



Appeal Decision

Site visit made on 8 May 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/R3650/W/23/3334023

21 Woodmancourt, Godalming, Surrey GU7 2BT

- 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 P Horgan against the decision of Waverley Borough Council.
 - The application Ref is WA/2022/00608.
 - The development proposed is single storey extension and internal alterations to no. 21. Including demolition of existing detached garage and sub division of plot for a new four bedroom dwelling (referred to as No 21A Woodmancourt). Proposal includes associated parking and amenity.
-

Decision

1. The appeal is allowed and planning permission is granted for single storey extension and internal alterations to no. 21. Including demolition of existing detached garage and sub division of plot for a new four bedroom dwelling (referred to as No 21A Woodmancourt). Proposal includes associated parking and amenity at 21 Woodmancourt, Godalming, Surrey GU7 2BT in accordance with the terms of the application, Ref WA/2022/00608, subject to the conditions in the attached schedule.

Preliminary Matters

2. The drawings on the Council's decision notice differ from those on the appellant's list of plans and documents submitted with the application. However, I have evidence that revised plans marked as Revision A were submitted to the Council during the application process, that subsequently there was a reconsultation and interested parties have commented on amended drawings. The parties also had the opportunity to respond to the content of these drawings during the appeals process. For these reasons, the parties would not be prejudiced if I were to consider these drawings, and therefore the appeal is assessed on the basis of the amended plans.

Main Issues

3. The main issues are the effect of the proposed new dwelling on the character and appearance of the area including with regard to trees, the effect on the living conditions of neighbouring occupiers with particular regard to privacy to no 19 and whether it would be overbearing to nos 19 and 20 Woodmancourt, and whether the location is a suitable site for housing.

Reasons

Character and appearance

4. Woodmancourt is a residential cul de sac characterised by detached dwellings that front the curved road, as a result garden shapes and sizes vary. The separation between properties results in a spacious character to this area, although the size of gaps are not regular. The houses generally have private hardsurfacing for parking to the front and garage doors are clearly evident on many properties. 21 Woodmancourt is at the end of part of the road, and due to its corner position it has a large side and rear garden. The dwelling shares the positive features of the area described above.
5. The proposed development would subdivide this plot and introduce a new dwelling to the side of no. 21. Its frontage would be of a style and in materials that reflect those in the surrounding area. It would be around 2.5m from the side elevation of no 21, and around 8m from the dwelling at no 20 at ground floor, with around 14m separation at first floor.
6. This would result in a similar separation from the adjoining properties as is found elsewhere along Woodmancourt. The separation at first floor from no 20, which is perpendicular to the proposed dwelling, would result in a suitable gap in this corner location and would retain the sense of spaciousness in this road. Both the host property and the proposed dwelling would retain large gardens which would be broadly consistent with others in the area. A shared access is proposed, however this would serve just two dwellings and therefore its use would not be so intensive as to be visually jarring with other front parking areas found nearby. As such the proposed development would not appear cramped or overcrowded in this context.
7. There are trees in the surrounding area which provide a pleasant sense of greenery. There are three trees with tree protection orders (TPOs) in the garden of 6 McAlmont Ridge which are close to the shared boundary. These are highly visible from surrounding properties and make a positive contribution to the character of the area. There is also an area of ancient woodland nearby. This is separated from the plot by a number of other residential plots.
8. The TPO trees would be to the rear of the proposed dwelling and due to their orientation, they would be likely to result in some shading to the proposed property, its solar panels and the garden. This would be more pronounced than the existing effect to the larger plot and greater distance from the dwelling at no. 21. Nevertheless, they are protected by TPOs. Therefore, in the event of any request for works to these trees, the Council would retain control as to whether they should be felled and/or the extent of any pruning. Nor do I have evidence that a statutory power requiring tree removal to allow sunlight to solar panels is likely. Any application for tree works would consider their important effect on the character and appearance of the area. As such, I do not find harm in this regard. Taking into account the detail before me now, there would not be an adverse effect on the ancient woodland.
9. Therefore, the proposed development would have an acceptable effect on the character and appearance of the area, including with regard to trees. As such, in this regard, it would be in accordance with policies TD1, NE1 and NE2 of the Local Plan Part 1: Strategic Policies and Sites (2018) (LPP1), policies DM4 and DM11 of the Local Plan Part 2: Site Allocations and Development Management

Policies (2023) (LPP2) and policy GOD5 of the Godalming and Farncombe Neighbourhood Plan 2017-2032 (2019) (NP). Together, in general, these seek high quality design that responds to local character and distinctiveness and is sympathetic to neighbouring properties, as well as protecting and enhancing trees and biodiversity, including securing the long term retention and growth of trees. Nor to the Residential Extensions Supplementary Planning Document (2010) (SPD) which provides guidance for new developments to make a positive contribution to the area.

