
Appeal Decision

Site visit made on 21 June 2016

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 21st September, 2016

Appeal Ref: APP/R3650/W/16/3146994

Land rear of Heroncourt, 39 Ford Lane, Wrecclesham, Farnham GU10 4SF

- 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 A Searchfield against the decision of Waverley Borough Council.
 - The application Ref WA/2015/1456, dated 16 July 2015, was refused by notice dated 29 October 2015.
 - The development proposed is the erection of a detached dwelling and double garage with access off Aveley Lane.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling and double garage with access off Aveley Lane at Land rear of Heroncourt, 39 Ford Lane, Wrecclesham, Farnham GU10 4SF in accordance with the terms of the application, Ref WA/2015/1456, dated 16 July 2015, subject to the conditions set out in the Schedule to this decision.

Preliminary Matters

2. Planning permission for the same detached dwelling and double garage has been granted by the Council under Ref WA/2015/1454, but with access taken from Ford Lane via the existing access to Heroncourt. I saw during my site visit that ground works relating to the new house and garage have commenced.
 3. I also saw that the access from Aveley Lane has already been created, together with the installation of close board and post and rail fencing and a timber five bar gate. The access and driveway have not yet been surface finished. The Council has issued a Certificate of Lawful Development, Ref WA/2015/2277, under s191 of the Town and Country Planning Act 1990 (as amended) in respect of the access from Aveley Lane, for use incidental to Heroncourt.
 4. A further application, Ref WA/2016/0713, to vary Conditions 1 and 24 of planning permission Ref WA/2015/1454 in order to allow access onto Aveley Lane has recently been refused by the Council for the same reason as the application that is subject to this appeal.
 5. For clarity, I have corrected the spelling of Aveley Lane in the description above, from that given on the application form.
 6. In the list of plan numbers to which the decision notice relates, the Council identified plan 15-P1145-03. However, in the appeal I have only been provided with Revision A to this plan (15-P1145-03A). I am however satisfied that the
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Council was aware of 15-P1145-03A in coming to its decision as the plans and elevations shown on it were reproduced in its committee report. Accordingly, I have determined the appeal on the basis of 15-P1145-03A, together with the other plans and evidence before me.

Main Issue

7. The main issue is the effect of the access on the character and appearance of Aveley Lane.

Reasons

8. The appeal site was formerly part of the substantial garden of Heroncourt. A tall conifer hedge has been planted most of the way across the former garden, effectively separating the appeal site from Heroncourt. As described in the listing description Heroncourt, which dates from the mid-17th Century with an 18th Century wing, is listed Grade II. It is currently undergoing extension and alterations. The boundary wall of Heroncourt is also listed Grade II for its group value as a subsidiary feature to Heroncourt.
9. The principle of the new detached dwelling and double garage is established through planning permission WA/2015/1454. The main issue therefore relates solely to the alternative access from Aveley Lane.
10. In the vicinity of the appeal site, Ford Lane and Aveley Lane are verdant and semi-rural in character with a number of houses situated along them, which are predominantly large and detached. The lanes are narrow and generally tree-lined but do feature various accesses serving the houses, and some other boundary treatments are evident, including walls, hedges and timber fences.
11. The creation of the new access has involved the removal of unprotected trees and vegetation and part of an earth bank within the site but adjacent to Aveley Lane. I saw on my site visit that the bank has been partially reinstated behind the new post and rail fence. New hedges have been planted behind the post and rail fence and the close board fence. These hedges are significantly taller than the fencing and largely screen the appeal site from view from Aveley Lane, albeit it can be glimpsed through the set-back gateway, and this would continue to be the case once the house and garage are completed.
12. The bank and hedges will provide screening of the completed development in a manner that is compatible with the sylvan character of this part of Aveley Lane. The timber fencing and gate are also befitting of the general character of the area. The access and associated boundary treatments therefore do not have an adverse impact on the character and appearance of Aveley Lane. In addition, as the wood in the fencing seasons and the plants become more established, they will assimilate further into the surroundings. I therefore find the access to be generally consistent with the relevant guidelines of the Farnham Design Statement 2010.
13. For the above reasons, I conclude that the access is not harmful to the character and appearance of Aveley Lane. I therefore find no conflict with Policy D1 or Policy D4 of the Waverley Borough Local Plan 2002. Among other things, these policies seek to ensure that development does not harm the visual character and local distinctiveness of the area and protects the appearance of the street scene. I also find no conflict with Paragraph 17 of the National Planning Policy Framework, which sets out the core planning

principles, including the need to take account of the character of different areas.

