

Appeal Decision

Site visit made on 12 December 2016

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 1st February 2017

Appeal Ref: APP/R3650/W/16/3157821

32 Thorn Road, Wrecclesham, Farnham GU10 4TU

- 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 Andy Brown against the decision of Waverley Borough Council.
 - The application Ref WA/2016/0690, dated 4 April 2016, was refused by notice dated 27 May 2016.
 - The development proposed is the erection of a dwelling and associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling and associated parking at 32 Thorn Road, Wrecclesham, Farnham GU10 4TU in accordance with the terms of the application, Ref WA/2016/0690, dated 4 April 2016, subject to the conditions set out in the Annex to this decision.

Main Issue

2. The effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The site lies within the settlement boundary for Farnham, and there is no dispute that the proposal is acceptable in principle. The Council's sole concern is the effect of the proposal on trees lying adjacent the northern boundary of the site.
 4. The appeal site forms part of the side and rear curtilage of a detached dwelling. The existing house and garden is cut into a steep hillside which backs onto the rear gardens of residential properties on Vine Lane. The proposed house would be partly constructed on the site of an existing garage which is cut into the higher ground to the side and rear. Further excavation would be required to accommodate the house, and this would include the bank adjacent a line of five oak trees which grow on a ridge between the site and the bridleway which runs parallel with the boundary.
 5. Although the site is within the Farnham settlement boundary, it has a distinctive semi-rural feel, partly due to the informality of this part of Thorn Road, which is roughly surfaced and lacks a footpath or street lighting, and partly because of the extensive presence of trees, hedges and other vegetation in gardens and along the network of roads and paths.
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6. Whilst the Council recognises that the five oak trees are not of sufficient quality to warrant being the subject of a Tree Preservation Order, I nevertheless consider that they make a positive contribution to this attractive environment, and I agree with the Council that it is their group value to the landscape which is of particular importance. Whilst their individual condition might warrant categorisation under BS 5837¹ as Category C, I consider that their landscape value is such that they attract a higher collective rating than they might as individual trees, and thus I consider that, whilst it is arguable, they should be classed as Category B. Their retention is desirable, and their loss would result in material harm to the character and appearance of the area.
7. The excavation required to construct the dwelling would be within the root protection area as recommended in BS 5837, and the appellant accepts that there will be some root severance. However, it is important to look at the site specific circumstances. The bank on which the trees are located has a gentle slope down to the bridleway on the northern side, where there is nothing to interfere with root growth and spread. On the other side however, the bank is steeper, and more significantly, it has already been the subject of considerable excavation, so that there is a steep change in levels which would limit root spread. The trees closest to the boundary are those closest to Thorn Road where the excavation has already taken place to create the drive leading to the garage. The main part of the new excavation would be required towards the rear of the existing garage, where the trees are furthest from the boundary and where the infringement of the RPA would be slight.
8. On my visit I saw the trench that the appellant had cut into the bank to the rear of the garage and saw that it revealed only roots of a small diameter, and nothing of a size which would be likely to seriously imperil the health of the trees. Having regard to the existing topography and excavation already carried out, I consider that the proposal would present only a slight risk to the health of the trees, subject to good arboricultural practice which can be secured by the imposition of conditions.
9. The appellant's Arboricultural Impact Assessment is accompanied by a detailed method statement, but I do not see that its detail or complexity is an indication that the trees would inevitably suffer harm. Rather, it reinforces my view that careful treatment would minimise the risk of serious harm.
10. The canopies of the trees would be sufficiently clear of windows of the proposed house, and thus there would be no undue shading which would create pressure to lop or fell them. Whilst some management may be required to ensure adequate branch clearance of the structure, this would not be likely to seriously affect the trees.
11. I therefore conclude on the main issue that the proposal would not result in material harm to the character and appearance of the surrounding residential area or conflict with saved Policies D1, D4 or D7 of the Waverley Borough Local Plan which respectively deal with the environmental implications of development, including landscape impact, design and layout and trees, hedgerows and development.

¹ Trees in relation to design, demolition and construction – Recommendations (2012)

Other matters

12. The site backs onto the long garden of house at 6 Vine Lane, which is at a much higher level than the appeal site. There are no specific proposals to carry out changes in levels at the rear of the site, and a condition could control such matters.

Conditions

13. The Council has suggested a number of conditions which I have considered in the light of national guidance, and amended where necessary in the interests of conciseness, enforceability or precision. A condition to require the development to be carried out in accordance with the approved plans is needed in the interests of good planning and for the avoidance of doubt.
14. Samples of materials, a landscaping scheme, means of enclosure, surfacing materials and details of levels are needed in the interests of appearance. Compliance with the submitted arboricultural plans is needed to protect the trees which are important to the appearance of the area. The provision of parking spaces is needed to protect highway safety. A condition relating to bicycle storage is needed to promote travel other than by car, and in the interests of appearance.
15. A construction management plan (CMP) is also needed for the same reason, and to protect the living conditions of neighbours. A local resident has requested a more detailed CMP, similar to that imposed on an adjoining site in a recent appeal decision, and I agree that the site circumstances, being accessed off a bridleway, justify it. I shall also impose a condition relating to the routing of construction vehicles, in the interests of highway safety.
16. A restriction on permitted development rights is justified because of the close relationship between the proposed dwelling and 32 Thorn Road and the adjacent trees. Obscure glazing of a south facing window is required to protect the living conditions of the occupiers of 32 Thorn Road. The CMP will require details of hours of working, and a separate condition is unnecessary.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR

ANNEX

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plan Draft 2 (amended 20/05/2016), Elevation Draft 2 (amended 20/05/2016), Proposed Elevations Draft 2, Front Elevations Draft 2, Proposed Site Plan Draft 2, Proposed Floor Plans Draft 2 and Local Plan.
- 3) No development 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.
- 4) The development shall not be occupied until details of all proposed screen walls or fences, or other means of enclosure, have been submitted to and approved by the local planning authority in writing. The boundary treatment scheme shall be carried out in accordance with the approved details, and thereafter shall be retained.
- 5) The development shall not be occupied until details of all hard surfacing have been submitted to and approved in writing by the local planning authority. The hard surfacing shall be constructed in porous materials or shall be drained to a permeable or porous area within the site. The development shall be carried out as approved and thereafter shall be retained.
- 6) No development shall commence until a Method of Construction Statement has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of:-
 - (a) parking for vehicles of site personnel, operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials;
 - (d) programme of works (including measures for traffic management);
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries and hours of operation
 - (g) vehicle routing
 - (h) a method statement identifying how any damage to the bridleway as a result of the development and construction traffic associated with it will be identified, made safe and remediated

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 7) All construction traffic shall access the site from the south via Boundstone Road and Thorn Road.
- 8) The development and all works on site shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan accompanying the application prepared by Sapling Arboriculture Ltd.
- 9) The development shall not be occupied until a detailed landscaping scheme has been submitted to and approved by the local planning

authority in writing. 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.

- 10) The development hereby approved shall not be first occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked. Thereafter the parking areas shall be retained and maintained for their designated purpose.
- 11) The development hereby approved shall not be first occupied until details of secure bicycle storage have been submitted and approved in writing by the local planning authority. The approved storage shall be provided prior to the first occupation of the dwelling, and thereafter it shall be retained.
- 12) Prior to the commencement of development cross sections and details indicating the proposed finished ground levels surrounding the dwelling and the finished floor levels of the building shall be submitted and approved in writing by the local planning authority. The works shall be carried out as approved.
- 13) The window in the south facing roofslope shall be obscurely glazed prior to the occupation of the dwelling and thereafter shall be retained in perpetuity.
- 14) 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), the dwelling hereby permitted shall not be enlarged or altered.