the rear the details such as the intricate roof form and fish scale tiling are apparent. The significance of Tudor Cottage derives from its unique features and from its contribution to the range of vernacular buildings framing the High Street, both to the front and to a lesser extent the rear. Whilst the appeal site lies beyond the immediate curtilage of Tudor Cottage, its reasonably close proximity means that it forms part of the wider setting in which this listed building is experienced.
74. The Council's concerns with regard to the effect of the Appeal A proposal appear to relate to harm to the 'amenity' of Tudor Cottage, rather than its setting as a listed building. However, noting the concerns I have expressed about this proposal appearing obtrusive in its wider context, my view is that it would also detract from the setting of Tudor Cottage.
75. The Appeal B and Appeal C proposals would present significant structures in within the wider setting of Tudor Cottage. The scale and bulk of this scheme would not sit comfortably with the more modest scale and subtlety of detailing of the listed building. The Appeal D proposed multi-gabled terrace would also have a harmful impact on the setting of Tudor Cottage by virtue of its oppressive and jarring appearance. Each of these schemes would result in a moderate level of less than substantial harm to the setting of this listed building.
76. No specific concerns have been raised regarding the effect of the Appeal E scheme to the setting of this listed building. I agree that this would present a more considered response to this sensitive context.
77. To conclude on this matter, the Appeal A, Appeal B, Appeal C and Appeal D proposals would lead to less than substantial harm to the setting of Tudor Cottage, a Grade II listed building. These proposals would conflict with the provisions of Policy DM20 of Local Plan Part 2 which sets out that development affecting listed buildings should preserve or enhance the buildings and their settings. There would also be conflict with the provisions of Local Plan Part 1 Policy HA1. I have, however, found that the Appeal E proposals would be acceptable in this regard.
78. I have found that the Appeal A, Appeal B, Appeal C and Appeal D proposals would result in less than substantial harm to the CA and to the setting of Tudor Cottage, both designated heritage assets. I must therefore consider the provisions of the Framework at paragraph 208. This sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I return to this matter in the balancing and conclusion section below.

Protected Habitats

79. The Council's indicative reasons for refusing Appeal B, Appeal C and Appeal D refer to concerns that it has not been demonstrated that the proposal (in

combination with other projects) would not have an adverse effect on the integrity of the Wealden Heaths Phase II Special Protection Area (SPA) and would not damage or destroy the interest features for which the Devil's Punch Bowl Site of Special Scientific Interest (SSSI) and Bramshott and Ludshott Commons SSSI have been notified. I understand that the site is located within the 5km buffer zones of the Wealden Heaths Phase II SPA and the East Hants SPA.

80. These concerns are based on objections made by Natural England in relation to Appeal B, Appeal C, Appeal D and Appeal E. They note specifically that the proposed development of any of these applications would bring the on-site and in-combination development to over 20 dwellings. In this regard specific reference is made to the extant approval including the conversion of the Hotel to 16 flats, in addition to two dwellings. The Appeal proposals are considered to represent a partitioning of the site.⁴ The objection was made on the basis of increased recreational pressures with no mitigation proposed to rule out any adverse effects on SPA site integrity.
81. I have previously noted that there is nothing before me to indicate that the full implementation of the extant approval is not a realistic prospect. Nor is there anything before me indicating that the same considerations should not apply to Appeal A or Appeal E.
82. The SPA are European sites and are afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Regulations require that the competent authority may only grant consent for a plan or project after having ascertained that it will not adversely affect the integrity of the European site. This requires consideration of whether the proposal would have an effect on the qualifying features of the site, either alone or in combination with other plans and projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment (AA) of whether the plan would affect the integrity of a European site must be undertaken.
83. In order to undertake an AA, the Regulations require that a person applying for permission must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an AA is required.
84. In this case there is reference in Natural England's objection and further observations to development within 5km of the boundary of the Wealden Heaths SPA having the potential to adversely affect the interest feature, namely the three internationally rare bird species for which it is classified. The conservation objectives of the SPA are to maintain and, where not in favourable condition, restore, the habitats of these birds with particular reference to lowland heath habitats and rotational forestry plantations.
85. In these circumstances it is possible that the occupants of the proposed development would, when considered in combination with occupants of other plans and projects, contribute to the disturbance of this protected habitat by accessing the heath for general recreation and dog walking. This could contribute to a deterioration of the quality of the habitat on which these birds

⁴ As set out in the objection letter submitted by Natural England on 29 June 2022.

depend as well as an increase the disturbance of the bird species for which the SPA is classified. In this regard there could be an adverse effect on the conservation status of the SPA.

