
Appeal Decision

Site visit made on 4 January 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/R3650/W/16/3160237

Shortfield House, Hamflash Lane, Frensham, Farnham, GU10 3AU

- 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 Wicks against the decision of Waverley Borough Council.
 - The application Ref WA/2016/0976, dated 3 May 2016, was refused by notice dated 2 September 2016.
 - The development proposed is erection of 3 new dwellings.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 13 February 2017.

Decision

1. The appeal is allowed and planning permission is granted for erection of 3 new dwellings at Shortfield House, Hamflash Lane, Frensham, Farnham, GU10 3AU in accordance with the terms of the application, Ref WA/2016/0976, dated 3 May 2016, and the plans submitted with it, subject to the conditions on the attached list.

Application for costs

2. An application for costs was made by Mr and Mrs Wicks against Waverley Borough Council. This application is the subject of a separate Decision.

Background

3. The application was refused permission against an Officer recommendation that permission be granted. The reason for refusal is solely on the grounds that the proposed development would harm the character and appearance of the area. However, given local concerns on the site being beyond a settlement boundary this too is a matter that I shall address in my main issue.

Main Issue

4. The main issue in this appeal is whether the proposed development accords with development plan Policies on the location of development and its effect on the character and appearance of the surrounding area.

Reasons

Main issue

5. I turn first to whether the proposed development accords with the development plan Policy on the location of development. Policy C2 of the Waverley Borough Local Plan 2002 (LP) says that development away from existing settlements will be strictly controlled. Explanatory text makes it clear that this means that only houses falling within certain criteria, such as affordable housing or houses required for agricultural purposes, will be permitted in the countryside. The appeal site lies outside but adjacent to the settlement boundary of Shortfield and in the terms of Policy C2 is in the countryside. The proposal is for market housing and thus falls within none of the categories of housing that would be permitted in the countryside. Thus there would be a failure to comply with Policy C2. That said, being located adjacent to the settlement boundary, and with village amenity's reasonably close by, it is in a reasonably sustainable location.
6. Turning to the second ground of this issue Shortfield is a small settlement comprised of houses of varied age and design and which mostly front onto country lanes. It has a very attractive setting amidst undulating and well wooded land. In the LP this area is identified as an Area of Great Landscape Value (AGLV).
7. The appeal site lies to the west of Hamlash Lane onto which it fronts. This lane forms much of the western edge of the settlement boundary. Land to the east of the Lane is within the settlement and the land to the west, in which the appeal site lies, is beyond it. However, along this road frontage in the vicinity of the site there is no clear distinction between developed areas and the countryside. This is because on the same side of the road as the appeal site and to the north some older cottages front the road along with 2 new houses under construction. Moreover, the appeal site is clearly part of the curtilage of a large house. In this context a suitably designed housing development would fit in with the pattern of development locally.
8. Turning to the details of the scheme there would be 1 detached house and 2 semi-detached dwellings. These houses would front onto the road in a similar way to other houses in the area and with a broadly similar degree of setback from the highway. Although the house plots would be smaller than some locally sufficient space would exist between the proposed houses and existing development to the north and south to ensure a form of development that would fit in with the pattern of development in the locality. The proposed houses would be of a pleasing design with semi-hipped roofs and attractive gables and chimney features. Although the semi-detached houses would have second floor rooms in the roof they are accommodated unobtrusively and in a way that would not make the roof appear overlarge. In design terms the proposed houses would be entirely in keeping with development in the locality. Relatively few trees would be removed as a result of the proposed development and sufficient trees would remain to protect the verdant appearance of this area.
9. There is third party concern about the impact of the 2 new houses being built to the north of the site. It is said that they should not be used to justify the proposal before me. However, I found them to fit in pleasantly with their

surroundings. They are not suggestive that the proposed development on the appeal site would be harmful.

10. It is concluded that although the proposed development would fail to accord with the development plan Policy on the location of development it would fit in well with the character and appearance of the surrounding area. Thus whilst there would be a failure to comply with LP Policy C2 there would be no conflict with LP Policy C3 on the protection of the AGLV and LP Policies D1 and D4 on protecting the character and appearance of areas and requiring high quality design.

Other matters

11. There is a dispute between the parties as to whether there is a 5 year housing land supply. The Council contends that there is a 5.3 year supply. This is based on West Surrey Strategic Housing Market Assessment (SCHMA) 2016 figures and various components of housing supply that the Council expects to come forward. However, the Council is producing a new local Plan and this will set out the housing land supply position. This has yet to go through the examination process. The appellant contends that it is only following this process that the Council will be able to conclusively demonstrate that it has a 5 year housing land supply. In the absence of more substantial evidence from both parties, especially on the availability of building land, I consider neither to have made out their respective cases.
12. The appeal site is in the grounds of Shortfield House. This is an attractive 19th century Villa which the Council, correctly in my view, regard as a non-designated heritage asset. However, the proposed dwellings, being on much lower land and considerably removed from this house, would conserve the significance of the house and its setting.
13. Many third party concerns go well beyond those raised by the Council. Turning to the main points raised, development of the small-scale should not be detrimental to highway safety given that it would only marginally increase traffic on Hamdash Lane and that, from what I saw, adequate sight lines would be provided. Adequate levels of parking would be provided on site so there should be no increase in on road parking. No substantial evidence has been provided to support concerns on flood risk. The proposed dwellings would be sufficiently distant from houses on the opposite side of the road for no unacceptable harm to arise to living conditions through visual impact, overlooking and loss of sunlight. There is no substantial evidence to support concerns on loss of wildlife, and nothing that I saw suggested to the contrary. Adequate garden space would be provided for houses of the type proposed. A planning condition could prevent unacceptable harm to residents' living conditions during the construction period. Regarding concerns over the creation of a precedent for further development applications would be treated on their individual merits. The fact that the site is garden land should not preclude development on it.

Overall balancing

14. The proposed development would fail to comply with LP Policy C2 on the location of new development. However, although in the countryside in policy terms it would be well related to the settlement in terms of its proximity to the settlement boundary and facilities. It would, moreover, fit in entirely acceptably

with the development pattern in the area so as to cause no harm to its character and appearance and there would be no conflict with LP Policies C3, D1 and D4. Moreover, the provision of additional housing would be of some, albeit small, benefit. This would be so even if the Council has a 5.3 year housing land supply because this is only marginally above the 5 year land supply required and that figure does not impose a ceiling that should not be exceeded. The proposed development would not provide the smaller dwelling units that the Parish would prefer. However, in light of the requirement in the National Planning Policy Framework (the Framework) that Council's should seek to boost significantly the supply of housing the proposed houses would still be welcome. Looked at in the round, compliance with LP Policies C3, D1 and D4, along with the benefits that the development would bring, should override the conflict with Policy C2. By supporting growth and providing in housing in a way that would fit in with the character and appearance of the area the proposal would be sustainable development in the terms set out in the Framework.

Conditions

15. As I am minded to allow the appeal I have considered what conditions to impose in addition to the standard condition on the commencement of development. To protect the character and appearance of the area I shall require: the submission and approval of external materials and the height of finished floor levels; that development be undertaken in accordance with the ACD Arboricultural Impact Assessment and Method Statement of 05/01/2015; and that if any retained tree is removed a replacement is provided. To protect the living conditions of local residents I shall require the submission of a construction method statement and shall restrict hours of construction. In the interests of the ecology of the area I shall require the development to be undertaken in accordance with the recommendations in Section 4 of The Ecology Co-Op of report of 19/10/15. In the interests of highway safety I shall require the proposed garages to be retained for the garaging of vehicles. To prevent unacceptable surface water run-off I shall require hard surfacing to be permeable. In the interest of good planning I shall require the development to be undertaken in accordance with the approved plans.
16. The Council suggested notably large number of conditions on the protection of trees. In the main I consider these matters to be covered in the appellants' arboriculture report and I have had regard to that in my choice of conditions. Given the extensive tree cover in the area I see no need for the Council's suggested landscaping condition. With the distance of the proposed development from housing to the north I see no need for the proposed obscure glazing condition.

Conclusion

17. For the reasons given above it is concluded that the appeal should be allowed.

R J Marshall

INSPECTOR

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) 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.
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed dwellings 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) The development shall be undertaken in accordance with the ACD Arboricultural Impact Assessment and Method Statement of 05/01/2015.
- 5) If any retained tree is cut down, uprooted or destroyed or dies another tree of the same species shall be planted at the same place and at such time as may be specified in writing by the local planning authority.
[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars and the condition shall have effect from the date of this permission until the expiration of 10 years from the first occupation of the development.]
- 6) No development shall take place, including any ground works, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 7) Construction works, including ground works, shall take place only between 08:00 -18:00 on Mondays to Fridays and 08:00 – 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 8) The development shall be undertaken in accordance with the recommendations in Section 4 of the The Ecology Co-Op report of 19/10/15.
- 9) The garages hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors.

- 10) No development shall take place until details of the hardsurfacing of the site, which shall be permeable, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise required to meet any of the above conditions:
 - 1672_01
 - 1672_02A
 - 1672_10A
 - 1672_12A
 - 1672_13A
 - 1672_14A
 - 1672_15
 - 1672_11B
 - 1672_05D
 - 1672_21
 - 1672_20B