

WA/2023/00357 – Erection of 2 dwellings with associated parking and new access on to Elmside. at LAND REAR OF EDEN HOUSE PORTSMOUTH ROAD MILFORD GODALMING GU8 5DS

Applicant:	BlackOnyx Projects
Parish:	Witley CP
Ward:	Milford
Grid Reference:	E: 494652 N: 142352
Case Officer:	Dylan Campbell
Neighbour Notification Expiry Date:	10/03/2023
Expiry Date/Extended Expiry Date:	05/07/2023
Committee Meeting Date:	28/06/2023
RECOMMENDATION	That, subject to conditions, permission be GRANTED

Summary

This application has been brought before the Council's Planning Committee as a result of the number of neighbour objections received.

This application seeks permission for the erection of 2 dwellings to the rear of Eden House. The proposed dwellings would front Elmside and would respect the character and appearance of the surrounding built form.

The proposal would provide adequate future occupier amenities, including private amenity space, off-street parking and safe vehicle access without resulting in overdevelopment, or harm to the character of the area or neighbouring residential amenities. The proposal is recommended for approval with conditions.

1. Site Description

The application site is located within the rural settlement of Milford within the rear garden of Eden House, in the location of an existing outbuilding. Eden House is a large, detached property fronting Portsmouth Road. The area is predominantly residential, comprising detached and semi-detached dwellings of varying design and scale. The site levels are relatively flat.

2. Proposal

This application is for the construction of 2 two-storey three-bedroom dwellings with associated parking and new access on to Elmside.

The dwellings would measure approx. 14m in depth, approx. 8.6m in width, approx. 5.6m to the eaves and approx. 8.2m to the ridge. They would be similar in design and scale to the Victorian dwellings on Portsmouth Road comprising a hipped roof form, and facing brickwork and would benefit from two off-road parking spaces and private amenity space.

The ground floor would comprise a garage, study, W/C, kitchen, living and dining room. The first floor would comprise three double bedrooms (one with an ensuite) and a bathroom.

3. Relevant Planning History

Reference	Proposal	Decision
WA/2008/1646	Outline application for the erection of a pair of semi-detached dwellings.	APPEAL DISMISSED 10/12/2008

4. Relevant Planning Constraints

- Rural Settlement
- Wealden Heaths I Special Protection Area 1km zone

5. Relevant Development Plan Policies and Guidance

- Waverley Borough Local Plan (Part 1): Strategic policies and sites (adopted February 2018): SP1, SP2, TD1, NE1, NE2, ST1
- The Waverley Local Plan (Part 2): Site Allocations and Development Management Policies (March 2023) (LPP2):
 - Policy DM1 - Environmental Implications of Development
 - Policy DM2 – Energy Efficiency
 - Policy DM4 - Quality Places through Design
 - Policy DM5 - Safeguarding Amenity
 - Policy DM9 - Accessibility and Transport
 - Policy DM13 – Development within Settlement Boundaries

Other guidance:

- The National Planning Policy Framework 2021 (NPPF)
- The National Planning Practice Guidance 2014 (NPPG)
- Residential Extensions Supplementary Planning Document 2010 (SPD)
- Council's Parking Guidelines (2013)
- Surrey Vehicular and Cycle Parking Guidance (2018)
- National Design Guide (2019)
- Climate Change and Sustainability Supplementary Planning Document (October 2022)

6. Consultations and Town/Parish Council Comments

Witley and Milford Parish Council	No Objection
Surrey CC Highways	No Objection subject to conditions
Surrey Wildlife Trust	No Objection subject to a condition
Thames Water	No Comments
Southern Water	No Comments -Not located in Southern Waters area.

7. Representations

5 letters have been received raising objection on the following grounds:

- Visually intrusive
- Overdevelopment
- Height of houses
- Overlooking
- Loss of privacy
- Loss of light
- Overshadowing
- Should be a single bungalow
- Impact on badgers
- Additional traffic may impact Portsmouth Road traffic flow.
- On street parking competition.
- Garages would not be used for parking.

1 neutral letter have been received raising the following comments:

- The proposal must be screened.
- Sections 4.2.4 of AIA should be implemented.

8. Planning Considerations:

9. Principle of development

The application site is located within the rural settlement of Milford as defined by Policy DM13 of the Local Plan Part 2 (2023) (LPP2). Policy DM13 of LPP2 states the principle of development within the settlement boundaries identified on the Policies Map is

acceptable and development will be permitted, subject to compliance with other policies in the Development Plan.

