



Appeal Decision

Site visit made on 2 July 2024

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2024

Appeal Ref: APP/R3650/W/23/3334764

**Longmeadow Barn, 15 Hermongers Lane, Rudgwick, Horsham, Surrey
RH12 3AH**

- 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 John Burton against the decision of Waverley Borough Council.
 - The application reference is WA/2022/02533.
 - The development proposed is subdivision of site and erection of detached 2 storey dwelling, creation of new access and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal submission included drawings that depict a substantially reduced and altered site area in order to address one of the reasons for refusal. There are several differences between the appeal scheme and that considered by the Council as a substantial reduction to the size of the red-lined site area has been proposed. This is a fundamental change, and whilst the Council have had an opportunity to comment, others have not. In the interests of openness and fairness the revised plans have not been accepted as part of the appeal.
3. It was apparent from my visit that the paddocks to the south of the row of houses were being mowed as lawns, and domestic paraphernalia, including seating and outbuildings were present. Notwithstanding this, I have confined myself to the consideration of the appeal proposal rather than what has occurred on site.

Main Issues

4. The main issues in this case are, firstly the effect of the proposal on the character and appearance of the area, having particular regard to the location of the site within an Area of Great Landscape Value; and secondly, the effect upon the living conditions of nearby residents having particular regard to outlook and daylight.

Reasons

Character and Appearance

5. Positioned at one end of a row of mostly semi-detached houses, the appeal site is part of the generous gardens to 15 Hermongers Lane (No 15). The site forms a gap between this property and 13 Hermongers Lane (No 13), which is one half of a pair of semi-detached houses, and like the other houses in the row it is set back from the highway behind similarly sized and shaped front gardens. Many of these gardens provide parking provision for the dwellings, albeit at a lower level than the houses due to the slope of the land. These houses have generous rear gardens, again of a similar size. Another repeated characteristic of the row is that the houses are two storeys with some having rooms in the roofs, and there are several that are richly embellished with architectural detail.
6. The site is within an Area of Great Landscape Value (AGLV), a feature of which is the tapestry of fields, woodlands, trees and hedges. The Surrey Landscape Character Assessment (2015) refers to the patchwork of arable and pastoral fields and paddocks, with the scattered presence of small groups of dwellings, and individual homes and farmsteads. The row of houses forms a distinct, and cohesively discrete group in a countryside position. Whilst there is a loose scatter of dwellings beyond the row further along the lane, including No 15, the row has a legible, defined integrity amongst the fields, trees and hedges. The character and appearance of the area is one where the open countryside is the predominant component, with the houses along the lane being within a tranquil, rural setting.
7. Although the proposed dwelling would be positioned to respect the building line of the row of houses, it would be a large, broad building of a comparable width to that of the pairs of semi-detached houses. These elements, when combined with its plain style, would make it conspicuously different to the other houses in the row. Rather than appear as a harmonious extension of the row, it would be a discordant addition to it. Although the appellant has suggested planting, landscaping cannot be relied upon to mitigate the impact of development throughout its lifetime, and particularly so in this instance given the size and height of the house.
8. This harm would be exaggerated by the loss of the open gap that exists between Nos 13 and No 15. The latter property is a mostly single storey dwelling positioned at a lower level than the row of houses, and given this separation it appears as one of the disparate scatter of dwellings along the lane. Infilling the gap that currently exists would not only consolidate and extend the spread of development along the lane, but also would erode the domination of the rural landscape. Despite the garden use of the site, its undeveloped, open nature provides a visual link into the surrounding paddocks and fields, as well as forming a defined termination to the row of houses.
9. Moreover, the generous extent of the garden far beyond the depth of any of those nearby would harmfully intrude residential uses and paraphernalia into the countryside. The garden would extend for a substantial distance, and the spread of domestic uses over such a large area would erode the pastoral nature of the landscape and the contribution it makes to the AGLV.

