



# 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

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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	05/05/09
BY	
FOR	
AS	

## 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