Other Matters

14. I have had special regard to the desirability of preserving the setting of the listed building in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. While the access from Aveley Lane has resulted in a measure of perceptible change to the setting of Heroncourt, the listed boundary wall, and the context in which they are experienced, this would not be of a magnitude to constitute harm given the degree of separation and screening between the access and those heritage assets. The effect of the access is therefore neutral and so the settings of the listed structures are preserved.
15. Furthermore, I consider that the access from Aveley Lane is preferable in regard to the preservation of the setting of the listed structures, as compared to the appellant's fallback position under planning permission Ref WA/2015/1454, whereby access to the new house would be taken from Ford Lane via the existing access to Heroncourt and through its grounds at the side of the building. Taking access to the new house from Aveley Lane will allow the existing access and forecourt arrangement at Heroncourt to be unaffected by the proposed development.
16. While it would currently be possible for construction traffic to access the Heroncourt site via the new access from Aveley Lane, due to a gap in the hedge, I saw at the time of my site visit that construction vehicles relating to development at Heroncourt were using the entrance onto Ford Lane and parking on the forecourt there. While I did not see any vehicle movements at the new access, or between Heroncourt and the appeal site, it appeared most likely that vehicles accessing the appeal site were doing so via Aveley Lane. I have not been provided with the Surrey Highways Traffic Management Scheme referred to by interested parties and so cannot consider its relevance to the appeal.
17. Furthermore, I note the representations made in relation to highway safety regarding the use of the access connected with the future occupation of the new house. Aveley Lane, while narrow, is not a main route and, at the time of my site visit, had very little traffic. The gate has been set back from the edge of the lane sufficiently to provide ample space for a car or small rigid vehicle to stop clear of the highway while the gate is operated. The fences have been positioned to allow maximum achievable visibility splays, which are satisfactory for the characteristics of the road, and afford greater visibility than at the existing Ford Lane. In addition, the number of vehicle movements associated with one new dwelling would not have a substantial impact on highway safety in this location. I also note from the Council's report that the Highway Authority has visited the site and is satisfied with the access in highway safety terms, and also that the Council has not raised any concerns about the access in this regard.
18. I note the representations relating to the preceding course of events and the appellant's alleged misuse of the planning system. I cannot know whether the appellant's intention for, or use of, the new access has been within the terms of the Certificate of Lawful Development, or instead to serve the appeal site, or elements of both. In any event, I have given this very little weight as I have

determined the appeal on the planning merits of the development and the evidence before me.

19. I have had regard to appeal decision Ref APP/R3650/W/15/3014893, which relates to planning application WA/2014/1473, referred to in interested party representations. I have not been provided with the appeal decision, however I am advised by the representations made that the Inspector considered, in dismissing the appeal, that the development proposed in that case would detract from the sylvan, semi-rural character of this part of Aveley Lane. I note from the planning history provided in the Council's report that the development proposed in that case related to the erection of two dwellings on the site and the circumstances would have differed significantly from the appeal now before me. In any event, each case must be determined on its own merits.
20. A number of trees on the site are subject to Tree Preservation Order No. 28/07 (TPO). The protected trees are not in the immediate vicinity of the access that has been created onto Aveley Lane and therefore they have not been significantly affected by it.
21. The site is located within the 5km Zone of Influence around the Thames Basin Heaths Special Protection Area (SPA), a European designated site. Within the 5km zone, it is established that any development resulting in a net increase in the number of dwellings, without avoidance measures, would be likely to have a significant effect on the SPA within the meaning of the Conservation of Habitats and Species Regulations 2010. The appellant has submitted a signed Section 106 Unilateral Undertaking (UU) dated 21 August 2015. This makes provision for financial contributions towards Suitable Alternative Natural Greenspace (SANG), in order to mitigate the effect of the development on the SPA.
22. I have considered the UU in relation to the tests set out in CIL Regulations 122 and 123 and Paragraph 204 of the National Planning Policy Framework. The contributions relate to the on-going maintenance and improvement of the existing SANG at Farnham Park, rather than the provision of a new SANG. The contributions would be reasonably related in scale and kind to the development. The Council is satisfied with the content of the UU and, on the evidence before me; I see no reason to disagree. I am therefore satisfied that the UU meets the relevant tests and that it provides sufficient mitigation, by way of contributions, to satisfy the requirements of Policy D5 of the Waverley Borough Local Plan 2002 and the Council's adopted Thames Basin Heaths Special Protection Area Avoidance Strategy 2009, which require the avoidance or mitigation of any potential adverse impacts on the SPA arising from new residential development. Accordingly, I am satisfied that the development would not affect the overall integrity of the SPA.

