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## Appeal Decision

Site visit made on 25 October 2017

by **Grahame Gould BA MPhil MRTPI**

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

Decision date: 21<sup>st</sup> November 2017

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**Appeal Ref: APP/R3650/W/17/3178887**

**Storage building to the rear of Pevensey, Beacon Hill Road, Hindhead GU26 6NL**

- 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 Mr Peter Warner of Verdley Retail Developments Limited against the decision of Waverley Borough Council.
  - The application Ref WA/2017/0628, dated 23 March 2017, was refused by notice dated 26 May 2017.
  - The development proposed is replacement of existing building with two new dwellings.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development on: the character and appearance of the area; and the living conditions of the occupiers of Vine Cottage, with particular regard to outlook.

### Reasons

#### *Character and Appearance*

3. The development would involve the demolition of a vacant storage building and its replacement with a pair of two bedroom, semi-detached houses. The appealed application having been submitted following the refusal of permission for a pair of houses subject to application WA/2016/1908 (the 2016 application), with a subsequent appeal being dismissed on 13 September 2017<sup>1</sup>. The appeal development would be similar to that subject to the 2016 application, albeit for the second scheme the houses would be part two storey and part single storey and the height of the two storey element would be 814mm lower than previously proposed<sup>2</sup>.
4. The building to be demolished is in a yard behind Pevensey, a property that has recently been converted into four flats. The site is in a mixed use area, with some of the frontage properties on Beacon Hill Road being in commercial use with residential accommodation above, while other properties, like Vine Cottage, are houses. To the north/rear of the site there is a public car park.

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<sup>1</sup> APP/R3650/W/17/3175643

<sup>2</sup> Dimension taken from the appellant's design and access statement

5. This scheme would therefore be a backland development. There has, however, been some backland development in the area, most notably the dwellings at 7 to 12 Hampton Terrace (Nos 7 to 12), with Nos 7 to 10 being a two storey row of properties backing onto the yard shared by Pevensy and Graysmere. While Nos 7 to 12 are of fairly recent construction and lie behind the frontage properties in Beacon Hill Road, they address the alley that runs between the street and the public car park. Nos 7 to 12 therefore have a presence in the streetscene and their layout and form is not uncommon of small scale dwellings that have historically been built adjacent to alleys. While Nos 7 to 12 are a compact group of properties, I nevertheless found them to be sympathetic of their surroundings, appearing as a natural extension of the historic pattern of development in the area.
6. The appeal development by contrast would have a very limited streetscene presence, with some limited views of it being possible from the public car park. I therefore consider that the siting of these houses would not read as if they were a natural extension of the general pattern of development in the area. While the houses would be less less bulky than those subject to the 2016 application, there would nevertheless be limited space between them and the site's northern, eastern and western boundaries and I consider this development would have a cramped appearance. There is no physical boundary separating Pevensy and Graysmere from one another and there would therefore only be a modest gap between the houses and the outbuilding behind Graysmere. There would similarly be limited space between the site's boundary and Vine Cottage.
7. I therefore consider that the houses would have an unduly tight relationship with Graysmere's outbuilding and the boundary shared with Vine Cottage. My concern in this regard is not with the amount of site coverage, but rather the site specific tightness of the siting of the houses relative to the adjoining outbuilding and the eastern boundary.
8. While the houses would be provided with small garden areas, I consider that those areas, given the limited amount of soft landscaping that would be possible, would be of insufficient extent to provide any meaningful visual relief. The fact that the houses would have a dummy pitched roof, I consider would be a design compromise that is indicative of this being an unduly intense form of development. Although the existing storage building possesses no architectural merit, it has a comparatively low key presence and I therefore consider that its replacement by this development would not be a significant visual enhancement for the area.
9. I therefore conclude that the development would be harmful to the character and appearance of the area. The development would therefore be contrary to saved Policies D1 and D4 of the Waverley Borough Local Plan of 2002 (the Local Plan) and paragraphs 17 (the fourth core planning principle) and 64 of the National Planning Policy Framework (the Framework). That is because the development would not be respectful of the area's visual character and distinctiveness and it would not integrate well with its surroundings. I also consider that as the development would be harmful to the area's local character that the Haslemere Design Statement of 2012 does not provide support for this scheme.

10. The Local plan is in the process of being replaced and conflict with Policy TD1 of the emerging Local Plan has been cited. I consider that there would be conflict with Policy TD1 because the development would not ensure the protection of the area's character. However, that conflict is not determinative given the current status of the emerging Local Plan.

