



Appeal Decision

Site visit made on 25 November 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2024

Appeal Ref: APP/R3650/W/23/3328578

Summersby House, 1 Summersby Close, Farncombe, Godalming, Surrey GU7 3BG

- 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 Ms Jackie Sullivan against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/01272.
 - The development proposed is described as to convert the single dwelling into two dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a single dwelling into two dwellings at Summersby House, 1 Summersby Close, Farncombe, Godalming GU7 3BG in accordance with the terms of the application, Ref WA/2023/01272, subject to the conditions in the attached schedule.

Procedural Matters

2. For clarity, the description of development has been simplified by the removing superfluous detail supplied on the application form.
3. The proposal would impact a listed building and some of the plans show internal works which may need listed building consent. No listed building consent application has accompanied this appeal.

Background and Main Issue

4. The proposal would divide an existing dwelling into 2 separate residential units. The front portion of the appeal building would constitute a 2-storey dwelling with 3 bedrooms (Summersby House), whilst the smaller portion would constitute a 2-storey dwelling with 1 bedroom (No. 3). The main parties do not dispute that No. 1 would provide adequate internal and external space, and there is nothing before me to conclude otherwise.
5. Therefore, the main issue is whether No. 3 would provide acceptable living conditions for future occupants with specific regard to internal and external space.

Reasons

6. The Council consider No.3 to provide an internal floor area of 38sqm, with a 9.5sqm bedroom, and the garden less than 10m in depth. These measurements and dimensions are not disputed by the appellant.

7. Policy DM5 of the Local Plan (Part 2) (LP2) requires new housing to provide adequate internal and external space. Internal space should be in line with the minimum standards of DCLG's Technical Housing Standards – Nationally Described Space Standards (the NDSS). Whilst Policy DM5 requires private external space to be, usable, secure, defensible, and appropriately located. When a private garden is proposed it should be at least 10m in depth and the width of the dwelling.
8. The Council have considered the proposal against the minimum gross internal floor area (MGIFA) set by the NDSS for a 2-storey, 2 person 1 bedroom unit, which is 58sqm. The NDSS also provides a MGIFA of 37sqm for a 1-storey, 1 person, 1 bedroom dwelling which has a shower. It does not, however provide any figures for a 2-storey 1 person, 1 bedroom dwelling.
9. Therefore, although the NDSS would be a reasonable starting point for determining the adequacy of the internal space of No. 3, as its occupancy has not been specified, in this instance it is important that planning judgement is engaged.
10. The adequacy of internal living space should extend to whether it can provide an appropriate living environment for future occupiers. The internal space of No. 3 is regularly shaped and functional in layout and form. It would provide separate and usable spaces, including a bedroom which would exceed the NDSS MGIFA¹ for a single bedroom, all with openable windows providing access to natural light and ventilation. Therefore, although small, in this instance, No. 3 could provide adequate internal living space, especially for a single person, without detriment to the living conditions of future occupants.
11. The proposed external space for No.3 would be directly to the front of the dwelling. It would be full width but not meet the 10m depth required by Policy DM5 to be considered a private garden. It would, however, provide a functional and usable space in terms of its dimensions in relation to the size of the dwelling. Nevertheless, it is bounded by a low wall on 3 sides and beyond that is the main and only footpath access to 4 further dwellings as well as the main parking area for Summersby Close. This means it is entirely over-looked so could not be considered private and the lack of adequate boundary treatment would mean it was indefensible and insecure.
12. It is acknowledged that a taller boundary treatment, such as a fence, could be conditioned. However, the installation of such a treatment could impact access to light for both the courtyard and the main ground floor windows of No. 3 which could significantly impact the usability of these spaces especially due to their small sizes. Therefore, with no specific technical assessment of the effect such a boundary treatment could have, I am not satisfied this would be an appropriate method of overcoming the short fallings of the proposed external space.
13. Consequently, the proposed development would fail to provide acceptable living conditions for future occupants with specific regard to external space. It would fail to comply with LP2 Policy DM5, and Local Plan (Part 1) (LP1) Policy TD1 insofar as it requires new development to maximise opportunities to improve the quality of life of current and future residents.

¹ The NDSS states a single bedroom should have not less than 7.5sqm of floor space and a double not less than 11.5sqm.