Conditions

23. I have considered the Council's suggested conditions. I have imposed a condition (1) specifying the relevant drawings, as this provides certainty. A materials condition (2) is required in the interests of the appearance of the development but the extent of required details suggested is not necessary since the proposed dwelling is not a listed building. A finished levels condition (3) is also necessary in the interests of character and appearance however, as groundwork has commenced this cannot be reasonably imposed as a pre-

commencement condition and I have adjusted it accordingly. Conditions relating to external lighting (10) and hard and soft landscaping (4 and 5) are also necessary in the interests of character and appearance. A condition (7) to control working hours is necessary in the interests of the living conditions of nearby residents during the construction of the development. A condition (8) relating to the recommended actions of the Ecological Assessment is necessary in order to safeguard protected species.

24. The Council has suggested a number of conditions that essentially seek to protect retained trees. I have covered this with a single condition (6) relating to the protection of trees, which is proportionate to the scale of the development and necessary to safeguard retained trees, including the TPO trees, together with the requirements of the landscaping scheme condition. I have not imposed conditions relating to the restriction of national permitted development rights, with the exception of requiring obscure glazing to the first floor window in the south elevation as this is necessary for privacy reasons (9), since exceptional circumstances for doing so have not been clearly justified. No first floor windows are proposed in the north elevation so an obscure glazing condition is not necessary in relation to that elevation.
25. As the access has already been provided, I have amended the suggested visibility splays condition (12) to ensure they are kept permanently free of obstruction, which is necessary in the interests of highway safety. I have imposed a condition (11) relating to parking and turning provision for the same reason. I have not imposed a pre-commencement condition requiring a Construction Transport Management Plan as the development has commenced and it has not been clearly justified that this degree of control is necessary. A condition to control the bulk movement of materials is not necessary in relation to the development of a single dwelling at this location.

Conclusion

26. For the above reasons, and having considered all matters raised, I conclude that the appeal should succeed.

C Jack

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 15-P1145-LP02A; 15-P1145-02C; 15-P1145-03A; 15-P1145-04; 15-P1145-06; 15-P1145-07A; 15-P1145-TR01; 15-P1145-TR02; and TMC-14012-SA.
- 2) No development above ground floor slab level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 3) No construction shall take place until full details of the finished ground floor levels, above ordnance datum, of the house and garage, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No development above ground floor slab level shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, and identify those to be retained. It shall also include details of surfacing materials for the access and parking/turning area and details of all screen walls, fences and other means of enclosure. Development shall be carried out in accordance with the approved scheme.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) All existing trees to be retained in accordance with the approved landscaping scheme shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of construction, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 7) Construction works shall take place only between 0730 and 1800 hours on Mondays to Fridays and between 0800 and 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 8) The implementation of the development shall at all times be carried out in accordance with the recommended actions in Section 8.0 of the Ecological Assessment, Phase 1 Habitat and Protected Species Survey submitted with the application.

- 9) The dwelling shall not be occupied until the first floor window on the south side elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 10) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the dwelling is occupied. Development shall be carried out in accordance with the approved details and retained as such thereafter.
- 11) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 15-P1145-TR02 for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 12) Visibility splays at the vehicular access to Aveley Lane of 2.4m x 25m in the leading traffic direction and 2.4m x 43m (2.4m x 18.5m to tangent) in the trailing traffic direction shall be kept permanently clear of any obstruction between 0.6m and 2.0m above ground level.