Paragraph 71 of the NPPF states that development in residential gardens should be resisted where it would cause harm to the local area. The presumption in favour set out in paragraphs 10 and 11 of the NPPF applies to 'sustainable development'. In determining whether the principle of this proposal is acceptable it is necessary to consider whether this proposal does comprise sustainable development and to consider the impact of the development on the character of the area. Subject to this assessment, the principle of development is considered acceptable.

10. Planning history and differences with previous proposal

Application WA/2008/1646 for a pair of semi-detached four-bedroom dwellings was appealed against non-determination and dismissed on 8 May 2009. The Inspector considered that the layout would be more visually cramped than adjacent houses, with a vertical emphasis to achieve the intended internal floor space. The proposal appeared incongruous in setting with the bungalows on Elmside and Victorian cottages on Portsmouth Road. The proposed garage was also separated from Plot 1, indicating overdevelopment and poor design.

This application seeks to address the Inspectors concerns. The application site is slightly larger than previously proposed, and the dwellings have been separated to form two detached three-bedroom dwellings. These dwellings would be slightly wider to give a more horizontal rhythm and would be similar in character and appearance to the Victorian cottages on Portsmouth Road. Parking would be provided to the front of each dwelling and an element of soft landscaping would be introduced to the front boundary.

11. Design and impact on visual amenity

Policy TD1 of the Local Plan (Part 1) 2018, Policies DM1 and DM4 of LPP2 and paragraphs 126 and 130 of the NPPF requires development to be of high quality design and to be well related in size, scale and character to its surroundings.

The area is characterised by a mix of two-storey dwellings and bungalows on varying plot sizes. To the north of the application site is Portsmouth Road, comprising detached and semi-detached two-storey Victorian properties, which consist of facing brickwork, hanging tiles and hipped roofs. These properties are predominantly setback from the highway to provide off-road parking to the front with an element of soft landscaping, and generous rear gardens.

Elmside is a mix of more recent bungalows and two-storey properties, many of which also comprise facing brickwork and hipped roof forms, along with some gable projections and dormer windows.

The proposal includes the demolition of the existing outbuilding to the rear of Eden House, the creation of a new access on to Elmside and the construction of two detached dwellings. The dwellings would be of a similar character and appearance to the nearby dwellings on Portsmouth Road, and would be viewed in this context with Eden House and the 1 Victoria Cottage, rather than in the context of the more recent dwellings south of the site on Elmside.

The proposed dwellings would sit centrally within the site, offset from the side boundaries by approx. 1.5m and 2.5m. The dwellings would be set back from the highway by approx. 5.6m-6.6m to provide off-road parking and soft landscaping to the front, and provide adequate amenity space to the rear.

The dwellings would comprise a hipped roof and finishes/materials would be of a facing brick, similar to the mix of dwellings in the streetscene. The scale and appearance of the proposal would respect the character of the existing neighbouring properties. Subject to a condition in relation to materials, it is considered that the proposal would be an attractive addition to the streetscene which would broadly be in keeping with the form of development of properties in the immediate surrounding area.

12. Impact on residential amenity

Policy TD1 of the Local Plan (Part 1) 2018 and Policies DM1 and DM5 of the LPP2 seeks to protect future and existing amenities for occupant and neighbours and ensure that new development is designed to create safe and attractive environments that meet the needs of users and incorporate the principles of sustainable development. Paragraph 130(f) of the NPPF relates to amenity.

Neighbouring Residential Amenity

The closest dwellings to the application site are the dwellings to the south fronting Elmside, and the dwellings to the north fronting Portsmouth Road.

1 and 2 Elmside

These neighbouring dwellings would be located approx. 21.8m and 17.5m to the south west of the side elevation of the Plot 2 respectively. Given the orientation of the site and proposed dwellings in relation to the neighbouring dwellings, there would not be a detrimental impact in terms of a loss of sunlight, daylight, or outlook. Plot 2 includes southwest facing side elevation first floor windows which would serve the proposed bathroom and en-suite. These windows would be conditioned to be obscure glazed to prevent any loss of privacy to neighbouring rear gardens.

3, 4 and 5 Elmside

These neighbouring dwellings would be located to the southeast of the proposed dwelling Plot 2 at a distance of approx. 23.7m to 26m. Whilst there would be some

additional overlooking from the proposed first floor bedroom windows of Plot 2 to these neighbouring gardens, the proposed outlook would be directed down the proposed rear garden of the plot with the neighbouring gardens on the peripherals of the outlook, similar to the relationship between the dormer window of 2 Elmside and the garden on 3 Elmside. In addition, the existing boundary vegetation would be retained, which would provide some additional screening from these properties. However, boundary screening alone should not be relied upon and this is given limited weight.

Eden House and Hunters Pride

These neighbouring dwellings would be located approx. 18.6m and 21.7m to the northeast of the side elevation of the Plot 1 respectively. Given the orientation of the site and proposed dwellings in relation to the neighbouring dwellings, there would not be a detrimental impact in terms of a loss of sunlight, daylight, or outlook. Plot 1 includes northeast facing side elevation first floor windows which would serve the proposed bathroom and en-suite. These windows would be conditioned to be obscure glazed to prevent any loss of privacy to neighbouring rear gardens.

Aycliffe and Verdley

These neighbouring dwellings would be located to the northeast of the proposed dwelling Plot 1 at a distance of approx. 30m to 33m. Their rearmost area of private amenity space would be located to the rear of the application site private amenity space at a distance of approx. 13.5m from the first floor windows. Whilst there would be some additional overlooking from the proposed first floor bedroom windows of Plots 1 and 2 to these neighbouring gardens, the proposed outlook would be directed down the proposed rear gardens of the plots, 13.5m from the boundary and a substantial distance from neighbouring windows on the peripherals of the outlook.

Future Occupier Amenity

The Government's technical housing standards – nationally described space standard (2015) (the standard) requires dwellings to meet certain internal space standards in order to ensure that an appropriate internal standard of accommodation has been provided for future occupiers. The proposed units would measure 150m² which would exceed the standard for a 3-person 6-bedroom dwelling being 102m². Adequate outlook and light would also be provided to all of the habitable room windows and each dwelling would be provided with adequate private amenity space.

13. Effect on Wealden Heaths SPA

The application site is between 400m and 5km from Wealden Heaths Phase I SPA and Ramsar site. The Local Plan does not outline a quantum of net new dwellings within this distance from Wealden Heaths Phase I SPA and Ramsar site.

Due to the small size of the development and the availability of alternative recreational facilities, it is concluded that the development will not affect the integrity of the European site either alone or in combination with other plans and projects in relation to recreational pressure and urbanisation in accordance with Policy NE1 of the Local Plan (Part 1) 2018. An appropriate assessment is not therefore required.

14. Biodiversity and compliance with Habitat Regulations 2017

Policy NE1 of the Local Plan 2018 (Part 1) and DM1 of the LPP 2 states that the Council will seek to conserve and enhance biodiversity. Development will be permitted provided it retains, protects and enhances biodiversity and ensures any negative impacts are avoided or, if unavoidable, mitigated.

Further, Circular 06/2005 states 'It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before planning permission is granted.'

The application property does not fall within a designated SPA, SAC, SNCI or SSSI. It is not within 200m of ancient woodland or water, and is not an agricultural building or barn.

The Application is supported by an Arboricultural Implications Report (dated January 2023) and an Ecological Impact Assessment (dated January 2023) and Surrey Wildlife has been consulted.

The application site is approximately 1km from the Thursley, Hankley & Frensham Commons Special Protection Area (SPA) and Thursley, Ash, Pirbright & Chobham Special Area of Conservation (SAC) therefore outside of the 400m buffer zone. Given the scale of the proposed development and the distance between the proposed development site and SAC and SPA, in this specific case, we would advise that a Habitat Regulations Assessment would not be required.

The submitted Ecological Impact Assessment is considered to be suitable and, in the interest of protecting ecology and biodiversity, SWT advise that the proposal, if granted, proceeds in line with the recommendations provided by Peak Ecology Limited.

Although the submitted documents do not specifically outline a 10% BNG, the submitted climate change and sustainability checklist outlines that the proposal would incorporate BNG principles including suitable bird boxes, invertebrate refugia, native landscaping and fencing that allows the movement of wildlife. Should permission be forthcoming for the proposed development, an Ecological Enhancement Plan, would be required prior to commencement of development. No objections are raised regarding Policy NE1 of the LPP1, Policy DM1 of the LPP2 and paragraphs 174 and 180 of the NPPF.

15. Highways and Parking

Policy ST1 of the Local Plan (Part 1) 2018 states that development schemes should be located where it is accessible by forms of travel other than by private car; should make necessary contributions to the improvement of existing and provision of new transport schemes and include measures to encourage non-car use. Provision for car parking should be incorporated into proposals and new and improved means of public access should be encouraged. Policy DM9 of LPP2 relates to the requirements for accessibility and transport.

The proposal is for two additional dwellings along with a new access onto Elmside. The site plan demonstrates that there would be a minimum of 2 parking spaces per dwelling can be accommodate, along with a proposed garage per dwelling. The application has been reviewed by the Highway Authority and it is considered unlikely that the proposal would have a material impact on highway safety or capacity given the small scale of the development.

16. Trees

Policy NE2 of the Local Plan (Part 1) 2018 outlines that the Council will seek, where appropriate to maintain and enhance existing trees, woodland and hedgerows. Policy DM11 of the Local Plan (Part 2) 2023 seeks to retain woodland and important trees and hedgerows, outlining that trees or hedges are adequately protected during construction to avoid root damage including activities causing soil compaction or severance of roots.

The application is supported by a an Arboricultural Impact Assessment (AIA) Ref: SJA air 23021-01c (dated January 2023). The assessment concludes that the impact of the development would be low and does not identify any ancient, veteran or notable trees that would be removed to facilitate development. No Root Protection Areas (RPAs) of trees retained would be impacted and only a reduction of the boundary group G would needed to facilitate the proposal. The proposal includes tree protection measures which would be conditioned to be in place of the duration of the demolition of the outbuilding and construction of the dwellings.

The proposal complies with Policy NE2 of the Local Plan (Part 1) 2018, Policy DM11 of the Local Plan (Part 2) 2023 and paragraphs 174 and 180 of the NPPF.

17. Climate Change & Sustainability

Policy CC1 of the Local Plan (Part 1) 2018 seeks to support development which contributes to mitigating and adapting to the impacts of climate change, including measures that use renewable and low carbon energy supply systems.

Policy CC2 of the Local Plan (Part 1) 2018 seeks to promote sustainable patterns of development and reduce the level of greenhouse gas emissions.

Policy DM2 of the Local Plan (Part 2) 2023 states that all development should seek to maximise energy efficiency and reduce carbon emissions through its design, structure, orientation and positioning, landscaping and relevant technology.

The Council's Climate Change and Sustainability SPD (October 2022) is relevant.

A Climate Change and Sustainability Checklist has been submitted in support of the application. The proposed dwelling would exceed Building Regulations which incorporate significant changes enhance to the thermal efficiency of a building envelope. The proposal would also include several sustainable elements including EV charging points, LED lighting, water reduction etc as outlined in the checklist. These measures are considered proportionate to the scale of development proposed and would comply with the relevant policies and guidance.

18. Conclusion

The planning balance assessment concludes that the proposal is in accordance with the Development Plan. The proposal would be an attractive addition to the streetscene which would broadly be in keeping with the form of development of properties in the immediate surrounding area. The proposal would not detrimentally impact neighbouring amenity or highway safety and would provide adequate future occupier amenity as such, planning permission is recommended for approval.

Recommendation

That permission/consent be GRANTED subject to the following conditions / for the following reasons:

1. Condition:

The plan numbers to which this permission relates are:

- 628-EA-100 - Existing Site Location Plan
- 638-SK-100 - Proposed Site Block Plan
- 638-SK-101 - Proposed GF and FF Plan Plot 1
- 638-SK-102 - Proposed GF and FF Plan Plot 2
- 638-SK-110 - Proposed Front and Rear Elevation
- 638-SK-111 - Proposed Side Elevations Plot 1 and 2
- 638-SK-120 - Proposed Sections
- 8220538/6101 Rev B - Proposed Site Access and Visibility Splays

The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason:

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policy TD1 of the Local Plan 2018 (Part 1) and Policy DM4 of the Local Plan (Part 2) 2023.

2. Condition:

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.

Reason:

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and Policy DM4 of the Local Plan (Part 2) 2023.

3. Condition:

No development shall take place until an Ecology Enhancement Strategy and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The Ecology Enhancement Strategy shall demonstrate how the proposed development will provide space for nature, and gains for biodiversity. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason:

Required prior to commencement to ensure the long-term management of habitats, species and other biodiversity features in accordance with Policy NE1 of the Local Plan (Part 1) 2018 and Policy DM1 of the Local Plan (Part 2) 2023.

4. Condition:

No development shall commence until the tree protection measured illustrated on drawing number SJA TPP 23021-041b (dated January 2023) within Arboricultural Implications Report ref: SJA air 23021-01c (dated January 2023) have been erect. The approved measures shall remain in place throughout the duration of the construction works.

Reason:

In the interests of the protection of the rooting areas of trees, visual amenity and character of the area and any associated biodiversity retention and enhancement in accordance with Policies NE2 and TD1 of the of the Local Plan (Part 1) 2018 and Policy DM11 of the Local Plan (Part 2) 2023.

5. Condition:

The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Elmside has been constructed and provided with visibility zones 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.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 and TD1 of Local Plan (Part 1) 2018 and Policies DM1 and DM9 of the Local Plan (Part 2) 2023.

6. Condition:

The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the access to Elmside, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 and TD1 of Local Plan (Part 1) 2018 and Policies DM1 and DM9 of the Local Plan (Part 2) 2023.

7. Condition:

The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans (Drawing No. 638-SK-100) for vehicles to be parked. Thereafter the parking areas shall be retained and maintained for its designated purpose.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 and TD1 of Local Plan (Part 1) 2018 and Policies DM1 and DM9 of the Local Plan (Part 2) 2023.

8. Condition:

The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 and TD1 of Local Plan (Part 1) 2018 and Policies DM1 and DM9 of the Local Plan (Part 2) 2023.

9. Condition:

Prior to the occupation of the dwellings, 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.

Reason:

To ensure sustainable construction and design in accordance with Policy CC2 of the Waverley Local Plan Part 1 (2018).

10. Condition:

The development shall not be occupied until the first floor northeast and southwest facing bathroom and en-suite windows have been obscure glazed and fixed shut except for any top hung fan lights at a height of 1700mm above internal ground floor level. The obscure glazed windows shall be retained thereafter.

Reason:

To prevent overlooking in accordance with Policy TD1 of the Local Plan (Part 1) 2018 and Policy DM1 of the Local Plan (Part 2) 2023.

11. Condition:

The development hereby approved shall be undertaken in accordance with the recommendations outlined in the Ecological Impact Assessment (dated 20 January 2023).

Reason:

To ensure that any adverse ecological impacts of development activities are avoided or suitably mitigated in accordance with Policies NE1 and NE2 of the Local Plan 2018 (Part 1) and Policy DM1 of the Local Plan (Part 2) 2023.

Informatives:

1. Community Infrastructure Levy (CIL)- - The development hereby permitted is CIL liable. - - 'CIL Form 6: Commencement Notice' must be received by the Council prior to the commencement of development. Commencement of development is defined in Regulation 7 of the CIL Regulations 2010 (as amended).- - Failure to adhere to the CIL Regulations and commencing work without notifying the Council could forfeit any rights you have to exemptions, payment by instalments and you may also incur surcharges.- - For further information see our webpages (www.waverley.gov.uk/CIL) or contact CIL@waverley.gov.uk
2. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.
3. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2021.
4. Visibility sight lines of 2.4m 'x' distance by 43m 'y' distance, with no obstructions to visibility between 0.6m and 2m in height above ground level, in line with Manual for Streets guidance.

Location Plan



Proposed Block Plan



Access Plan



Proposed Front and Rear Elevations

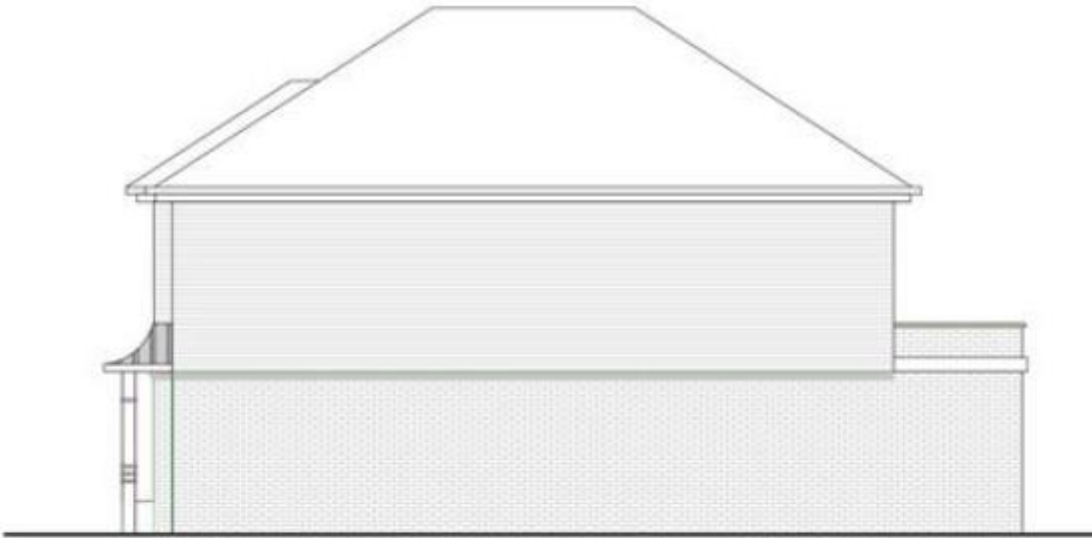


PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

Proposed Side Elevations



PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION



Appeal Decision

Site visit made on 31 March 2009

by **Colin Tyrrell MA(Oxon) CEng MICE FIHT**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
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Decision date:
8 May 2009

Appeal Ref: APP/R3650/A/08/2091780

Eden House, Portsmouth Road, Milford, Godalming, Surrey GU8 5DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Mr J Cook against Waverley Borough Council.
- The application Ref WA/2008/1646, is dated 24 June 2008.
- The development proposed is to erect two semi-detached houses with associated garages and parking.

WAVERLEY B.C.	
PLANNING DEPARTMENT	
DATE	10 MAY 2009
TIME	10:30 AM
BY	MR J COOK
FOR	MR J COOK
AT	10:30 AM

Decision

1. The appeal is dismissed.

Main Issue

2. In my opinion, the main issue is the impact of the proposed development on the character and appearance of the area.

Procedural Matters

3. The planning application which led to this appeal is for outline approval including access and layout arrangements. Although appearance, landscaping and scale are reserved matters, the drawings provided indicate how it is proposed to provide two four-bedded semi-detached houses and a detached pair of garages on the site.
4. Although the appeal is against non-determination, the Council's appeal statement consists of a copy of what the officer's report would have stated had the application been determined.

Reasons

Character and Appearance

5. The proposed density, of some 35 dwellings per hectare, would accord with government guidelines in PPS3 but would include two four-bedded houses in a layout which would be visually more cramped than adjacent houses. In order to achieve the intended amount of internal accommodation, the indicative design shows a vertical emphasis which in my opinion would appear incongruous in its setting close to the bungalows on Elmside and the low-rise Victoria Cottages on Portsmouth Road.
6. It seems to me that the awkward arrangement of garaging, with the garage for Plot 1 separated from the house, is another indication of overdevelopment of a

difficult site, and that the resultant layout does not achieve the good design which is sought by PPS1 and PPS3 as well as by the more general policies of the development plan. More particularly, Milford is designated in the local plan as a Rural Settlement where saved Policy RD1 only allows development which is well-related in scale to its surroundings and takes account of its setting. In my opinion the proposed design does neither of these.

Other Considerations

7. The proposed development would be partly shielded to the south by existing garages close to the neighbours' boundaries. To the east, the substantial line of trees on the boundary appears to be within the neighbour's land where its screening effect could be retained. On other boundaries, landscaping (which is a reserved matter) could be provided to reduce any impact on neighbours' living conditions. I am not persuaded that the outline design would necessarily have an unacceptable impact on such interests.
8. The Council has referred to an "infrastructure tariff payment" which it asserts is required by its recent SPD and could be satisfied by a unilateral undertaking which the appellant has stated a willingness to complete. However, no indication has been provided as to how such a tariff payment could satisfy the five tests in Circular 05/2005 and, in particular, why the contribution is necessary to make the proposed development acceptable, how it is directly related to the development, and how it is fairly and reasonably related in scale and kind to the development. In the absence of such information, I can give very little weight to this issue.

Conclusion

9. Notwithstanding these other considerations, I conclude that the development as indicated in the outline application would cause harm to the character and appearance of the area and would not accord with the development plan. I therefore dismiss the appeal.

Colin Tyrrell

INSPECTOR