Living Conditions

10. The side elevation of the proposed dwelling faces towards the boundary with 19 Woodmancourt. At present there are ground and first floor windows along this elevation at no. 21, and there is a tall hedge and ground levels appear to fall away towards this boundary. Along this elevation the proposed new dwelling would have a single obscure glazed bathroom window at first floor. At ground floor, windows are annotated to be a minimum of around 8m from the boundary with the rear garden of no 19, with around 20m distance between windows. This is below the 21m between windows and 18m between private amenity space rule of thumb as set out in the SPD. However, any views from ground floor windows and the garden would be limited by boundary treatment, the detail of which could be secured by condition. Furthermore, any views towards windows would be at an obscure angle which would prevent direct overlooking. As such, lesser distances than those set out in the SPD would be appropriate in this instance. Taking all the above into account there would not be a harmful increase in overlooking to no. 19.
11. To the rear, the windows would be a minimum of 9m from the boundary with 6 McAlmont Ridge. The land slopes downwards in this direction and no 6 is at a lower level than no 20. However, the house on this plot is located some distance from this boundary and at an angle to the proposed dwelling. Therefore, any direct overlooking to habitable rooms is unlikely. The garden to this property is already somewhat overlooked by windows at nos 21 and 19 Woodmancourt and the proposed first floor windows would not alter this to an unacceptable level. This would be further mitigated through appropriate boundary treatment which could be secured by condition.
12. The proposed development would introduce built form in closer proximity to the rear garden of no 19. However, the two storey element is set back some way into the garden with a minimum of around 8m separation from the boundary. Consequently, this would not result in an unacceptably overbearing development. The proposed dwelling would extend beyond the rear elevation of 20 Woodmancourt by a short distance. This would be 3m from the boundary at ground floor level with a significant set back at first floor. Given the limited width and extent of the set back, particularly at first floor, this would not have an overbearing effect on no 20.
13. Taking into account the position and distance of the proposed dwelling relative to the surrounding properties there would not be an unacceptable effect to light to these dwellings or their garden areas. Given other properties in Woodmancourt and McAlmont Ridge are further from the proposed dwelling than nos 19, 20 and no 6, it follows that there would not be an unacceptable effect on the living conditions of other occupiers.

14. The site would remain in domestic use and therefore there would not be a significant change in noise. An air source heat pump is indicated on the plans. Full details of climate change and sustainability measures could be secured by condition. The positioning and any soundproofing of the heat pump should be considered at this stage and therefore this condition would be required both in the interests of sustainable construction and design, but also the living conditions of neighbouring occupiers. Whilst there may be disturbance during construction this would be temporary and a condition could be included to provide a construction transport management plan and method statement which would also provide mitigation.
15. Therefore, there would be an acceptable effect on the living conditions of neighbouring occupiers with particular regard to privacy to nos 19 and whether the development would be overbearing to nos 19 and 20 Woodmancourt. As such, in these respects, it would not be contrary to policy TD1 of the LPP1, policy DM5 of the LPP2 and policy GOD5 of the NP. Together these require that development should not harm the amenity of existing occupants and neighbours and be a high quality design. Nor to the advice in the SPD, the aims of which are set out above.

Whether the location is a suitable site for housing

16. Paragraph 123 of the National Planning Policy Framework (2023) (Framework) states that strategic policies should accommodate land for meeting the need for homes in a way that makes as much use as possible of previously developed land. Residential gardens are excluded from the definition of previously developed land. However, I am not presented with anything in the Framework, nor local plan policies that prohibit development in residential gardens. Whilst this does not weigh in favour of the development the lack of harm in this regard is a neutral factor.
17. As such, in this regard, the proposed development would not be an unsuitable site for housing and would not be contrary to Paragraph 123 of the Framework.

Other Matters

18. I have had due regard to Article 8 of the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. The neighbouring property is occupied by persons with protected characteristics for the purposes of the PSED. The decision above concludes that the effects of the development would not be harmful to the living conditions of nearby occupiers, including the immediate neighbour. Regarding the effects from construction works, a condition to require a construction transport management plan and method statement could be imposed. With this condition in place, there would be no interference with the neighbouring occupiers rights and the aims of the PSED, to eliminate discrimination against and advance equality of opportunity for persons with the protected characteristic, would be supported.
19. The parking guidelines require the provision of a total of 5 spaces for the existing and proposed dwellings. 5 spaces are provided with space which allows cars to exit in a forward gear. As such the development is unlikely to generate on street parking. Whilst cars would need to turn in close proximity to the window at no.21, considering the turning area serves a single house, such movements would be infrequent. Although the highway is quite narrow in this part of Woodmancourt, given the limited increase in vehicle movements, I have

no detailed evidence that leads me to disagree with the County Highway Authority who concludes that the access would be safe.

