
Appeal Decision

Site visit made on 14 March 2017

by L Gibbons BA (Hons) MRTPI

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

Decision date: 28 April 2017

Appeal Ref: APP/R3650/W/16/3164790
17 & 19 Hope Lane, Farnham GU9 0HZ

- 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 Philip Redwood against the decision of Waverley Borough Council.
 - The application Ref WA/2016/1220, dated 6 June 2016, was refused by notice dated 16 November 2016.
 - The development proposed is minor alterations to 2no. existing semi-detached dwellings and 1no. new proposed new build.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is accompanied by a copy of a signed Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act 1990 (as amended) dated 23 February 2017 in relation to contributions towards mitigation for the effects of the development on the Thames Basin Heaths Special Protection Area (TBHSPA). I return to this matter below.
 3. Amended plans were submitted during the planning application process which included changes to the balcony screening and distance of the proposed dwelling from neighbouring properties. The Council took these plans into account in coming to their decision and so shall I.
 4. The Council refer to Policies SP1, SP2, ST1, NE1, NE2 and TD1 of the Pre-Submission Local Plan Part 1: Strategic Policies and Sites 2016 (LP1). This was submitted for examination in December 2016. Given the stage that the LP1 has reached and that the Inspector has yet to conclude on the plan as a whole, I give these policies little weight.
 5. The Council refer to the Farnham Neighbourhood Plan (NP). This was submitted for examination in November 2016. I have not been provided with any information regarding the examination process following that date. Given the stage that the plan has reached and that there is potential for changes to the policies I give the NP little weight.
 6. The appellant refers to the Waverley Borough Local Plan (LP) 2002 as being out of date. Policies D1 and D4 of the LP referred to in the Council's decision notice are broadly consistent with the objectives of the National Planning Policy Framework (the Framework). Therefore I afford them very significant weight.
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Main Issue

7. The main issue is the effect of the proposed development on the living conditions of future occupiers in respect of privacy.

Reasons

Living conditions

8. The proposal would include the construction of a new dwelling with parking and garden areas to the rear of Nos 17 and 19 Hope Lane. The main outdoor space would be to the south of the new dwelling and would incorporate a patio area close to the house. I have been referred to the Council's Residential Extensions Supplementary Planning Document (SPD) 2010. This sets out that a distance of 18 metres is recommended between windows and private amenity space. There would be approximately 4.8 metres between the common boundary of Nos 23 and 25 Wings Road with the garden area immediately beyond that, and the patio slightly further away. A 1.8 metre close boarded fence would be provided on the boundary with the properties on Wings Road. I note the site section details provided by the appellant. However, even with this in place I consider it would still be possible to see directly towards the patio and main garden area from the rear windows of Nos 23 and 25.
9. I accept that the SPD provides guidance and that some overlooking is not uncommon in areas such as this. However, the nature of views from Nos 23 and 25 would be particularly direct and involve a number of windows. This would result in a strong perception of being overlooked for the future occupiers. Overall, I consider that the scheme would not provide a level of privacy which could be reasonably expected by future occupiers.
10. I have considered the proposal by the appellant for a 2 metre high feature wall and moving the patio area further away from the common boundary with Nos 23 and 25. It is suggested the wall could be provided across the garden extending part of the proposed retaining wall. However, this would serve to enclose the space for the future occupiers, and the wall would be a highly dominant feature within the garden. It would also reduce the amount of garden space easily accessible to the future occupiers. If landscaping were to be provided as potential screening, this would take some considerable time to mature. The potential for other useable spaces within the garden would be limited due to the position of the house closer to the west boundary and its relationship with other houses within the area.
11. For the reasons given above, I conclude that the proposed development would cause harm to the living conditions of future occupiers in respect of privacy. It would be in conflict with saved Policies D1 and D4 of the LP, these amongst other things does not permit development where there would be a loss of general amenity and new development provides adequate amenity space around the proposed development. It would also be contrary to emerging policy TD1 of the LP1 and the SPD. It would be contrary to the Framework in respect of seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

12. The Council have not commented on the contents of the UU. Nevertheless, I have considered this in the light of the statutory tests contained in Regulation

122 of the Community Infrastructure Levy Regulations (CIL) and the tests at paragraph 204 of the Framework. The contribution would be necessary to make the development acceptable. However, the amount included within the UU for mitigation towards the effect of the development on the TBHSPA differs from the amount referred to by the Council. Therefore, I cannot be certain that the contribution would be directly related to the development and fairly related in scale and kind. However, as I intend to dismiss the appeal for other reasons, I have not pursued this matter further with the parties.

13. The Council does not object to the proposal in respect of parking and highway safety, proposed alterations to the existing dwellings and the effect on the living conditions of neighbouring occupiers subject to suitable conditions. Based on the evidence before me and observations on my visit, I see no reason to disagree with these matters. However, this is not sufficient reason to outweigh the harm I have found.

Conclusion and balance

14. The Framework identifies three dimensions to sustainable development – economic, social and environmental. The Framework makes it clear that the three roles the planning system is required to perform in respect of sustainable development should not be undertaken in isolation because they are mutually dependent. The appeal site is within an accessible location within close distance of Farnham Town Centre. The Council does not object to the proposal in respect of the effect on the character and appearance of the area and the contemporary design would add to the general mix of designs found locally. These factors would weigh in favour of the scheme.
15. There is disagreement between the parties as to whether there is a five year supply of housing land and I find the evidence in this regard inconclusive. Nonetheless, even if there was not such a supply, I consider that the contribution the proposal would make towards addressing any undersupply would be very small. The harm caused to the living conditions of future occupiers would significantly and demonstrably outweigh the benefits. It is thus not sustainable development for which there is a presumption in favour.
16. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR