



Appeal Decision

Site visit made on 29 October 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/R3650/W/24/3345327

Little Heath, Linkside West, Hindhead, Surrey GU26 6PA

- 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 Simon Foster of KAT Investments (Surrey) Limited against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/02240.
 - The development proposed was described as "Proposed refurbishment and extension of existing dwelling. New detached dwelling."
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Decision

1. The appeal is allowed and planning permission is granted for proposed refurbishment and extension of existing dwelling and new detached dwelling at Little Heath, Linkside West, Hindhead, Surrey GU26 6PA in accordance with the terms of the application, Ref WA/2023/02240, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Simon Foster of KAT Investments (Surrey) Limited against Waverley Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. A previous planning application¹ for two new dwellings within the appeal site was refused by the Council in 2022 and dismissed on appeal² in 2023. The Inspector for that appeal found harm in respect of the width and siting of the proposed dwelling to the side of the existing dwelling to replace its garage, which does not form part of the current scheme. The other proposed dwelling was to the rear of the existing dwelling.
4. Upon my reading of this previous appeal decision, it appears that the Inspector found no significant impacts in respect of the proposed rear dwelling and its vehicular access. The appellant has provided the plans considered under this previous appeal, which show this rear dwelling to be very similar to that currently proposed. Whilst this previous appeal decision is a significant material consideration, I must also have regard to the current submitted evidence and site-specific circumstances. I have determined the appeal on this basis.
5. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. In the specific circumstances of this appeal, there is no

¹ Council Ref: WA/2021/01774

² APP/R3650/W/22/3296043

need to invite further comments on the revisions from the Council or the appellant, as they do not affect policies pertinent to this appeal.

Main Issues

6. Having regard to the submitted evidence, the main issues are:

- the effect of the proposed development on the character and appearance of Little Heath and the surrounding area; and
- the effect on the living conditions of neighbouring properties, with particular regard to privacy, light and outlook.

Reasons

Character and appearance

7. The appeal site comprises a detached two storey dwelling with a wide garage building alongside it, facing Linkside West within a residential area of Beacon Hill, Hindhead. It forms a large plot, with a deep rear garden and significant spacing between dwellings on each side. Surrounding roads are wide and the streetscapes contain many boundary hedges and mature trees. Nearby dwellings are detached and of generally of large size, set within spacious plots.
8. The proposed dwelling is described by the Council and interested parties as a backland, infilling or “garden grabbing” development form, and not characteristic of the area. The new dwelling would be sited behind the existing dwelling of Little Heath within its garden. Whilst this tandem layout is not replicated in the surrounding area, the existing plot size is however both wider and deeper than most of the surrounding plots, and is sufficient to accommodate such a proposal.
9. Some views would be available along Linkside West from the southeast, but the proposed dwelling would be set back at a considerable distance from the road. Its main roof form would only be slightly higher than that of Little Heath to the front, and the overall proposed dwelling would not be widely visible further along Linkside West or along Linkside South, due to the presence of other dwellings and mature shrubbery. The proposed dwelling would only be partially visible from Grove Road beyond the side garage of Tarraleah.
10. The secluded setting of the proposed dwelling would avoid a cramped appearance or a dominant impact upon the character of the surrounding area. When including its linked garage and excluding the proposed driveway, the development would form a higher dwelling-to-plot ratio than its surroundings. That said, the proposed layout, plot size and development ratio would still allow for the spacious character of Little Heath and surrounding streetscapes to be appreciated.
11. The new dwelling would include contemporary features, including some full-glazed fenestration sections and some use of stone and charred timber cladding, which are not found in the vicinity. These features would however be sufficiently contained within traditional pitched roof forms and would not be readily visible from surrounding roads. Precise specifications of all external materials can be secured by means of planning condition, to ensure an appropriate palette for the character of the area.