### *Living Conditions*

11. The single and two storey elements of the houses would be sited respectively 1.6 metres (for the most part) and 3.0 metres from the boundary shared with Vine Cottage<sup>3</sup>. While the houses would have less depth than the building to be replaced their two storey element, at 7.0 metres in height, would be around twice the height of the existing building<sup>4</sup>. Even though the two storey element of the houses would be sited around 3.0 metres from the boundary with Vine Cottage, they would nevertheless be readily apparent to the users of Vine Cottage's garden, most particularly its quite extensive lawn, which I viewed during my site visit. I consider that the houses because of their siting, height and scale would have an enclosing affect and would cause an unacceptable loss of outlook for the users of Vine Cottage's garden.
12. Vine Cottage's garden is open in character with the exception of four immature Silver Birch trees. I consider that those trees and the boundary fencing would not adequately mitigate the development's adverse visual impact for the users of Vine Cottage's garden. I am mindful that some planting would be undertaken in the gardens of the houses. However, those gardens would be of a limited extent and I consider that their soft landscaping would do very little to address the development's visual impact.
13. The houses subject to the appealed application would be less bulky than those subject to the 2016 application. However, the difference between the two schemes would not be that great and I consider that the current proposal has not overcome the visual impact concerns raised in the course of the determination of the 2016 application.
14. While the users of Vine Cottage's garden would experience an unacceptable visual impact, I consider that there would be no adverse effect on the outlook from the various windows in the rear elevation of Vine Cottage, given that there would be a minimum separation distance of around 21 metres.
15. Reference has been made to the views from the houses of Vine Cottage's garden being oblique ones. While there would be some obliqueness of views from the bedroom windows of the house occupying plot 1, the visualisation shown on page 16 of the appellant's appeal statement suggests that the views of Vine Cottage's garden from bedroom 1 would not be particularly oblique. I therefore consider that there would be potential for the users of Vine Cottage's garden to experience some actual or perceived unneighbourly overlooking, most particularly, from bedroom 1 of house 1. I recognise that overlooking of neighbouring gardens is frequently part and parcel of many purposefully planned residential areas. However, house 1 would be a backland dwelling and for it to be an acceptable form of development it should not harm the living conditions of the occupiers of an existing dwelling. I therefore consider that the potential for there to be overlooking of Vine

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<sup>3</sup> Based on the dimensions quoted in the appellant's appeal statement

<sup>4</sup> Based on the heights quoted on the application drawings

Cottage's garden adds weight to my concern that this development would be harmful to the living conditions of the occupiers of that neighbouring property.

16. On this issue I conclude that the development would be harmful to the living conditions of the occupiers of Vine Cottage. There would therefore be conflict with saved Policies D1 and D4 of the Local Plan and paragraph 17 (the fourth core planning principle) of the Framework. That is because the development would cause unacceptable harm to the amenity (living conditions) of the occupiers of a neighbouring property. The first reason for refusal cites conflict with the Council's residential extensions supplementary planning development document. However, I consider very little weight should be given to that guidance in relation to this issue because a new dwelling, as opposed to a residential extension, is proposed.

### **Other Matter**

17. Concern has been raised about the development's on-site parking provision. However, as I have concluded in respect of the main issues that I have identified that there would be unacceptable harm I consider it unnecessary for me to consider the matter of parking.

### **Conclusions**

18. I have found that the development would be harmful to the character and appearance of the area and the living conditions of the occupiers of Vine Cottage and I attach great weight to that harm. There is disagreement as to whether the Council can currently demonstrate the availability of a five year supply of deliverable housing sites (HLS), with the appellant referring to determined appeals, including for the 2016 application, which have questioned the Council's evidence on this matter.
19. The development would contribute to the supply of housing in the area and there would therefore be some limited social and economic benefits arising from this scheme. The scale of this development would, however, mean that it would not significantly boost the supply of housing in the area, especially as the storage building could be converted into a dwelling following prior approval having been obtained for its conversion. Even if I were to conclude that there is a shortfall in the HLS and that relevant policies for the supply of housing should not be considered as being up-to-date, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh this development's very limited housing supply benefits. The harm that I have identified gives rise to conflict with both local and national policy and I therefore consider this would be an unsustainable form of development.
20. I therefore conclude that the appeal should be dismissed.

*Grahame Gould*

INSPECTOR