



Appeal Decision

Site visit made on 26 June 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/R3650/W/23/3334219

24 Portsmouth Road, Godalming, Surrey GU7 2JU

- 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 Mr Ansar Shah against the decision of Waverley Borough Council.
 - The application Ref WA/2023/01490, dated 11 May 2023, was refused by notice dated 29 August 2023.
 - The development proposed is erection of 2 semi-detached dwellings and associated works following demolition of existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2 semi-detached dwellings and associated works following demolition of existing dwelling at 24 Portsmouth Road, Godalming, Surrey GU7 2JU in accordance with the terms of the application, Ref WA/2023/01490, dated 11 May 2023, and subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the effect of the development on the living conditions of the neighbouring occupiers with particular regard to daylight, sunlight, and outlook.

Reasons

3. The appeal site is located on the north-western side of Portsmouth Road (A3100) adjacent to the junction with Cliffe Road. The existing bungalow at 24 Portsmouth Road forms the north-eastern end of a run of similar detached bungalows, all within a well-defined building line, set back and elevated from the highway. The extended rear gardens to the bungalows slope steeply upwards. The adjoining dwelling at 38 Cliffe Road, to the north-east of the site, is a 2-storey semi-detached dwelling on significantly higher land than no 24. The adjoining bungalow at 25 Portsmouth Road is on a similar level to the dwelling at no 24.
4. The separation distance and height difference between 38 Cliffe Road and no 24 is sufficient such that the development would maintain good living conditions at no 38 in terms of daylight, sunlight, and outlook. The Council's refusal reason, however, raises concern regarding the loss of daylight and overbearing impact on the north-east facing bedroom window of no 25.
5. The windows on the north-eastern elevation of no 25 are in close proximity to both the high boundary fencing and the side elevation of no 24. This close

proximity significantly limits the outlook from the facing windows of no 25. Whilst the proposal would introduce further bulk at first floor level, the loss of outlook would not be significant given the limited existing outlook from the facing windows at no 25. Furthermore, the north-eastern orientation of no 24 in relation to no 25, means that additional overshadowing and loss of daylight to no 25 from the development would be limited.

6. Overall, therefore, the development would not unacceptably harm the amenity of neighbours in terms of daylight, sunlight, and outlook. The proposal would accord with Policy GOD5 of the Godalming Neighbourhood Plan (August 2019), and paragraph 135(f) of the National Planning Policy Framework (the Framework). Taken together, amongst other things, these policies require development to not significantly adversely impact on the amenity of neighbours, and to maintain a high standard of amenity. There would be some limited conflict with Policy DM5 of the Waverley Borough Local Plan (Part 2): Site Allocations Development Management Policies (March 2023), due to the limited loss of daylight, sunlight, and outlook to no 25. It follows that the identified conflict with Policy DM5 must be weighed in the planning balance.

Other Matters

7. I have noted the representations from interested parties. I have taken them into account. The issues raised are largely identified and considered within the Council officer's report on the appeal development. The Council did not conclude that they would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions on the other matters raised by interested parties, subject to the imposition of planning conditions.

Planning Balance

8. Paragraph 11(d) of the Framework is engaged because the Council is unable to demonstrate a five year supply of deliverable housing sites. In such circumstances, the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.
9. The proposal would result in some economic and social benefits, including through the dwelling's construction and as a result of a slight increase in spending and patronage of services in the local area. The proposal would also make a limited contribution to the Government's objective of significantly boosting the supply of homes. However, as the proposal is for only a single additional dwelling, the benefits identified attract limited weight.
10. The limited loss of daylight, sunlight, and outlook to no 25, and the identified conflict with Policy DM5, are of limited weight against the proposal given the development results in only limited harm to the amenity of the occupiers of no 25. The adverse impacts of granting planning permission would not, therefore, significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.
11. Furthermore, the Council previously granted planning permission¹ in 2005 for extensions and alterations to the existing bungalow at no 24, including an

¹ LPA Ref: WA/2005/0843

additional floor, and significant increases in both ridge and eaves heights. The appellant has provided evidence which indicates the 2005 permission remains extant and this has not been disputed by the Council.

12. If the 2005 permission were to be built out, it would result in a similar level of bulk facing the windows on the north-east elevation of no 25 as would result from the current appeal proposals. The effect on the living conditions of the occupiers of no 25 in terms of daylight, sunlight and outlook would, therefore, be broadly similar for both the 2005 permission and the appeal proposals. The realistic possibility of the 2005 permission being fully implemented and having a similar effect, in terms of daylight, sunlight and outlook, weighs substantially in favour of the current proposals.
13. Overall, the limited identified harm and conflict with the development plan are outweighed by material considerations, including the assessment of the development against the Framework as a whole, and the noted significant fallback position.

Conditions

14. I have considered the conditions suggested by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance. Where appropriate, I have amended and added to the suggested conditions. The numbers in brackets relate to the conditions in the schedule.
15. In addition to the standard timescale condition (1), I have imposed a condition specifying the relevant plans and documents as this provides certainty (2). A condition to secure the implementation of a Construction Management Statement is necessary in the interests of highway safety and to protect the living conditions of local residents (3). To protect the character and appearance of the area, conditions securing appropriate finishing materials (4), and landscaping (7) are necessary.
16. In the interests of ecology, a condition ensuring appropriate enhancement of biodiversity is necessary (9). In order to prevent increased risks of flooding, and in the interests of the principles of sustainable drainage, a condition is necessary to ensure the appropriate surface and foul water drainage of the site (10). In the interests of promoting sustainable transport choices, a condition securing provision of cycle parking (6) is necessary. In the interests of addressing climate change and sustainability, a condition securing the sustainability measures proposed is necessary (12).
17. In the interests of the proper and efficient functioning of the highway and achieving appropriate access for all, conditions securing a modified access (5) and provision of parking (11) are necessary. To protect the privacy of neighbouring occupiers, a condition securing obscure glazing is necessary (8).

Conclusion

18. For the reasons above, the appeal is allowed subject to the conditions in the attached Schedule.

S D Castle

INSPECTOR

Schedule of Conditions attached to Appeal Decision
Appeal Ref: APP/R3650/W/23/3334219
24 Portsmouth Road, Godalming, Surrey GU7 2JU

- 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 and details unless otherwise required by the conditions below:
 - Location Plan @ 1:1250;
 - Proposed Site Plan A/624/E3 Rev B;
 - Proposed Street Scene A/624/E5;
 - Proposed Plans 2022/AR/5 Rev B
- 3) Prior to the commencement of development, a Construction Management Statement shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Statement shall include:
 - i. Construction working hours;
 - ii. Loading and unloading of materials;
 - iii. Storage of plant and materials used in constructing the development;
 - iv. A scheme for recycling/disposing of waste resulting from construction works;
 - v. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway;
 - vi. Measures to prevent flying debris;
 - vii. Dust, noise and vibration mitigation measures;

The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Management Statement and the requirements of the approved Construction Management Statement shall be maintained throughout the construction period.
- 4) No development excluding demolition and groundworks shall commence until details/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. The development shall thereafter be carried out only in accordance with the details so approved.
- 5) The development hereby approved shall not be first occupied unless and until the proposed modified access with Portsmouth Road, including appropriate vehicle and pedestrian visibility zones, has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.
- 6) The development hereby permitted shall not be occupied until details of cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

- 7) Prior to the first occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers of all proposed trees and plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 8) Prior to the first occupation of the development hereby permitted, the upper floor windows in the side elevations shown on the approved plans shall be glazed with obscure glass only and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The development hereby permitted shall be permanently maintained as such at all times thereafter.
- 9) No development above slab level shall begin until a detailed Biodiversity Enhancement Scheme (BES) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme prior to the development hereby permitted being first occupied and the enhancements shall be retained thereafter.
- 10) No development above slab level shall begin until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved drainage plans prior to the development hereby permitted being first occupied.
- 11) Prior to the first occupation of the development hereby approved, the car parking shown upon the approved drawings shall be provided with a hard bound dust free permeable surface and thereafter it shall be kept free from obstruction at all times and shall not be used for any purposes other than the parking of vehicles for the occupiers of the development and visitors to it.
- 12) No development above slab level shall begin until a detailed Climate Change and Sustainability Scheme, based upon the Climate Change and Sustainability Checklist submitted with the application, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme prior to the development hereby permitted being first occupied.