

Appeal Decision

Site visit made on 26 September 2016

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 20th October 2016

Appeal Ref: APP/R3650/W/16/3152808

Pine Wood, Land between 7 & 9 Pine Ridge Drive, Lower Bourne, GU10 3JW

- 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 planning permission.
 - The appeal is made by Mr Ken Brinsley against Waverley Borough Council.
 - The application Ref WA/2016/0716, is dated 24 February 2016.
 - The development proposed is the erection of a detached, one and half storey, four bedroom dwelling at Pine Wood (on land between 7 and 9 Pine Ridge Drive).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached, two storey, four bedroom dwelling at Pine Wood, Land between 7 & 9 Pine Ridge Drive, Lower Bourne, GU10 3JW, in accordance with the terms of the application, Ref WA/2016/0716, dated 24 February 2016, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Of the plans before me, two are numbered: 209-024. One is a plan of excavations; the other shows the south and west elevations of the proposed dwelling. For clarity I have re-numbered these plans 209-024(A) and 209-024(B) respectively, in the plans condition in the schedule below.
3. The description of development is given as a 'one and half storey...dwelling'. However, I consider a more accurate description of the development, based on the plans before me, to be that of a 'two storey dwelling'. I have therefore amended the description of development in my formal decision above. I have also deleted the words "...at Pine Wood (on land between 7 and 9 Pine Ridge Drive)" from my formal decision as these are superfluous and are not an act of development.

Main Issue

4. The Council issued a 'decision notice' after the submission of the appeal against non-determination. The Council confirm that the objection set out in this document would have constituted the reason for refusal had it been in a position to determine the application. On this basis, the main issue is the effect of the development on the character and appearance of the surrounding area.
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Reasons

5. Pine Ridge Drive is a single track lane serving a number of detached dwellings which occupy large and spacious plots. These provide space between and around the dwellings and also allow for the presence of tall, mature trees, and other planting which gives Pine Ridge Drive a sylvan quality. Pine Ridge Drive falls within the South Farnham Area of Special Environmental Quality; a residential part of the town with an unusually semi-rural appearance. To this end, Policy BE3 of the Waverley Borough Local Plan (2002) (LP) seeks to protect such areas from inappropriate development.
6. The appeal site comprises a patch of land located on the south-east side of Pine Ridge Drive. The site has a planning history which includes application WA/2012/2019 for the erection of a detached dwelling with new vehicular access. This application was refused, but later allowed at appeal (APP/R3650/A/13/2199991), and works have started on site with the creation of the access. This permission is for a two storey rectangular house of broadly similar siting and appearance to that which forms the basis of this appeal. The main difference is the proposal before me has an additional two storey rear projection.
7. There is no dispute that the proposal before me is for a larger dwelling, but this does not, in itself, indicate a harmful development. The proposed rear projection would not be visible from Pine Ridge Drive, being located behind the main front elevation. Therefore the appearance from here would be essentially the same as that which has been previously granted planning permission. Overall the proposed dwelling would be well contained within the site and would not appear overly large with generous gaps being retained to all boundaries. The recent acquisition of additional land to the rear to increase the size of the plot helps in this regard. I also note the house would cover only 6.4% of the site. It would therefore not appear as a cramped or overbearing development and the semi-rural appearance of the area would not be harmed.
8. The Council state that the current proposal would necessitate the removal of a Scots Pine Tree, which, together with the remaining trees on site, makes a valuable contribution to the sylvan character of the area. Permission to remove this tree was, however, granted under a section 73 application (WA/2015/2114) to vary the construction method of the proposed dwelling, which was, again, subsequently allowed on appeal (APP/R3650/W/15/3141591). Therefore, this tree would be removed as part of the on-going implementation of the approved permissions on the site. Notwithstanding the above, despite the removal of this tree, a good level of tree cover across the site would be retained and I note no objection was raised by the Council's Tree and Landscape Officer.
9. I have no reason to conclude that the proposal would result in harm to the character and appearance of the surrounding area. I therefore find no conflict with Policies D1, D4 and BE3 of the LP, which, amongst other things, seek to protect local character and distinctiveness.

Thames Basin Heaths Special Protection Area

10. The site is located within 5km of the Thames Basin Heaths Special protection Area (TBHSPA). Policy NRM6 of the South East Plan (May 2009) (SEP) sets out that new residential development in such areas is likely to have a significant

adverse effect on the ecological integrity of the TBHSPA. The proposal results in the creation of one 4-bedroom property. Adopting a precautionary approach I consider that the proposal, in combination with other development, would cause significant harm to the TBHSPA.

