



Appeal Decision

Site visit made on 21 February 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2024

Appeal Ref: APP/R3650/W/23/3320168

Exeter House, Tylers Court, Rowland Road, Cranleigh GU6 8SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Edward Stevens against the decision of Waverley Borough Council.
 - The application Ref is WA/2022/02091, dated 9 August 2022, was refused by notice dated 3 March 2023.
 - The development proposed is the change of use from office (Use Class E) to 4 dwellings (Use Class C3) with associated refuse/cycle store and parking.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from office (Use Class E) to 4 dwellings (Use Class C3) with associated refuse/cycle store and parking at Exeter House, Tylers Court, Rowland Road, Cranleigh GU6 8SA in accordance with the terms of the application, Ref WA/2022/02091, dated 9 August 2022, subject to the conditions in the schedule below.

Preliminary Matters

2. As it appears to be more precise, I have taken the description of development from the Council's decision notice, omitting the reference to the amended plans/description, as this is not an act of development. However, I have used a combination of the address in the application and appeal forms as this appears to be more complete than that in the decision notice.
3. Subsequent to the Council's decision, the 2023 Waverley Borough Local Plan Part 2 (WBLP) was adopted, thereby superseding the policies of the Local Plan 2002. Similarly, a revised National Planning Policy Framework (the Framework) was published after the determination of the planning application. I have based my decision on the current development plan and Framework.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of future occupiers.

Reasons

Assessment

5. There is no disagreement between the main parties that the proposed units would comply with the Nationally Described Space Standards (NDSS) in terms of the size of the units and individual rooms. Having viewed the property

internally, it seems to me that the rooms would generally be of a shape and position that would allow for furniture to be placed within them and ensure that sufficient circulation space within and between rooms would be maintained.

6. In order to protect the privacy of some neighbours, there is a necessity for some habitable rooms to have obscure glazing, either for those parts of the windows below 1.7m or for the entire window. The obscure glazing had already been installed when I visited the property. I was able to note that in the rooms affected, the size and number of windows ensured that they remained naturally well lit, despite at the time of my visit the weather being overcast and raining.
7. Where windows were fully obscured, there were others in the same room that were unfettered and thus an outlook was maintained. In rooms where the windows were all obscurely glazed below 1.7m, views of nearby trees and roof tops were possible, but outlook was very clearly compromised, creating a sense of enclosure.
8. The second-floor accommodation is within the roof space. The sloping ceilings do have some effect on the sense of spaciousness of the accommodation. However, there is no suggestion that they are so intrusive as to compromise compliance with the NDSS. The windows serving the second floor unit are well sized and positioned to ensure occupants would have a good outlook and that the rooms remain well lit.
9. The appeal site is located within Cranleigh town centre. The existing building is set within a tightly packed urban area in a courtyard type arrangement. A natural consequence of re-purposing such a building is that external space is likely to be limited. In this case only the two ground floor units are provided with small courtyards. However, I accept that not all occupants of a town centre flat will necessarily desire their own outside space, especially when there are areas of public open space nearby.

Conclusion

10. Reusing this vacant building for residential purposes means that some compromises are required. However, those such as the limited provision of outside space and having accommodation within the roof space would not in this instance have a harmful, adverse impact on the living conditions of future occupiers. Likewise, the obscure glazing to the living room of Unit 3 would not unduly diminish the living conditions of future residents of this unit.
11. However, the outlook from Bedroom 2 of Unit 1 and Bedroom 1 of Unit 3 are more noticeably compromised. This is not something which would normally be appropriate for habitable accommodation such as this. Whilst acceptable levels of natural light to these rooms would be maintained, the limited outlook would compromise living conditions for future occupiers of these rooms. In this respect the proposal would be contrary to Policy DM5 of the WBLP which, amongst other things, seeks to provide an appropriate living environment for future occupiers.