86. In these circumstances I cannot rule out the possibility that the Appeal A, Appeal B, Appeal C, Appeal D or Appeal E proposals would result in likely significant effects on the integrity of the SPA either alone or in combination with other plans or projects. The reason for refusal makes specific reference to conflict with the Local Plan Part 1 Policy NE1. This permits development that retains, protects and enhances features of biodiversity, and requires that any adverse effects are avoided, or if avoidable, are appropriately mitigated. The supporting text to Local Plan Part 2 at paragraph 7.14 sets out that sites of 20 to 49 dwellings that are between 400m and 5km of the SPA may require some mitigation and an appropriate assessment for any planning application.
87. The Council and appellant have indicated that, in the event that planning permission were to be granted, further discussion with Natural England could secure an appropriately worded condition or head of terms to secure mitigation measures which may be required. However, the specific requirements for and nature of appropriate mitigation is not clear. As such, without an understanding of possible mitigation requirements, the provisions necessary to secure the delivery of these requirements cannot be determined, requested or secured.
88. As I cannot be certain that the proposals would not result in harm to the integrity of an SPA, it is appropriate that I adopt a precautionary approach. I therefore conclude that, as the proposals for Appeal A, Appeal B, Appeal C, Appeal D and Appeal E could result in an adverse effect on the integrity of the SPA and no mitigation measures have been secured. In this regard there would be conflict with the requirements of Policy NE1.

Other Matters

89. The Council cannot demonstrate a five year supply of land for house building, with the appellant and Council indicating their views that the current supply is the equivalent of 4.01 years and 4.28 years respectively. However, paragraph 188 of the Framework confirms that the presumption in favour of sustainable development, set out in paragraph 11, does not apply where it has been concluded that the plan or project would adversely affect the integrity of a habitats site.
90. I return now to the heritage balance required by the Framework paragraph 208. The appeal site is located in an accessible and sustainable location. Support for development here is provided by Policy SP2 of the Local Plan Part 1 which sets out the spatial strategy for the distribution of development in the Borough. This prioritises development in the four main settlements, including Haslemere Town Centre.
91. Each scheme would provide much needed homes in an area without a five year supply of housing land. Additionally, the Appeal A and Appeal B proposals could assist in meeting an identified need for smaller affordable homes in Haslemere. The provision of these additional homes would represent a benefit of significant weight when considering the balancing of the less than substantial harm to designated heritage assets against public benefits. Other public

benefits, such as biodiversity gains, would be of no more than modest weight, noting particularly the limited contribution each of the proposals would make in this regard.

92. Set against this, the Framework paragraph 205 sets out the requirement that great weight must be given to the conservation of designated heritage assets. In relation to the heritage implications of Appeal A, I have found modest and moderate levels of less than substantial harm to the CA and the setting of a listed building. When this is considered against the public benefits, the benefits identified are of sufficient weight to warrant a conclusion that the balance lies in favour of the Appeal A scheme.
93. Turning to Appeal B, Appeal C and Appeal D, I have noted the greater degree of heritage harm associated height and therefore prominence and degree of visual intrusion of these proposals. This less than substantial harm would not be outweighed by the identified public benefits. I reach this view noting the considerable importance and weight that must be attached to the protection of designated heritage assets.

Final balancing and Conclusions

94. The proposed dwellings would be within the Town Centre where development is favoured by both the Local Plan Part 1 and the Framework. There would also be very modest biodiversity gains. However, set against this, I have found that each of the proposals could adversely affect the integrity of an SPA. This is an overriding consideration in the determination of these appeals.
95. Furthermore, I have found that the Appeal A, Appeal B and Appeal D proposals would not provide a satisfactory standard of accommodation for future occupiers. Whilst in relation to Appeal E, I have noted the possibility that the modest degree of harm in this regard could be outweighed by other considerations, should the proposals be satisfactory in other regards, this is not the case. The Appeal A proposals would cause harm to the living conditions of the occupiers of neighbouring properties. Again, in relation to the Appeal B, Appeal C, Appeal D and Appeal E schemes I noted that modest harm could be outweighed by other considerations however, given my findings overall, this cannot be the case.
96. I have also found that the design of the Appeal A, Appeal B, Appeal C and Appeal D proposals would harm the character and appearance of the area. There would additionally be heritage harms in relation to the Appeal B, Appeal C and Appeal D proposals.
97. For the reasons given, each of the proposals before me would be contrary to the development plan. There are no other material considerations which outweigh this finding. Therefore, Appeal A, Appeal B, Appeal C, Appeal D and Appeal E should not succeed.

A J Mageean

INSPECTOR