The Planning Inspectorate

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: 20 July 2017

Appeal Ref: APP/R3650/W/16/3160248
Lavender Lane, Rowledge, Farnham, Surrey GU10 4AX

- 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 Peter Strange (Walland Developments Ltd) against the decision of Waverley Borough Council.
- The application Ref WA/2016/0485, dated 19 February 2016, was refused by notice dated 9 June 2016.
- The development proposed is residential development of 9 houses and associated garaging.

Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal process, the appellant submitted amended plans which would alter the position of Unit 1 with the main elevation facing towards Unit 2 instead of towards No 8 Lavender Lane. I note the distances between the elevations of Unit 1 and Unit 2 as a result of the proposed changes but I cannot be certain that there would not be other consequences of this arrangement, and I consider this would not be a minor change to the scheme.

3. In addition, the Council have not commented on the plans except to refer to the potential for a scaled set of drawings to be provided. The appellant refers to the occupiers of No 8 being made aware of the plans although I have not been made aware of any response to this by those occupiers. Therefore, I am not satisfied that those with an interest in the appeal would not be prejudiced by my taking these plans into account. It has also been proposed by the appellant that there is the possibility of granting permission for units 2 to 9 which would require an amendment to the description. I note that this advice was provided by counsel. However, I have not been provided with this information, and this is not what was applied for. I cannot be certain that this would not prejudice the Council and other interested parties. I have therefore determined the appeal on the basis of the drawings and description of development which the Council took into account in coming to its decision.

4. The Council have confirmed that following submission of a Desk Based Archaeological Assessment they no longer wished to defend reason for refusal number 5 in relation to archaeology. I have determined the appeal on that basis.

5. The Council have drawn my attention to Policies FNP1, FNP10, FNP13 and FNP30 of the Farnham Neighbourhood Plan (FNP). Since the appeal was made the FNP has been through examination and had been supported through the referendum process. The main parties and a local residents group have made comments on the relevance of the FNP to this appeal. No-one would be prejudiced by my taking these comments into account.

Main Issues

6. The main issues are:

   i) The effect of the development on the character and appearance of the area;

   ii) The effect of the development on the living conditions of the occupiers of No 8 Lavender Lane in respect of privacy and noise and disturbance;

   iii) Whether the housing mix to be provided is justified;

Reasons

Character and appearance

7. The appeal site is located outside of the settlement boundary of Rowledge and is in the countryside for development plan purposes. The area in which the site is located has a mix of semi-rural and rural characteristics. There are houses along Boundstone Road to the south with the general character of large houses in large grounds. Along Lavender Lane and moving northward the area is verdant with a significant amount of tree and hedgerow cover. It has a significantly rural appearance which contrasts with the semi-rural nature of Boundstone Road. There is more open countryside to the north and east of Browns Walk which is a public right of way. However, the narrow lane and public rights of way with its enclosed qualities are a particularly distinctive character of this part of Rowledge.

8. There is a small number of houses to the east of the appeal site at Nos 2,4,6,8 and 10 Lavender Lane. However, these do not have an urbanising effect on the character of this area being located within well established and mature gardens. The southern part of the appeal site is generally open with some small areas of scrub. This part of the site can be clearly seen from Lavender Lane. Towards the north the vegetation on the site is more dense with scrub and trees and is extremely enclosed to views out and in to the site.

9. The proposal is accompanied by a Landscape Visual Impact Assessment. I accept that the land within the appeal site is not open countryside as exists beyond Browns Walk. However, its enclosed nature fits in with the distinctive rural qualities of the northern parts of Lavender Lane and Browns Walk. Whilst the site is acknowledged to be previously developed land, I consider that the site is essentially rural in character.

10. The scheme proposes nine dwellings with associated access and parking. The scheme would not be high density and there would be landscaping and retention of a significant buffer of trees which would ensure that there would be filtered views from Browns Walk due to the number of trees and large amount of scrub. The three houses in the north part of the site would be screened from views from Lavender Lane. The impact of the Area of Strategic

Visual Impact would be very limited with adequate separation of the dwellings from this area.

11. However, the land falls away from Lavender Lane to the west and as a result the houses in the central and southern part of the site would be highly visible particularly along the access road. The negative effect of the layout of the scheme in a cul-de-sac would be significant in this location, and it would be out of context with the linear development more generally found in the area. This would particularly be the case with a single line of development on the southern side of the access road, with the views of roofs and side elevations dominant in the street scene. The presence of garages and the amount of hardstanding would also contribute to a strong urbanising effect on the character and appearance of the area. The use of matching materials and individual design of the houses would not be sufficient to mitigate this effect. Landscaping buffers on the boundaries of the west, north and east parts of the site, and any additional landscaping secured via a condition would have little effect in this part of the site as it would take a significant time to mature.

12. The Council refer to saved Policies D6 and D7 of the LP. However, these policies do not demonstrate or substantiate an adverse impact on the character and appearance of the area in respect of trees or hedgerows.

13. For the reasons given above, I conclude that the proposed development would cause considerable harm to the character and appearance of the area. It would be in conflict with saved Policies D1 (bullet b) and D4 of the Waverley Borough Local Plan 2002 (LP). It would be contrary to Policies FNP1 (bullet a) and FNP10 (bullet e). It would be contrary to the Framework where it relates to recognising the intrinsic character and beauty of the countryside.