11. In order to mitigate this a signed and dated Unilateral Undertaking is before me which provides for a contribution of £4,013.30 towards the on-going maintenance and enhancement of Suitable Alternative Natural Greenspace (SANG) at Farnham Park, in line with the Waverley Borough Council TBHSPA Avoidance Strategy (December 2009). This approach is in line with Policy NRM6 of the SEP. Provision of SANG is usually caught by the pooling restriction under Regulation 123(3) of the Community Infrastructure Levy Regulations 2010 (CIL). However, given that the contribution is towards on-going maintenance and enhancement I am satisfied that this does not apply in this instance.
12. The contribution would also meet the tests in Regulation 122(2) of CIL in that it is necessary, directly related to the development, and fairly and reasonably related in scale and kind. In light of the above the proposal makes adequate provision to mitigate any effects on the TBHSPA.

Other Matters

13. Specific details relating to landscaping can be agreed by condition and I am satisfied, on the evidence before me, that an acceptable scheme can be agreed to ensure the development blends in with its surroundings. The Council has notified me that they have an updated position with respect to their five year housing land supply and can now demonstrate 5.3 years' worth of supply. However, this matter has no material bearing on my decision to allow the appeal, in light of my findings above.

Conditions

14. I note that conditions relating to the previous permissions on site have been discharged. I do not have full details before me with respect to these. Therefore it may be that I impose conditions that require details which have already been agreed, in which case, this is something that can be addressed by the parties.
15. I have included the standard time limit condition, and specified the approved plans for the avoidance of doubt and in the interests of proper planning. Given the narrow width of Pine Ridge Drive a condition requiring the submission of a Construction Method Statement is necessary to mitigate inconvenience to local residents. For the same reason, a condition regarding the provision of the new dwelling's parking and turning areas prior to occupation is also necessary. However, as the access is already in place this does not need to be included.
16. Due to the substantial tree cover across the site, which is intrinsic to its character, conditions are required in respect of the protection of trees during construction works. To ensure a satisfactory appearance I have also included a condition concerning the materials to be used in the development. It is not necessary, however, for this condition to be pre-commencement. In order to maintain the semi-rural character of the area I have also included a condition removing permitted development rights with respect to extensions, buildings and hard surfacing, as well as conditions relating to landscaping.

17. To protect the living conditions of occupiers of neighbouring properties I have conditioned the hours of site preparation and construction. I have, however, removed wording to the effect that a variation to these hours can be agreed with the local planning authority as this removes certainty for local residents. Finally, in the interest of badgers, a protected species, I have included a condition in relation to their protection. I am, however, not convinced, from the evidence before me, that a condition requiring details of services to be provided in the interests of the amenities of the area is necessary.

Conclusion

18. For the reasons set out above I find no harm to the character and appearance of the surrounding area. Therefore, subject to conditions, a number of which need to be discharged before work commences on site as these are fundamental to a satisfactory scheme, the appeal is allowed.

Hayley Butcher

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 209 020, 209 021, 209 022, 209 023, 209 024(A), 209 024(B), 209 025, 209 026, 209 027, 209 028, 209 029.
- 3) No development shall take place, nor any site clearance, until a Construction Method Statement has been submitted to, and approved in writing, by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors;
 - ii) The loading and unloading of plant and materials, and;
 - iii) The storage of plant and materials used in constructing the development.
- 4) No development shall take place, nor any site clearance, until construction details and levels relative to existing site levels for the provision of the turning and parking areas shown on the approved plans, have been submitted to and approved in writing by the local planning authority.
- 5) The dwellinghouse hereby approved shall not be occupied until the turning and parking areas have been constructed in accordance with the details approved under condition 4 above and shall be permanently retained thereafter for their designated use.
- 6) No development shall take place, nor any site clearance, until measures for the protection during construction works of trees shown on the proposed site plan to be retained, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Before any above ground development hereby permitted is commenced the materials to be used in the construction of the external surfaces of the dwellinghouse hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no extension, building or hard surfacing falling within Part 1, Schedule 2, Classes A, E and F shall be carried out within the curtilage of the dwellinghouse hereby permitted.
- 9) No development shall take place until there has been submitted to and approved in writing by the local planning authority, a scheme of landscaping and woodland management, which shall include measures for the protection and benefit of ecological diversity on the site and a timescale for the implementation of the approved measures. The development shall be carried out in accordance with the approved details.
- 10) All planting, seeding or turfing comprised in the approved scheme 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, unless the local planning authority gives written approval to any variation.

- 11) No site preparation or construction works shall take place outside the hours of 0730 to 1800 Mondays to Fridays and 0830 to 1230 on Saturdays, nor at any time on Sundays or Bank Holidays.
- 12) The development shall be carried out in complete accordance with the discussion and recommendations section of the Wychwood Environmental's Badger Survey report dated 29th August 2014.