20. Details of sustainable urban drainage systems could be controlled by a condition requiring climate change and sustainability measures. I note the objections raised from neighbours that the development may affect drainage. However, the undertakers that would provide such utilities do not object to the development. Therefore, in the absence of compelling evidence to the contrary, the proposal would be acceptable in this regard. Taking into account the large size of the plots there is suitable space for refuse bins, the detail of which could be secured by condition.
21. It is put to me that there are restrictive covenants on the properties on Woodmancourt. However, these would be private legal matters and not a planning consideration to which I can attribute any degree of weight.

Conditions

22. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, including ensuring that the conditions would not unnecessarily delay the delivery of development.
23. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord. Conditions requiring details of materials, refuse storage, boundary treatment and landscaping would be needed in the interests of the character and appearance of the area, and also in the case of boundary treatment in the interests of the living conditions of neighbouring occupiers. It would be necessary to secure the obscure glazed windows indicated on the plans as set out above, in order to protect the living conditions of neighbouring occupiers.
24. Conditions requiring an updated tree protection plan, arboricultural method statement, and a scheme of supervision for the arboricultural protection measures should be attached in the interests of the character and appearance of the area with particular regard to trees. Additional detail is identified as being needed beyond that in the submitted arboricultural methods statement, impact assessment and tree protection plan. However, these conditions have been amended to avoid overly detailed specifications of the requirements as it would be reasonable for the planning authority to decide what level of detail is needed to achieve the purpose of this condition. This condition includes a requirement for the tree protection measures to be implemented. Therefore, it would be unnecessary for a condition to require evidence of compliance and this should not be included. These conditions should be pre commencement as the measures are required for the full duration of the works.
25. In order to protect the trees it is recommended that permitted development rights should be removed to prevent construction that requires a solid foundation in close proximity to the trees. However, I am not provided with any reason that additions to the roof or the enlargement, improvement or other alteration to the dwellinghouse should be restricted and therefore these would not be reasonable or necessary. This condition should be amended to refer to class E, part 1, Schedule 2 only.

26. A construction transport management plan and method statement would be necessary to ensure an acceptable effect on highway safety, road users and the living conditions of neighbouring occupiers. This should be a pre commencement condition as the measures would apply for the full duration of the works. The implementation of the car parking area would be required to ensure appropriate provision is made for car parking, and details of cycle parking would be needed to encourage non-car modes of transport.
27. The mandatory Biodiversity Net Gain (BNG) provisions would not apply to this case. However, policy CC2 of the LPP1 requires that development should protect and where possible enhance the biodiversity value of the development in the interests of sustainable construction and design. As such a condition requiring details of BNG is necessary. Conditions requiring details of climate change and sustainability measures, water usage and the provision of broadband infrastructure are required in the interests of sustainable construction and design and also, in the case of the former, the living conditions of neighbouring occupiers. The details of BNG are required to be pre commencement in order that the ability to comply with its requirement is not prejudiced by the carrying out of building works or other operations on the site.

Conclusion

28. For the reasons given above the appeal should be allowed.

H Miles

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 following approved plans: 21WC-P-01 – Existing Plans, 21WC-P-02 Rev A – Proposed Plans & Elevations, 21WC-P-03 Rev A – Existing & Proposed Elevations, 21WC-P-04 Rev A – South East Elevations, 21WC P-05 Rev A - Proposed Block Plan
- 3) No development shall take place (including demolition, ground works or vegetation clearance) until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 4) No development shall take place (including demolition, ground works or vegetation clearance) until a scheme of regular site monitoring for the arboricultural protection measures required by condition 3 has been submitted to and approved in writing by the local planning authority. Site monitoring shall be applied throughout the life of the development. The scheme of regular site monitoring shall include:
 - i) A start date for the first and future tree protection checks.
 - ii) Name of appointed arboriculturist/representative who is to carry out the tree protection site monitoring.
 - iii) Identification of demolition and construction events requiring arboricultural expertise include 'no dig' surface installations.
 - iv) Notifying the local authority at least 2 weeks prior to the commencement events requiring arboricultural expertise.
 - v) Provide a tree protection site monitoring frequency for the full term of demolition/construction activities.

The scheme of regular site monitoring shall be implemented as approved.

- 5) No development shall take place (including demolition, ground works or vegetation clearance) until a Biodiversity Net Gain Monitoring and Management Plan covering a period of 30 years from commencement of development has been submitted to and approved in writing by the local planning authority. The Biodiversity Net Gain Monitoring and Management Plan shall include:
 - i) Methods for delivering Biodiversity Net Gain.
 - ii) Roles, responsibilities and competency requirements for delivery of Biodiversity Net Gain during and after construction.
 - iii) Detail legal, financial and other resources required for delivery of Biodiversity Net Gain.
 - iv) Description of the habitats to be managed.
 - v) Ecological trends and constraints on site that might influence management.

- vi) Clear timed and measurable objectives in the short, medium and long-terms for Biodiversity Net Gain detail objectives for all habitats (target conditions) and define key indicators to measure success.
- vii) Define appropriate management options and actions for achieving aims and objectives.
- viii) A commitment to adaptive management in response to monitoring to secure the intended biodiversity outcomes.
- ix) Preparation of a work schedule.
- x) Details for a formal review process when objectives are not fully reached.
- xi) Key milestones for reviewing the monitoring.
- xii) Establish a standard format for collection of monitoring data to make it repeatable and consistent including methods, frequency and timing.
- xiii) Identify and define set monitoring points (representing the key habitats on site) where photographs can be taken as part of monitoring to record the status of habitats on site.
- xiv) Detail reporting procedures.
- xv) The monitoring and associated reports shall be undertaken and provided to the Local planning authority as a minimum in years 2, 5, 10, 20 and 30 from commencement of the development.

The development shall be carried out in accordance with the approved document.

- 6) No development shall take place until a Construction Transport Management Plan and Method Statement has been submitted to and approved in writing by the local planning authority. The Construction Transport Management plan and Method Statement shall include details of:
- i) parking for vehicles of site personnel, operatives and visitors,
 - ii) loading and unloading of plant and materials,
 - iii) storage of plant and materials,
 - iv) programme of works (including measures for traffic management),
 - v) Heavy Goods Vehicle (HGV) deliveries and hours of operation,
 - vi) demolition and construction working hours.
 - vii) measures to prevent the deposit of materials on the highway,
 - viii) measures to control the emission of dust and dirt during construction;
 - ix) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused,
 - x) on-site turning for construction vehicles.

The development shall be carried out in accordance with the approved document.

- 7) No development above ground floor slab level shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the approved landscaping scheme has been implemented. The landscaping shall be maintained for a period of 5 years

after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become seriously damaged or defective. Such replacements to be of the same species and size as those originally planted.

- 8) No development above ground floor slab level shall take place until a scheme of climate change and sustainability measures has been submitted to and approved in writing by the local planning authority. The scheme shall have regard for the content of the Council's Climate Change and Sustainability SPD (2022). The development shall be carried out strictly in accordance with the approved details.
- 9) No development above ground floor slab level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) The development hereby approved shall not be occupied until, details to confirm that the dwelling has been completed to meet the requirement of 110 litres of water per person per day, measured in accordance with the methodology set out in Approved Document G (2015 edition with 2016 amendments) has been submitted to and approved in writing by the local planning authority. Such evidence shall be in the form of a design stage water efficiency calculator. The development shall be completed wholly in accordance with the agreed details.
- 11) The development hereby approved shall not be occupied until the highest available speed broadband infrastructure has been installed and made available for use.
- 12) The development hereby approved shall not be occupied until secure, covered facilities for the parking of bicycles have been provided within the development site in accordance with a scheme that has been submitted to and approved in writing by the local planning authority. Thereafter, the parking facilities shall be retained for their designated purpose.
- 13) The development hereby approved shall not be occupied until a plan indicating the positions, design, materials, and type of boundary treatment to be erected around the dwelling hereby permitted has been submitted to and approved in writing by the local planning authority. The development hereby approved shall not be occupied until the boundary treatment has been completed in accordance with the approved details and shall thereafter be retained.
- 14) The development hereby permitted shall not be occupied until the secure, covered facilities for the storage of refuse and recycling have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the local planning authority. Thereafter, the refuse and recycling storage facilities shall be retained for their designated purpose.
- 15) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and

leave the site in forward gear. Thereafter the parking and turning area shall be retained for their designated purposes.

- 16) The development hereby permitted shall not be occupied until the windows annotated as obscured on the approved plans have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking or re-enacting that Order with or without modification), no enlargement to the dwelling house hereby permitted as set out within Class E of Part 1 Schedule 2 of that Order, shall be constructed.