
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: 23rd February 2017

Appeal Ref: APP/R3650/W/16/3158513

65A Lodge Hill Road, Lower Bourne, Farnham GU10 3RD

- 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 and Mrs B Lacey against the decision of Waverley Borough Council.
 - The application Ref WA/2016/0868, dated 12 April 2016, was refused by notice dated 4 July 2016.
 - The development proposed is the erection of single detached residential dwelling with access off Lodge Hill Road, associated parking and private garden.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The appellants have submitted a planning obligation under Section 106 of the Town and Country Planning Act 1990 which makes provision for the payment of contributions to mitigate the effect of the proposal on the Thames Basin Heaths Special Protection Area. I shall refer to this below.

Main Issue

3. The effect of the proposal on the character and appearance of the surrounding residential area, which lies in a designated Area of Special Environmental Quality (ASEQ), including the effect on trees.

Reasons

4. Lodge Hill Road lies on the south-eastern fringes of Farnham, and is typified by mainly large dwellings set in spacious plots, with a considerable degree of tree cover. The property at 65A Lodge Hill Road comprises a spacious plot with a large detached house set well back from the road lower down the hill slope, which cannot be seen from the road. The appeal site forms part of the curtilage adjacent the access drive and Lodge Hill Road, and the part of the site where the dwelling and car port are proposed forms a grassed plateau, with levels falling to the north and east. All but the south-west quadrant of the site is covered by a woodland Tree Preservation Order.
 5. Despite its designation as a ASEQ there is no objection in principle to new residential development in this area, and a number of new dwellings have been permitted along the road. The appellants point out that there is reliance on development within settlements to make a significant contribution to the
-

borough's housing supply, and there is no reason to exclude development within ASEQs in principle. Saved Policy BE3 of the Waverley Borough Local Plan (LP) 2002 deals with the South Farnham ASEQ and provides that new housing development will not be permitted if the Council believes that it would fail to meet any of five criteria, the most relevant being that it would lead to an erosion of its semi-rural character, or be out of keeping with the scale, pattern and density of surrounding development, or detract from the well wooded appearance of the area.

6. I consider that the policy is consistent with the advice in the National Planning Policy Framework (the Framework) which identifies the need to take account of the different roles and character of different areas as a core planning principle.
7. The distinctive character of The Bourne is recognised in the Farnham Design Statement 2010. The status of this document has not been made clear, but it is nevertheless a matter which I can take into account. It reiterates the need to secure compliance with Policy BE3 and also indicates that the sub-division of plots, in the area covered by policy BE3, is unacceptable, where it would cause harm to the semi-rural character of the area.
8. The proposed dwelling would be some distance away from the house at 65A Lodge Hill Road, and because of the considerable fall in levels towards the rear of the appeal site, the two would not be seen in the same view. However, the proposed house and car port would be close to the neighbouring house at 65 Lodge Hill Road, separated by a distance of some 13m or so. Whilst this would provide a clear separation, such relatively close relationships are not common along the road.
9. The proposed house would also be close to Lodge Hill Road itself, and where there is fairly sparse intervening tree cover. An evergreen laurel hedge lines the boundary, but this could be trimmed or even removed, and could not be relied on in perpetuity to provide a screen. In any event, the proposed house would be a tall one, with a full two storeys and pitched roof gable facing the road. This would mean that the house would be very noticeable in the street scene, and would possess an uncharacteristically narrow gap between it and its neighbour. I consider that this would fail to respect the spacious character of the existing residential area.
10. Added to this concern is the prominence of the proposed development in the plot. The car port and dwelling would be very close to the front boundary hedge and there is no intervening planting to act as a screen. Whilst not all properties in this part of Lodge Hill Road are well screened or set back from the road, it is the combination of the closeness to No 65 and the obvious closeness to the road that reinforces my view that the proposal would fail to respect the scale, pattern and density of the area.
11. The appellants have referred me to a number of decisions in relation to new residential development along the road. I was the Inspector in two of those cases, in which I allowed one and dismissed the other, so I am fully cognisant of the fact that it is the particular circumstances of each site and the nature of the proposal that determines their acceptability. In respect of the decision of the Council to approve a dwelling at Bourne House contrary to officers' recommendation, I note that the site is well away from the road and is described as being "relatively well screened by mature trees and hedges" and thus can be readily distinguished from this case. None of the examples

- referred to exactly replicates the circumstances of this proposal, which I have assessed on its own particular merits.
12. Notwithstanding this, if this appeal were to be allowed, it would make it difficult for the Council to resist other houses in similar circumstances, the cumulative effect of which would be to erode the semi-rural character of the area.
 13. Saved LP Policy D7 aims to retain in the long-term important trees, groups of trees or hedgerows contained on or close to development sites. The appellants' arboricultural assessment (AA) indicates that two large Scots Pines adjacent the roadside boundary need not be removed, but the proposed dwelling would be well within the root protection zone of these trees. I consider that there is substance in the Council's argument that the spatial configuration of the trees' roots is likely to be influenced by their closeness to the road, where the depth of construction and services within and adjacent the carriageway is likely to result in the spread across the appeal site being more important. I consider that a tree protection fence just 2m away from the façade of a large dwelling would be impractical, and would be unlikely to be observed. I therefore consider that the Scots Pines would be threatened by the proposal. The trees are large specimens which add to the bulk and variety of tree species in the woodland, and their loss would be harmful.
 14. However, there are competing arguments as to the condition of the Scots Pine trees; the appellants' arboriculturalist categorised the trees as falling within Category B¹ in 2008, but the current arboriculturalist has now determined that they have fall within Category U, and should be removed. Even if they could be retained, and if the appellants' assessment is correct, they would have a very limited life expectancy. In this case, it is therefore likely that in the near future the site would be even more open to view, and less sylvan than is now the case, which would add to the incongruity I have found.
 15. Two false acacia trees lie between the site of the proposed car port and the boundary hedge. The AA indicates that these need not be removed, but that it would be better if they were removed. I noted on my visit that the canopies were high enough to be well clear of the car port, but would overhang it, and it would be well within the root protection area. Their long-term retention is thus doubtful, and their loss would further erode the sylvan qualities of the area, and open up the site to view to a greater degree.
 16. I also consider that there is likely to be pressure on the adjacent woodland trees. Although the appellants have demonstrated that the proposed dwelling would receive adequate levels of sunlight, the closeness of the trees to principal windows, such as the dining room/living room on the ground floor and bedroom 3 on the first floor, would be likely to result in an uncomfortable sense of enclosure. The most private part of the garden would also be heavily hemmed in by tall trees, and I consider that it would be inevitable that occupiers would wish to improve their standard of amenity through the crown-lifting, lopping or removal of adjacent trees. This would be harmful to the special qualities for which the ASEQ has been designated.
 17. I therefore conclude on the main issue that the proposal would result in significant harm to the character and appearance of the surrounding residential area, and would conflict with saved LP Policies BE3 and D7 referred to above,

¹ As referred to in BS 5837 (2012)

as well as with saved LP Policies D1 and D4, which respectively deal with the environmental implications of development and design and layout.

18. The Council has also referred me to a number of other policies in the emerging Local Plan and the Farnham Neighbouring Plan. However, neither of these plans has yet to undergo examination, and I have not been told whether the relevant policies are the subject of unresolved objections. Accordingly I afford them little weight at this stage in their progression towards adoption.

Other matters

19. Whilst the more intensive use of the site resulting from a new dwelling would have some impact on noise and disturbance to neighbours at 65 Lodge Hill Road, such relationships are typical in towns, and in my view, the proposal would not materially harm the occupiers' living conditions.
20. At the time that the application was determined, the Council could not demonstrate a 5 year supply of housing land. In such cases, paragraphs 14 and 49 of the Framework provide that policies relating to the supply of housing should be considered to be out of date, in which case 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 or specific policies in the Framework indicate development should be restricted.
21. The Council now maintains that it can demonstrate a 5 year supply of housing land. The appellants have not refuted this contention, and I see no reason not to accept that a 5 year supply exists, in which case, the relevant policies should not be regarded as being out of date, and thus the weighted balancing exercise required by paragraph 14 would not apply in this case. Regardless of this, the proposal would contribute a further dwelling in a built-up area, and would help to meet the Council's housing target. Whilst this is a benefit, it is a modest one. Even in combination with the economic benefits that would result from the construction and occupation of the dwelling, it is heavily outweighed by the environmental harm that I have identified above, and as a result the proposal does not constitute sustainable development.

Obligation

22. The unilateral undertaking submitted by the appellants makes provision for the payments requested by the Council to fund the maintenance of Farnham Park as a Suitable Alternative Natural Greenspace, in accordance with the Council's adopted Avoidance Strategy. I consider that this would ensure that the proposal would avoid a likely significant effect upon the Thames Basin Heaths SPA.

Conclusion

23. I find that the proposal would conflict with the development plan as a whole, and conclude that, for the reasons given above, the appeal should be dismissed.

JP Roberts

INSPECTOR