Living conditions

14. No 8 Lavender Lane would be located opposite the access road and Unit 1. The only garden that No 8 has is at the front of the property which would be adjacent to the access road. The garden is not large. There would be 8 metres between the curtilage of No 8 and the front elevation of Unit 1. The Council refer to the Residential Extensions SPD, which indicates that there should be a distance of 18 metres between proposed windows and private amenity space.

15. The appellant refers to the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015. Schedule 2 Part 1 Class A sets out that development is not permitted if 'the enlarged part of the dwellinghouse would have more than a single storey – and be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse'. I note the distance referred to in the GPDO is less than that set out in the SPD. However, permitted development rights in this case relate to extensions, and it does not apply to development over a single storey. Unit 1 would be two storeys high and the first floor windows would look towards No 8.

16. Whilst the rooms of the buildings would be separated by a distance of 26 metres, the garden would be much closer than that. The front garden of No 8 is the only private space they have for sitting out. The garden is laid out such that some of it is close to the proposed access road and Unit 1. Due to the number of windows facing towards No 8, I consider this would lead to a significant increase in the perception of being overlooked for the occupiers of

No 8. There would be a number of traffic movements associated with the proposed scheme. The garden is also located quite close to the parking area for Unit 1. The garden is reasonably quiet and although there would be some traffic movements to Nos 4,6 and 10 these would not be at a great volume. I consider that the increase in traffic movements would result in a significant increase in noise and disturbance for the occupiers of No 8. The combination of the increase in the perception of overlooking and noise and disturbance from the access road would lead to a poor quality environment for the occupiers of No 8 when within their garden.

17. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the area. It would be in conflict with saved Policies C2, D1 (bullet c) and D4 (bullet c) of the LP. 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.

Housing mix

18. Saved Policy H4 of the LP sets out the requirements for sizes of dwellings and density requirements. The Council acknowledges that the density requirements would not be appropriate given the context of the surroundings.

19. Bullets (a) and (b) of saved Policy H4 refer to the percentages of units which should be 2 or 3 bedrooms. The focus on smaller dwellings is broadly in line with more up to date information from the 2015 West Surrey Strategic Housing Market Assessment (SHMA) on housing requirements which indicates a range of housing is required but focused on 2 and 3 bedroomed dwellings. That said, the policy is rigid and not reflective of a more flexible approach set out in the National Planning Policy Framework (the Framework), accordingly I give it little weight.

20. Nevertheless, Paragraph 50 of the Framework refers to aiming to deliver a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The scheme proposes only four bedroomed houses. Market information from an established local estate agent indicates that there is a demand for larger family homes.

21. However, the SHMA is reasonably up to date. I am not persuaded that the information provided by the appellant is a robust justification for a scheme that would not provide a mix of homes, and which departs significantly from the evidence in the SHMA. Even with a lower density scheme, it has not been demonstrated that a mix of units could not be achieved. It has not been demonstrated that the location of the site would not be suitable or preferred by potential residents over small units close to Rowledge centre. I therefore find that the housing mix has not been justified and that the scheme would be contrary to paragraph 50 of the Framework.

Conclusion and balance

22. Policy C2 of the Waverley Borough Local Plan sets out that the countryside will be protected for its own sake. However, this is not in accordance with the Framework as it is more onerous. In the light of the above, I conclude that little weight should be attributed in terms of the scheme's conflict with this policy. Nevertheless, Policies D1 and D4 of the LP are in accordance with the Framework where it relates to the need for high quality design and in respect

of seeking to provide a good standard of amenity for existing occupiers, and I give them full weight. I find therefore that there would be conflict with the development plan. The FNP is at a very advanced stage of its production and I give it very significant weight. The policies are also compatible with the requirements of the Framework, and would not have had a negative impact on the supply of housing in the area.

23. Paragraph 47 of the National Planning Policy Framework (the Framework) indicates that in order to boost significantly the supply of housing, local planning authorities should ensure that they meet their full and objectively assessed housing needs for market and affordable housing. The Council accept that they are unable to demonstrate a five year supply of housing although the position in respect of the FNP is not referred to. The appellant argues that the supply of housing land considered against the FNP is just over a one year supply and should be considered to be out of date. The appellant refers to factors such as concerns over expired permissions, trajectories, lead-in times, delivery rates, and sources of supply. The appellant refers to the Written Ministerial Statement December 2016 which refers amongst other things to demonstrating a three year supply of housing in relation to Neighbourhood Plans. However, the appellant also indicates that they consider this makes no material difference to the weight to be given to the benefits of the scheme.

24. The Framework states that the three sustainability roles should not be undertaken in isolation, because they are mutually dependent. The scheme would make a contribution to the supply of market housing within the area. Local residents would make use of the services and facilities within Rowledge. These factors would have moderate weight in favour of the appeal scheme. The proposed ecological and sustainable measures, ease of access to the centre of Rowledge, and improvements to the junction of Lavender Lane and Boundstone Road also provide very limited benefits. However, I have found that there would be considerable harm to the character and appearance of the area, and to the living conditions of the occupiers of No 8 Lavender Lane. The scheme would also fail to deliver a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

25. Paragraph 14 of the Framework sets out how the presumption in favour of sustainable development should be applied and indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Even if I were to conclude there was a shortfall in 5 year supply of the significant scale suggested by the appellant including in respect of the FNP, and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. I conclude that the scheme would not represent sustainable development for which there is a presumption in favour.

26. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR