



Appeal Decision

Site visit made on 27 July 2022

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 January 2023

Appeal Ref: APP/R3650/W/22/3296043

Little Heath, Linkside West, Hindhead GU26 6PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Urban Matrix Ltd against the decision of Waverley Borough Council.
 - The application Ref WA/2021/01774, dated 28 June 2021, was refused by notice dated 19 January 2022.
 - The development proposed is the erection of two dwellings and associated engineering work following demolition of existing ancillary outbuilding; alterations and extensions to existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The third reason for refusal related to the absence of emergent surveys and stated that it was not possible to ascertain whether there would be harm to protected species. In response to this particular matter, the appellant has provided a 'Bat Presence/ Likely Absence Survey' (June 2022) which identified a number of roosts and set out the need for mitigation. The Council has not provided a response to this document. Given that mitigation measures could be utilised to avoid unacceptable impact as set out in this submitted document, I am satisfied that this matter could be satisfactorily addressed.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the area, and (ii) the living conditions of neighbouring occupiers with regards to privacy and outlook.

Reasons

Character and Appearance

4. The appeal site is situated in a predominantly residential area, typified by large, detached houses of varying styles, set in generous grounds. There is variation in the building lines, although buildings are set back from the road, behind established planting and grassed areas that contain trees. These factors as well as the spacing between dwellings that enable views towards rear garden areas, contributes to the spacious, verdant character of the area.
5. The appeal site differs from the immediate neighbouring properties to the north and south, in that it faces Linkside West rather than Linkside South or Grove

- Road. Despite this difference, its setback positioning with a garden area to the front reflects the dwellings to either side that are setback behind garden areas despite their differing orientations.
6. The proposed dwelling identified as plot 2 would replace an existing garage. Although it would be sited in broadly the same position as the existing structure, its two-storey height would span across most of the width of this plot. Alongside the existing dwelling, it would extend the two storey built form across a large section of the site's frontage to Linkside West. Although I acknowledge there are certain factors that differentiate the appeal site from others in the area, including its current larger plot size, I do not consider that this site is read in isolation from other properties. It is seen from various vantage points along Linkside West in the context of its immediate neighbouring properties and its wider setting. The width of the proposed dwelling in plot 2, and its close positioning to the existing dwelling, would be out of keeping with the plot widths and the spacing to the sides of buildings of other properties in the area. The proposed dwelling in plot 2 would also obstruct views towards rear garden areas, reducing the spaciousness of the area.
 7. Reference has been made by the appellant to the appeal site being in a transitional area, with Grove Road being substantially less verdant and having hedging which is more urban in form. From my site observations, Grove Road, although having front property boundaries that are formed of more regularly trimmed vegetation and there being an absence of a grass verge area adjoining the footway, many properties did nevertheless contain a variety of planting and trees within garden areas which contributed to the verdant, spacious character of the area. Whilst there may be differences between the various roads in the area, including the density of development, this would not outweigh the harm caused by the proposed dwelling in plot 2 which would front Linkside West.
 8. The proposed dwelling in plot 3 would not present a frontage to Linkside West and its backland location would be unusual, although my attention has been drawn to some examples of buildings being set significantly back from the road. The addition of this dwelling would intensify the built form, but the appeal site has a deeper plot than other surrounding properties. The main section of the proposed dwelling on plot 3 would also be situated to the rear of the existing dwelling. This positioning, although not directly fronting and being perpendicular to the road, as well as the deep plot, would ensure that spacious character of the area would not be unduly reduced. I appreciate this dwelling in plot 3 would be served by a long driveway access along the northern boundary of the appeal site, but as part of this proposed access would be shared with the existing dwelling and the area of land to the north of the existing building would remain largely open, I do not find this element of the proposal would detract from the area's character.
 9. Given the range of properties in the area, the size and scale of the proposed dwellings, including the window configuration would not be harmful. No other concerns have been raised by the Council on the external appearance of the proposal. Nevertheless, these factors would not overcome the concerns I have identified in relation to the proposed dwelling in plot 2, which would harmfully erode the spacious, verdant character of the area.

10. I therefore conclude that the proposed development would have an adverse impact on the character and appearance of the area. As such, it would conflict with Policy TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites February 2018 (Local Plan Part 1), Saved Policies D1 and D4 of the Waverley Borough Local Plan 2002 (Saved Local Plan) and Policy H6 of the Haslemere Neighbourhood Plan: 2013 – 2031 (Neighbourhood Plan) which require, amongst other matters, for development to be of a high quality design that respond to the distinctive character of the area.
11. Reference has been made to the Residential Extensions Supplementary Planning Document (SPD) in the first reason for refusal, but the Council has identified no concerns in relation to the alterations and extensions proposed to the existing dwelling. There is nothing before me to take a different view on this aspect of the proposal and there would therefore be no conflict with this SPD.

Living Conditions

12. The proposed dwelling identified in plot 3 would be situated around 20m from the rear elevation of 'Duno', which would be sufficient to prevent adverse effects within this neighbouring property from overlooking and overbearing impacts. This proposed dwelling would be closer to Duno's garden, and given its scale, it would be visible over the boundary hedging from the neighbouring garden. However, a large outbuilding is situated in the rear garden area of Duno closest to this part of the appeal proposal. Given the separation afforded by this outbuilding, between this proposed dwelling and the garden areas of the neighbouring property, I do not consider that there would be an overbearing impact.
13. There would be views from the upper level of the proposed dwelling at plot 3, which contains large areas of glazing towards Duno's rear garden. Whilst I acknowledge that the rear and mid-sections of the garden are important spaces, given the length and the overall size of this amenity space, combined with the angled nature of such views from the proposed dwelling in plot 3, these factors would ensure that there are no unacceptable privacy impacts arising.
14. The proposed dwelling in plot 3 would have a more direct relationship with the neighbouring property 'Tarraleah', but it would have a separation of around 21m between the rear elevations that would ensure no harmful loss of privacy. The distance from the rear elevation of this proposed dwelling to the boundary with Tarraleah is shorter at around 11m at its nearest point, but the established boundary treatment provides an effective screen to those sections of this neighbouring garden that are closest to the common boundary with the appeal site. Although the vegetation may be pruned, this is typically undertaken as part of ongoing maintenance, and I am not aware of any proposal for the vegetation to be removed or the height to be markedly reduced. The submitted proposed drawings also show landscaping along this boundary.
15. Reference has been made to the SPD which sets out various separation distances. This document however relates to extensions to existing dwellings and not to new dwellings such as those proposed as part of this appeal scheme. I accept that these distances can nevertheless be a useful tool, but the SPD states that they are to be used as a rule of thumb. Whilst the area

may have a looser grain of development, for the reasons set out above, I do not consider that there would be any harmful impacts arising from the proposed dwelling in plot 3.

16. The rear of the proposed dwelling in plot 2 would face towards Tarraleah, but the views from here would be at an acute angle and limited to the nearest part of this neighbouring property's garden, as demonstrated on the submitted annotated plans. This proposed dwelling would have windows at second floor level but most of these would be to void areas to rooms at first floor level below. The window serving the media room would be in a recessed position which alongside the aforementioned angle and distance factors, would ensure no harmful overlooking.
17. To the south of the appeal site, is the neighbouring property Rosemoor. The proposed dwelling in plot 2 would be situated a short distance from the shared boundary with this neighbour, but having regard to the established boundary treatment, and the size and positioning of Rosemoor's amenity space, there would not be a detrimental impact on the living conditions of this neighbouring property's occupants by way of outlook. Only a single window that would serve an ensuite bathroom is proposed above ground floor level on the southern elevation of the dwelling in plot 2, and as this could be obscure glazed, there would be no harmful privacy impacts.
18. I therefore conclude that the proposal would not have an unacceptable harmful effect on the living conditions of neighbouring occupiers with regards to privacy and outlook. As such, it would not be contrary to Policy TD1 of the Local Plan Part 1, Saved Policies D1 and D4 of the Saved Local Plan or with Policy H6 of the Neighbourhood Plan which seek, amongst other matters, for development to not significantly harm the amenities of the occupiers of neighbouring properties. The SPD is not relevant to the new dwellings proposed for the reasons set out earlier in the decision.

Other Matters

19. I acknowledge that the proposal would be acceptable in principle insofar as it is within an accessible location in the built-up residential area of Hindhead. The development would provide an acceptable standard of accommodation for future occupants, including suitable garden areas, and the external architectural form of the proposal would be acceptable. The development raises no concerns in relation to highway safety or impact on trees and that suitable landscaping can be addressed by condition, had the development been otherwise acceptable. The proposal is also satisfactory in relation to flood risk and on local infrastructure. These are however neutral matters and not considerations which weigh in favour of the proposal.
20. The appellant has referenced the Officer's Report which concludes on design and visual amenity that the proposal would accord with the relevant policies and guidance. This is however clearly an error, and it is evident from the Council's reasoning in other sections of the Officer's Report, the subsequent Appeal Statement and the decision notice, that they consider the proposed development to be unacceptable in this regard. I can confirm that I have determined the appeal before me on its own merits.
21. The National Planning Policy Framework (Framework) does state the need to make optimal use of the potential of sites, but it also sets out at paragraph 124

the need to maintain an area's prevailing character and setting (including residential gardens). Reference has also been made to the Haslemere Design Statement, but this also requires garden land and infilling developments to not have a detrimental impact on the existing character of the area.

22. My attention has been drawn to a number of appeal decisions by different parties on other sites. Whilst I note the comments on the relevance of these appeal decisions, it is evident from the details presented that they turned on their own particular merits as does the appeal before me.
23. I have taken into account all other matters raised, including the lack of a response to a pre-application submission and efforts by the appellant to work with the Council. Reference has also been made to historical patterns of growth, the site not falling within the definition of previously developed land and other third-party representations, but they do not have a bearing on the main issues in this appeal.

Conclusion

24. The appellant has set out that the Council is unable to demonstrate a 5 year deliverable supply of housing. This is acknowledged by the Council in their appeal submission who consider they currently have a 4.3 years supply. The relevant policies of the development plan are therefore deemed to be out of date and, in light of Paragraph 11 d) ii) of the Framework, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
25. I have found that the proposed development would be harmful to the character and appearance of the area. This harm would be long lasting and would be contrary to the objectives of the Framework. I ascribe this substantial weight.
26. The Framework seeks to significantly boost the supply of housing and windfall sites, like the appeal site, can make an important contribution to housing delivery. The provision of new dwellings therefore weighs in favour of the appeal and would contribute to meeting housing needs in the area. However, as the proposed development would result in a net addition of two dwellings, it would make a contextually small contribution to the Council's housing supply.
27. With this in mind, I attach limited weight to the appeal scheme's benefits. The lack of harm in relation to living conditions, as with certain other referenced matters, are however neutral considerations. As such, the adverse impacts of granting planning permission would, in this particular case, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.
28. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations including the provisions of the Framework, I conclude the appeal should be dismissed.

F Rafiq

INSPECTOR