



Appeal Decision

Site visit made on 16 October 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2024

Appeal Ref: APP/R3650/W/24/3346201

Land adjoining White Beams (formerly Tyrolia), North side of High Street, Bramley GU5 0HS

- 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 and Mrs J Slater against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/02379.
 - The development proposed is the erection of a detached dwelling with associated parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed wording from the description of development above that does not describe development.
3. There is some dispute over whether drawing TP 097 14 was submitted with the application. It illustrates the proposed pergola structure on the site plan. The pergola structure is detailed on drawing TP 097 13, which shows the floor plan and elevations. It is also referred to in detail in the submitted Design & Access Statement.
4. As such, even if drawing TP 097 14 was not submitted, it does not amend the proposal in any way and does not include any alterations to the proposed scheme which interested parties of the opportunity may have wished to comment on. There is no harm to natural justice therefore in my acceptance and consideration of this drawing.
5. The appeal site is located within the Green Belt. The Council has not raised harm to the Green Belt as an issue having regard to the exception to development contained with paragraph 154 e) of the National Planning Policy Framework ('the Framework'), and on the basis of the evidence before me, I have no reason to find differently in this regard.

Main Issue

6. Accordingly, the main issue in this case is whether the proposed development would provide acceptable living conditions for future occupiers with specific regard to private outdoor space.

Reasons

7. The proposed property would be sited directly in front of a neighbouring dwelling, named White Beams (formerly Tyrolia). This neighbouring property, located in close proximity to the boundary between the dwellings, has a first floor window that would directly face the appeal site, offering direct views over the rear garden area of the proposed property. In order to address this¹, the proposal incorporates a pergola structure immediately next to the rear of the property.
8. Given its scale, the pergola structure would provide some space underneath for sitting out or for playing. It would also limit views to the area directly adjacent to the rear of the property to some degree. However, given its height and design, the pergola would be mostly open sided and would not offer sufficient screening to prevent some direct views of part of this space. As such, it would not provide a feeling of privacy for users of this space. In addition, the pergola would also not limit oblique overlooking of the remainder of the rear garden space.
9. Further planting on the boundary could offer some screening, however, there is no guarantee that planting would remain in situ, notwithstanding its possible effect on light reaching either side. Most properties would be overlooked to some degree and it is unlikely that an occupier of White Beams would spend extended periods of time looking out of this particular window. However, given the orientation and proximity of the neighbouring property, the level of direct overlooking, even from brief views, would reduce any feeling of privacy and result in a distinct lack of adequate private amenity space.
10. The rear garden space would be private in that it is not open to the public and is solely for the use of the occupiers of the proposed dwelling. However, in order to provide future residents with acceptable living conditions, there is also a requirement for outdoor space which has some privacy and seclusion in the sense of being screened from view.
11. As such, the proposal would not provide adequate private outdoor space, and would not therefore provide acceptable living conditions for future occupiers. There would be conflict with Policy TD1 of the Local Plan Part 1 (2018) (LP1) and Policy DM5 of the Local Plan Part 2 (2023) (LP2) which, amongst other things, require new development to meet the needs of users, provide adequate private amenity space and seek to maximise opportunities to improve future residents' quality of life.

Other Matters

12. The site lies adjacent to the Bramley Conservation Area (CA). The significance of the CA, insofar as it relates to the appeal, is that it is a historic village on the important route between Guildford and Horsham, with the houses fronting the road reflecting the aspirations of the owners of the time, with many good examples of sixteenth to nineteenth century dwellings and commercial properties.
13. The setting of the CA is partly made up of more modern development, and as such, has a limited role in the significance of the heritage asset. The appeal

¹ And a reason for refusal for application WA/2021/02729, appeal dismissed under reference APP/R3650/W/22/3306904

site, set back some distance from the main road and sitting next to modern development, would sit comfortably as part of its existing mixed surrounding context.

14. As such, the proposal would not harm the setting of the CA. The development would not therefore conflict with the prevention of harm to heritage assets, including their setting, goals of Paragraph 206 of the Framework.

Planning Balance and Conclusion

15. Set against the harm identified there would be limited social and economic benefits associated with the construction process and occupation of the proposed dwelling. The proposal would align with the Framework where it seeks to significantly boost the supply of homes and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement. However, a single additional unit would make little difference to the overall supply of housing and the support one extra household would provide to the local economy would also be insignificant.
16. The Framework seeks to create places with a high standard of amenity for future users. As such, the conflict with LP1 Policy TD1 and LP2 Policy DM5 should be given significant weight in this appeal. The Framework supports the efficient use of land. Nevertheless, given the conflict identified above, the development would conflict with the development plan as a whole.
17. The Council set out that it is falling short of the required housing land supply, put at 3.89 years. Therefore, having regard to Framework footnote 8, Framework paragraph 11d) applies.
18. As described above, the benefits associated with 1 unit would be limited even taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position. It would have a positive economic contribution during the construction phase and make use of underutilised land within a settlement in the Green Belt.
19. The proposal would provide a new dwelling in an accessible location. The appellant states there is much-need for family homes in the area. Although this has not been evidenced, it is appreciated the proposal would contribute to the overall housing deficit of the borough. Nonetheless, due to the small scale of the scheme, only limited weight can be attributed to these benefits.
20. The Framework gives substantial weight to the living conditions of future residents. Consequently, the poor-quality living conditions would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
21. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed, and planning permission is refused.

B Phillips

INSPECTOR