Other Matters

12. I am mindful of the concerns of interested parties regarding the car parking arrangements. There may be other possible layouts/arrangements but there is no substantive evidence before me to indicate that the proposed solution cannot be implemented or would be unworkable or unsafe.

Planning Balance

13. The Council indicates it can provide 3.85 years of housing land supply. When the application was refused by the Council the figure was 4.9 years. Thus, the situation has noticeably worsened in the intervening period. Accordingly, Paragraph 11(d) of the revised Framework is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. The Government's objective is to significantly boost the supply of housing, including through windfall sites and the reuse of buildings in urban areas. Despite the proposal being small scale, given the housing supply position, any additional provision would be valuable in meeting the Government's objectives.
15. There would also be an economic boost to the area during the construction phase; and from future occupants using local shops and facilities. This may in turn give rise to social benefits. Whilst the scale of the development means that these additional benefits attract more limited weight, overall the provision of these residential units attracts considerable positive weight.
16. Conversely, the adverse impacts of the proposal are the limited outlook from a bedroom in two of the four proposed flats. Taking into account the living environments that would be provided to these occupants as a whole, the harm to the living conditions of future residents would in this case be moderate.
17. The concerns identified need to surmount a high hurdle in order to prevail in this balance. In this instance I find that they do not significantly and demonstrably outweigh the benefits of four additional homes when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development should be applied.

Conditions

18. Although some works have been undertaken to the building, this is principally a scheme for the change of use of the property and so imposing the standard time limit condition is reasonable. A condition listing the approved plans is necessary in the interests of certainty. In order to ensure that the proposal functions as intended and the living environment of future occupiers and neighbours is maintained, it is reasonable and necessary for there to be conditions ensuring the provision and retention of cycle storage, bin stores, electric vehicle charging points, obscure glazing, broadband, parking layout and turning areas.

Conclusion

19. Whilst I have found there to be some conflict with the development plan, there are material considerations including the policies of the Framework that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal is allowed, and planning permission is granted subject to the conditions below.

Stewart Glassar

INSPECTOR

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed below:

Location Plan	- 0095_1_001A
Proposed site plan	- 0091_3_002E
Proposed ground and first floor plans	- 0091_3_101B
proposed second floor and roof plans	- 0091_3_102A
proposed section AA	- 0091_3_201A
Proposed side elevations	- 0091_3_302B
Proposed front and rear elevations	- 0091_3_301B
- 3) Prior to the occupation of the development hereby permitted, the vehicle parking and turning areas as shown on drawing 0091_3_002E shall be fully implemented and thereafter permanently retained for their designated purposes.
- 4) Prior to the occupation of the development hereby permitted, secure covered facilities for the parking of bicycles as shown on drawing 0091_3_002E shall be fully implemented and thereafter permanently retained for the parking of bicycles.
- 5) Prior to the occupation of the development hereby permitted, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 6) Prior to the occupation of the development hereby permitted, details of water efficiency measures shall be submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure water consumption does not exceed an average of 110L per person per day. The development shall be carried out in accordance with the approved details which shall be retained thereafter.
- 7) Prior to the occupation of the development hereby permitted, refuse and recycling provisions as shown on drawing 0091_3_002E shall be fully implemented and thereafter permanently retained.
- 8) Prior to the occupation of the development hereby permitted, those windows shown on drawing 0091_3_101B as being partially obscurely glazed shall be fitted with obscured glazing on those parts of the window that is less than 1.7 metres above the floor of the room in which it is installed. No part of those windows that is less than 1.7m above the floor of the room shall be capable of being opened. The obscure glazing and fixed nature of the windows shall be permanently retained thereafter.
- 9) Prior to the occupation of the development hereby permitted, those windows shown on drawing 0091_3_101B as being fully obscurely glazed shall be fitted with obscured glazing. The obscure glazing shall be permanently retained thereafter.

- 10) Prior to the occupation of the development hereby permitted, the highest available speed broadband infrastructure shall be installed and made available for use.

END