Other Matters

14. Despite the agreed position of the main parties, I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving listed buildings, their settings, or any features of special architectural or historic interest which they possess.
15. Summersby House (reference 1044486) and 2 Summersby Close (reference 1044487) are both grade II listed buildings and are interlinked. No. 2 potentially dates back to the late 15th Century and when Summersby House was built to the fore in the mid-19th Century, was relegated to the service wing. Consequently, their significance lies principally in their age, and that they are a reasonable example of the evolution of building use and style with both representing contemporaneous form and design.
16. Although when listed the building was separated into dwellings (Summersby House and No. 2), the evidence before me shows that before that point they were separated into 3 dwellings, as the proposal seeks to reinstate. That the proposal would require the blocking up of a non-original doorway, the installation of acoustic insulation along one upstairs wall, and would reinstate a previous format of the building is unlikely to diminish the significance of the building, and I am satisfied a condition could ensure the outside space is adequately landscaped to retain the setting of both.
17. The Council has referenced to section 72 of the Act within the Officer report, which relates to conservation areas. However, there is nothing before me to show the appeal site within a conservation area. Therefore, I have disregarded this reference.
18. No harm has been identified in relation to the character and appearance of the area, living conditions, refuse storage, parking, highway safety, water framework regulations, sustainability, and accessibility. However, a lack of harm, is by definition a neutral factor and so cannot weigh for or against the proposal.

Planning Balance

19. The Council cannot demonstrate a 5-year housing land supply, originally identifying the housing land supply as 4.15 - 4.56 years² but then reducing this to 3.5 years³. It is therefore necessary to apply Paragraph 11 of the National Planning Policy Framework (the Framework). Although the proposal would relate to designated heritage assets, I am satisfied that it would be in line with the heritage policies within the Framework and so Paragraph 11 indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
20. The Framework seeks to boost significantly the supply of housing and recognises the importance of small sites in meeting housing requirements. The proposal would provide an additional small dwelling quickly in a reasonably accessible location so contribute to the Council's 5-year housing land supply. This along with the associated economic and social benefits a new dwelling can

² 'Housing Land Supply' section of the Council's Officer Report

³ paragraph 2.11 of the Council's Statement of Case

bring, would attract moderate weight. This is due to the size of the Council's housing land supply deficit and that this deficit is increasing.

21. Nevertheless, I have found harm in relation to the living conditions of future occupants. However, this is restricted to the quality of the external space for proposed dwelling No. 3. Due to the unique characteristics of the listed building and that the adequacy of the external space would be dictated by market forces, as not all people seeking a small residence may want extensive outdoor space, I find this harm marginal. Accordingly, the conflict with LP1 Policy TD1 and LP2 Policy DM5, in this regard, carries limited weight.
22. Consequently, I find the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conditions

23. The Council and its consultants have suggested several conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended them for consistency and clarity.
24. In addition to the standard time limit condition (1), I have also imposed condition 2 requiring the development to be carried out in accordance with the approved plans as this provides certainty. I have imposed condition 3 to ensure the setting of the listed buildings and the useability of the external outdoor space for No. 3 is maintained.
25. To comply with Local Plan (Part 1) 2018 Policy CC2 and to ensure the sustainability of the development conditions 4, 5 and 6 have been applied. It is noted that the plans show refuse storage, however this is outside of the appeal site and therefore details are necessary for approval by the Council in condition 5.
26. Due to the constrained nature of the appeal site and its surroundings it is necessary to prohibit permitted development rights in relation to potential enlargement of the 2 proposed dwellings or additional structures within their curtilage, via condition 7. This is to protect the character and appearance of the area and the setting of listed building.

Conclusion

27. For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, allowed.

RJ Redford

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: SC-002; SC-004; SC-005; SC-006; and SC-007.

- 3) The dwelling hereby permitted and identified as No. 3 on plan SC-007 shall not be occupied until hard and soft landscaping has been completed in accordance with a scheme of landscaping that shall first have been submitted to and approved in writing by the local planning authority.

The scheme of landscaping shall include, but is not limited to:

- Hard surfacing materials;
- Means of enclosure and boundary treatments;
- Any additional planting; and
- A management plan.

The hard and soft landscaping shall then be managed in accordance with the approved management plan.

- 4) Notwithstanding the details shown on plan SC-007, the dwelling hereby permitted and identified as No. 3 on plan SC-007 shall not be occupied until refuse and recyclable materials storage facilities have been installed in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and those facilities shall thereafter be retained for the storage of refuse and recyclable materials.
- 5) The dwelling hereby permitted and identified as No. 3 on plan SC-007 shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.
- 6) The dwelling hereby permitted and identified as No. 3 on plan SC-007 shall not be occupied until the highest available speed broadband infrastructure has been installed and made available for use.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken.

END OF SCHEDULE