12. The proposed vehicular access for the new dwelling would require the loss of one tree adjacent Linkside West that is subject of a Tree Preservation Order (TPO)³, along with removal of a small section of hedgerow along the front boundary. The Council's Assistant Tree and Landscape Officer commented in consultation that that the relatively young age class and small size of this TPO tree can be adequately mitigated by one extra heavy standard replacement tree of comparable species, to be placed in a prominent position.
13. Following a site visit, I have no reason to disagree, and such replacement planting can be secured by means of a suitably worded planning condition. Irrespective of the health of this TPO tree, there are larger street trees either side that can be retained and protected from the proposed development works. Sufficient hedgerow along the wider front boundary would be retained to protect the character of the streetscene. Although this would lead to provision of two accesses within the existing plot, the site is wide enough to accommodate this layout without detriment to the character of the area.
14. Pruning of two neighbouring rear garden trees would be required to provide clearance from the garage outshot of the proposed development. Some mixed foliage of a low height would also have to be removed from within the appeal site's existing rear garden to facilitate the proposed dwelling. Interested parties contend that healthy trees have already been cut down prior to the first planning application, but there is no specific evidence before me to detail this. Subject to appropriately worded conditions securing new planting and landscaping, the overall level of proposed tree and shrub loss would not harm the verdant character of the appeal site and the surrounding area.
15. The appeal proposal also includes refurbishment and extension of the existing dwelling of Little Heath. These works would not significantly alter the form and appearance of this dwelling.
16. The Council also cites conflict with the Residential Extensions Supplementary Planning Document (SPD) 2010. In the absence of a wider design SPD, the Council frequently refers to the guidance contained within the 2010 SPD as a lot of the issues are applicable to both extensions and new dwellings. Be that as it may, the 2010 SPD does not explicitly refer to new dwelling proposals. I therefore do not find it to be relevant to the determination of this appeal.
17. Having regard to all the above, I have found that the appeal proposal would not unduly affect the character and appearance of Little Heath and the surrounding area. It, therefore, complies with Policy TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (LPP1) 2018, Policies DM1 and DM4 of the Waverley Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) 2023, and Policy H6 of the Haslemere Neighbourhood Plan. Collectively, these policies require, amongst other things, new development to be of high quality design that responds to the distinctive character of the area and local context, not cause harm to townscape and avoid overdevelopment of the plot in relation to the characteristics of neighbouring plots. The proposal also meets the aims of the Framework in forming a well-designed scheme that is sympathetic to local character, including the surrounding built environment and landscape setting.

³ Council Ref: TPO 5/03 T43

18. The proposal also complies with the design guidelines for Hindhead and Beacon Hill within Haslemere Design Statement 2012, which advise, amongst other things, that designs should respect and be sympathetic to the character and immediate architectural surroundings in terms of pattern, scale, materials and form.

Living conditions

19. Ground levels of the appeal site incline slightly towards the rear where the proposed dwelling would be sited. The proposed rear elevation would include a floor-to-ceiling gable-ended glazed section facing towards the rear garden and elevation of Tarraleah. This glazing however facilitates a spiral staircase and thus views would be transient. Other smaller ground and first floor windows serving habitable rooms are proposed, including on the rear projection directly facing the lower single storey side projection of Tarraleah. Direct views towards this neighbour, and more oblique views towards the other dwellings each side of it along Grove Road, would be possible.
20. Views of other rear gardens and elevations along Linkside South would also be possible from the proposed front elevation, which includes a glazed two storey entrance atrium feature. When accounting for the large plot sizes of the neighbouring dwellings, the overall separation distances would be sufficient to avoid a harmful degree of overlooking, perceived or otherwise.
21. An outbuilding proposed to be linked to the main dwelling would be in closer proximity to the Linkside South rear boundaries, but would not contain any habitable windows facing towards these neighbours. A small first floor side elevation window serving a stairway would be in closer proximity to the rear garden side boundary of Duno, Grove Road. A planning condition could however ensure that this window is obscure-glazed with high-level openings.
22. The proposed main dwelling would be of taller two-storey form, but would be sited roughly in between the Linkside South and Grove Road rear boundaries. Its side elevation would be in closer proximity to Duno's side boundary, on account of the deep rear garden of this neighbour, which is also mirrored by the dwelling of Garan further beyond it. The proposed linked garage would be in similar close proximity to the Birkdale Cottage and Laurel Cottage rear garden boundaries. The site orientation and overall size and layout of the neighbouring rear gardens would however avoid a harmful degree of light loss, or an adverse overbearing appearance or oppressive feel.
23. The proposed development would, therefore, not unacceptably affect the living conditions of nearby occupiers with regard to privacy, light and outlook. It complies with Policy DM5 of the LPP2 which requires, amongst other things, development to avoid harm to the amenity of future occupants and existing occupants of nearby residents including by way of overlooking, loss of daylight or sunlight, or overbearing appearance.

Other Matters

24. Neighbour representations have raised concerns regarding a loss of tranquillity in the area and increased noise, light and pollution. A residential use would be compatible with surrounding uses. The small scale and location of the proposal would avoid significant harm to the health and amenity of nearby occupants, and would not cause a material deterioration to the surrounding environment.

The officer report advises that the appeal site is not located within a flood zone. There is no cogent evidence before me to demonstrate a material flood risk to the road and surrounding area.

25. The new dwelling and existing dwelling to be retained and refurbished would both be large. The development would also lead to construction traffic using nearby roads and junctions for a temporary period. I am however satisfied that the level of parking provision would be commensurate to their size and location near to everyday services and facilities, and would not lead to material harm to highway safety or the character and appearance of the area. The appeal site would also be large enough to sufficiently accommodate all construction activities to avoid adverse impact on surrounding highways and residents.
26. Interested parties refer to nearby refused applications for infill and upheld appeals. Full details of these examples are not before me. The relevance of other appeal decisions referenced by the appellant is disputed. None of the abovementioned examples have had a bearing on my determination of the appeal, which I have assessed on its own site-specific circumstances.
27. Representations also refer to a very large number of homes of all types and various sizes already being constructed in Hindhead, or awaiting planning approval, and affordable homes are needed rather than that proposed, and that many brownfield sites exist in the area. The appeal site is however located within a residential area and near to the shops and facilities of Beacon Hill, meaning that the principle of development is acceptable.
28. Concerns are also raised regarding the submitted plans being inconsistent, lacking dimensions and misrepresenting the existing situation and the proposed development. I have not found any material discrepancies or inaccuracies, and the overall plans are of sufficient detail for me to determine the appeal. Any restrictive covenant that may be on the land does not prevent planning permission being granted, nor indicate any conflict with development plan policy. The consultation or lack thereof between the appellant and neighbours is not a matter that this appeal can consider.
29. I am conscious that the Council's Planning Committee expressed a clear disapproval of the proposal, and I accept that the representations received from Haslemere Town Council and numerous neighbouring dwellings reflects a significant community consensus. There are also concerns that the proposal would set a precedent, including a separate application for an additional dwelling on the site that could effectively be the same as the previous application refused by the Council and dismissed on appeal⁴. The Officer Report to Committee refers to another application for a new dwelling to the side of Little Heath⁵ that was withdrawn in March 2024. However, I have assessed the current proposal based on its own planning merits, site characteristics and having regard to the submitted evidence. Allowing this appeal does not infer an acceptance of other development proposals within or surrounding the site.

Conditions

30. I have considered the Council's suggested conditions against the tests in the Framework and Planning Practice Guidance (PPG), and have amended their wording, where necessary. An implementation condition (condition 1) is

⁴ See footnotes 1 and 2 above

⁵ WA/2023/02534

necessary in the interests of certainty. I have amended the suggested approved plans condition (condition 2) in the interests of precision, and this condition is necessary to clarify the approved details. I have deleted its reference to a location plan, as it is not an approved plan. A pre-commencement condition requiring agreement of external materials (condition 3) is necessary, in the interests of the character and appearance of the area.

31. Conditions 4-7 are necessary in the interests of tree protection and the character and appearance of the area. I have reworded condition 5 so that its requirements tie in with those of condition 4, and have replaced the words "applicant" with "developer" in the interests of enforceability. I have added reference to the submitted Tree Survey and Impact Assessment in conditions 4 and 6, in the interests of clarity and enforceability. Similarly, I have amended the condition 7 wording to refer to the approved arboricultural method statement and tree protection measures, in the interests of the continued health of retained trees and the wildlife they support.
32. Condition 8 is necessary to confirm full details for the proposed gates to the new dwelling's access road, including siting. Condition 9 is necessary in the interests of privacy. Given the distances between the proposed dwelling to neighbouring boundaries, and having regard to the PPG, it is necessary and reasonable to remove permitted development rights (condition 10) for further roof extensions and external alterations to the dwelling. In line with the PPG, I have reworded this condition to make precise reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear which rights have been withdrawn.
33. Condition 11 is necessary in the interests of highway safety. Condition 12 is necessary to ensure that sufficient off-street parking and turning space provision is provided prior to occupation. Condition 13 is necessary in order to avoid harm to protected species. Conditions 14 and 15 are necessary in the interests of natural resource management and climate change. I have made reference to "the development hereby permitted" to conditions 11-15, in the interests of clarity and consistency.

Conclusion

34. The proposal is in accordance with the development plan as a whole and the Framework, and the material considerations do not indicate that a decision should be made other than in accordance with it. The appeal is therefore allowed.

R Cahalane

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 the following plans and details:
 - Proposed Site Plan (drawing no. 411-001 v2)
 - Proposed Movement and Access Strategy (drawing no. 411-002)
 - Proposed Site Separation Distances (drawing no. 411-101 v2)
 - Plot 1 – Proposed Floor Plans (drawing no. 412-100 v2)
 - Plot 1 – Proposed Elevations (drawing no. 413-100 v2)
 - Plot 2 – Proposed Floor Plans (drawing no. 412-200 v2)
 - Plot 2 – Proposed Elevations (drawing no. 413-200 v3)
 - Proposed Street Elevation (drawing no. 413-001 v2)
 - Proposed Site Landscape Plan (drawing no. 415-100 v2)
- 3) No development 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.
- 4) No development shall take place until an Arboricultural Method Statement and an amended tree protection plan in line with BS 5837:2012 is submitted to and approved in writing by the Local Planning Authority to include appropriate 'no-dig' construction and cellular confinement system near the tree identified as T1 (Scots pine) in the submitted Tree Survey and Impact Assessment (July 2023, Ref: 1520-KC-02-YTREE-TreeSurvey-and-ImpactAssessment-Rev0), and the position of a replacement tree at the site frontage, arrangements for arboricultural supervision and site monitoring and any other activities with the potential to adversely impact retained trees including instillation of services.
- 5) No development shall take place until the tree protection measures approved by condition 4 above are installed. The developer shall arrange a pre-commencement meeting after the installation of the approved tree protection between the Local Planning Authority and the developer's project arboriculturist to allow inspection and verification of the tree protection measures and agree arboricultural supervision arrangements and tree protection monitoring frequency.
- 6) No works or development shall take place until full details of all proposed tree planting, including appropriate replacement planting of the tree identified as T2 (whitebeam) in the submitted Tree Survey and Impact Assessment (July 2023, Ref: 1520-KC-02-YTREE-TreeSurvey-and-ImpactAssessment-Rev0), arrangements to ensure the provision of adequate rooting volume to sustain planted trees into maturity, the proposed times of planting, and arrangements for aftercare over a period of 5 years, have been submitted to and approved in writing by the Local Planning Authority. All tree planting and aftercare shall be carried out in accordance with those details and at those times. If within a period of five years from the date of the planting of any tree, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies,

another tree of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

- 7) In this condition 'retained tree' means an existing tree, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.
 - a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with the approved arboricultural method statement.
 - b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - c) the approved tree protection measures shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site.
 - d) the approved tree protection measures shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Local Planning Authority. This shall include any requirement for arboricultural supervision and site monitoring. This condition may only fully be discharged on completion of the development subject to satisfactory written evidence of contemporaneous supervision and monitoring of tree protection throughout construction by the appointed arboriculturist.
- 8) Prior to the installation of that part of the development, scaled site and elevation plans for the proposed gates on the access road to Plot 2 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be then carried out in accordance with the approved plans.
- 9) The proposed first floor window on the western side elevation of the additional dwelling (shown on the plans as serving a bedroom); and the proposed window on the eastern side elevation of the linked outbuilding (showed on the plans as serving a staircase) hereby permitted shall be glazed to Pilkington Textured Glass Privacy Level 5 or standard equivalent and be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed. These windows shall be retained at such a privacy level for the lifetime of the development and shall not at any time be replaced with clear glazing.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no alterations to the Plot 2 dwelling permitted by virtue of Class A of Part 1 of Schedule 2 to the Order shall be undertaken, and no roof extensions or alterations to the Plot 2 dwelling permitted by virtue of Classes A, B and C of Part 1 of Schedule 2 to the Order shall be undertaken.
- 11) The development hereby permitted shall not be first occupied unless and until the proposed vehicular access to Linkside West hereby approved has been

constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

- 12) The development hereby permitted shall not be first occupied unless and 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 areas shall be retained and maintained for their designated purposes.
- 13) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Bat Presence/Likely Absence Survey prepared by Surrey Wildlife Trust Ecology Services, dated 10 June 2022, submitted with this application.
- 14) Prior to the occupation of the development hereby permitted, details shall be submitted to and be approved in writing by the Local Planning Authority to confirm that the dwellings have been completed to meet the requirement of 110 litres of water per person per day.
- 15) The development hereby permitted shall be carried out in accordance with the appropriate proposed measures identified within the submitted Climate Change and Sustainability Checklist and accompanying Energy Statement (Peter Syddall, Surrey Energy, 15 October 2023).

*****End of Schedule*****