
Appeal Decision

Site visit made on 14 November 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 4th December 2017

Appeal Ref: APP/R3650/W/17/3179227
15 Crondall Lane, Farnham GU9 7BG

- 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 Mrs Philly Hook against the decision of Waverley Borough Council.
 - The application Ref WA/2016/2213, dated 13 October 2016, was refused by notice dated 23 December 2016.
 - The development proposed is erection of a dwelling and creation of new vehicular access off Parfitts Close.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Philly Hook against Waverley Borough Council. That application is the subject of a separate Decision.

Procedural Matters

3. Further to the appealed application's determination by the Council the Farnborough Neighbourhood Plan (the NP) was made on 28 July 2017. The NP therefore now forms part of the development plan for the area and I have had regard the NP's policies drawn to my attention.
4. The Council's replacement Local Plan has reached an advanced stage in its preparation. The Council has submitted¹ that the examination hearings have been concluded and that the examining Inspector has given an indication that, subject to modifications being made, it is likely this plan will be capable of being adopted. Conflict with Policy TD1 of the emerging Local Plan has been cited and the Council has advised that this policy will not be subject to any substantive pre-adoption modification. I consider that significant weight can be attached to emerging Policy TD1, having regard to the provisions of paragraph 216 of National Planning Policy Framework (the Framework). I shall make further reference to emerging Policy TD1 in my reasoning below.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

¹ Paragraphs 13 to 15 of the Council's appeal case

Reasons

6. The development would involve the subdivision of the rear garden of 15 Crondall Lane (No 15) to create an independent plot for a two bedroom bungalow. The bungalow would include habitable accommodation in its roof, which would be illuminated by rearward facing rooflights. The bungalow would front onto Parfitts Close and would be accessed via that street. Crondall Lane and Parfitts Close, in the immediate vicinity of No 15, are residential in character, with there being houses in the former and bungalows, for the most part, in the latter.
7. The appealed application having been submitted following the refusal of planning permission for a two storey dwelling (WA/2015/2063) and a chalet bungalow (WA/2016/0147) by the Council and the subsequent appeals being dismissed on 12 August 2016². Additionally a lawful development certificate (LDC) for the siting of a caravan in No 15's rear garden '... for ancillary residential use to the dwelling-house ...' was issued on 7 July 2017³ following an appeal.
8. The bungalow would occupy much of the available plot width and it would have a ridge height of 5.65 metres. The bungalow would therefore be the largest building within any of the rear gardens of the nearby houses in Crondall Lane, with some ancillary outbuildings (garages and sheds etc) being present. Given that context I consider that the bungalow would look out of place in the streetscene. The uncharacteristic nature of this back garden development would be heightened by the fact that a substantial opening would be formed in the hedge bounding Parfitts Close, exposing the bungalow to views within the streetscene.
9. While there is a garage compound a little to the north of the site, it is an element of the comprehensively planned bungalow development in Parfitts Close. I consider that the garage compound is an integral part of Parfitts Closes' streetscene and does not provide a justification for the bungalow.
10. I consider that the bungalow would exhibit the isolation referred to by the Inspector who dismissed the appeals for the previously proposed two storey dwelling and chalet bungalow. That said I accept that of itself there is nothing objectionable about the bungalow's architecture. However, that is a matter that would not address what would be the uncharacteristic siting and scale of the bungalow relative to the pattern of development in the immediate area.
11. The appellant contends that the bungalow's effect on the character and appearance of the area would be comparable with the four bedroom caravan that is subject to the LDC. However, I consider that there would be clear differences between the development subject to the LDC and the bungalow. Firstly a caravan would not be a permanent structure and it could be removed at any time. Secondly the LDC confirms that the caravan could only be occupied for purposes ancillary to the occupation of No 15. By contrast the bungalow would be an independent dwelling, with there being a fence between its rear garden and No 15's retained garden. With respect to the development subject to the LDC it was submitted that the caravan would be '... Used by family and friends related to or associated with the Appellant who

² Respectively APP/R3650/W/16/3145243 and APP/R3650/W/16/3148908

³ APP/R3650/X/16/3161457

is the occupier of the Dwelling-House' and there would be one planning unit and no fence would be installed between the house and the caravan⁴. At paragraphs 20 to 22 of the LDC appeal decision the Inspector identified that there would be a functional link between No 15 and the caravan. Taking all of the foregoing factors into account I am therefore of the opinion that the developments subject to the LDC and the current application are not comparable. I therefore attach very little weight to the fallback case advanced for the appellant.

12. I conclude that the development would result in unacceptable harm to the character and appearance of the area. The development would therefore be in conflict with with saved Policies D1 and D4 of the Waverley Borough Local Plan of 2002, Policies FNP1 and FNP15 of the NP and paragraphs 17 (the fourth core planning principle) and 64 of the Framework. That is because the development would not be respectful of the area's visual character and distinctiveness and it would not integrate well with its surroundings. There would also be conflict with emerging Policy TD1 insofar as the development would not ensure the protection of the area's character. However, the conflict with emerging Policy TD1 is not decisive given the emerging Local Plan's current status.

Other Matters

13. There is disagreement as to whether the Council can or cannot currently demonstrate a five year supply of deliverable housing sites (an HLS). The development would contribute to the HLS and there would therefore be some limited social and economic benefits arising from this scheme. The scale of this development would, however, mean that it would not significantly boost the supply of housing in the area. Even if I were to conclude that there is a shortfall in the HLS and that the relevant policies for the supply of housing should not be considered as being up-to-date, I consider that the adverse impacts of granting permission, ie the harm to the character and appearance of the area, would significantly and demonstrably outweigh this development's modest housing supply benefits. The harm that I have identified gives rise to conflict with both local and national policy and I therefore consider this would be an unsustainable form of development.
14. To mitigate the development's effects on the Thames Basin Heaths Special Protection Area (the SPA) the appellant has submitted a Unilateral Undertaking (UU) pursuant to Section 106 of the Act. However, while the UU has been signed and dated it is incomplete in that it contains blanks in its definitions' section relating to: the application and appeal numbers; the development; the land (ie address and title number); any mortgage(s); and the financial contribution to be paid. Additionally no plan is annexed to the UU.
15. I consider the UU's drafting is so deficient that I cannot attach weight to it. Were this appeal not to be dismissed for other reasons the absence of a complete UU would be grounds for dismissal because the necessary mitigation for the development's effects on the SPA would not have been secured. That said had I been minded to allow this appeal I consider it would have been appropriate for the appellant to have been given the opportunity to submit a complete UU to secure the necessary mitigation for the SPA.

⁴ Paragraphs 5 and 6 of appeal decision APP/R3650/X/16/3161457

Conclusion

16. For the reasons given above the appeal is dismissed.

Grahame Gould

INSPECTOR