10. The National Planning Policy Framework (the Framework) requires development to contribute to and enhance the local environment, with the protection of locally designated landscapes being in accordance with their status. For the reasons given above, the loss of the open gap would harmfully intensify and consolidate the spread of dwellings along the lane, as well as intruding residential garden for a significant depth into the open countryside, eroding the landscape qualities of the AGLV. The suggested conditions would not mitigate the harm, and the scheme would be contrary to Policies RE1, RE3, SP2 and TD1 of the Waverley Borough Local Plan: Strategic Policies and Sites (2018) (SPS), Policies DM1 and DM15 of the Council's Site Allocations and Development Management Policies (2023) (SADMP), and Policies EEG3 and EEG4 of the Ewhurst and Ellens Green Neighbourhood Plan (2021) (NP). These seek amongst other things, that new development must recognise the intrinsic character and beauty of the countryside, that which respects and where appropriate enhances the distinct character of the landscape, including conserving and enhancing and protecting the AGLV as a buffer to the Surrey Hills National Landscape. In addition, they also require new development to be of a high quality and inclusive design that responds and integrates well to the distinctive local character and its surroundings, including the pattern of development in areas of urban-rural transition.

Living Conditions

11. No 15 is positioned at a lower level than the appeal site, close to the highway. Given that the proposed dwelling would be much higher up the hillside, this, when combined with the height and size of the dwelling, and it being set back within its plot, would make it an imposing and dominating outlook for the occupiers of No 15. This would be particularly the case when viewed from the patio areas of this property. Even though the windows of No 15 have an outlook towards the south, the proximity of the house, along with its position, height and size would make it clearly visible to the occupiers of this property. Landscaping may in time provide some screening, but it would take many years if ever to mitigate the harmful impact of the scheme.
12. The elevated position of the house along with its size and height would also cast shade and result in a loss of light to No 15. It might be the case that a previous scheme for three dwellings was considered acceptable with regard to residential amenity (application reference WA/2018/1808), but these were positioned to follow the building line of the row, and it does not appear as if No 15 was part of that proposal. In addition to these differences, this scheme was refused, and consequently it does not form a binding precedent for approving the appeal.
13. For these reasons the scheme would result in unacceptable living conditions for nearby residents, and the suggested conditions would not ameliorate this harm. The proposal would be contrary to SPS Policy TD1, SADMP Policies DM1 and DM5, and NP Policy EEG4, and the supporting guidance in the Residential Extensions Supplementary Planning Document (2010), as these require, amongst other things high quality and inclusive development that responds to local character, avoiding harm to the amenity of existing and future occupiers, thereby reflecting objectives of the Framework.

Other Matters

14. My attention has been drawn to other appeal decisions that are considered similar to the scheme before me (appeal references: APP/R3650/W/23/3327843, APP/R3650/W/23/3327854, and APP/R3650/W/23/3326981). The latter case is for a dwelling within an AGLV, albeit a variety of existing buildings were already present, whilst the former are concerned with the change of use of an existing building, with consideration of whether it was in an appropriate location for a dwelling. There are differences between the scheme before me and those referenced above, although I note that the decisions found that the Council had no five year housing land supply at the time of the decisions. Given these differences the weight I can attribute to these comparisons is tempered.
15. Local residents have raised concerns regarding parking and traffic conflict within the lane, construction disturbance, and drainage issues. However, following my findings on the main issues, I have no need to consider these matters further.
16. The appellant has raised concerns regarding the Council's handling of the application, including the inconsistency of decision making. Such matters have to be pursued by other means separate from the appeal process and are not for me to consider.

Planning Balance and Conclusion

17. The Council acknowledges that it cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11(d) of the Framework is engaged, whereby planning permission should be granted unless the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.
18. The provision of an additional home would be a benefit arising from the scheme, albeit somewhat tempered by the local need for housing being for smaller properties of three bedrooms or less. Future occupiers would be near to the wide range of services and facilities within Rudgwick, but they would be some distance away, necessitating the use of a busy road. Balanced against these benefits would be the substantial harms to the character and appearance of the area, and also to the living conditions of nearby residents.
19. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. The policies referred to above are broadly consistent with those in the Framework. The harms arising from the proposal significantly and demonstrably outweigh the benefits, when weighed against the policies in the Framework as a whole. It follows that the presumption in favour of sustainable development does not apply.
20. The appeal scheme would conflict with the development plan and the policies in the Framework when taken as a whole, and there are no other material considerations that indicate a decision should be taken other than in accordance with them. Thus, for the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

J J Evans INSPECTOR