



Appeal Decision

Site visit made on 16 January 2018

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2018

Appeal Ref: APP/R3650/W/17/3180570

Leigh Cottage, Tilford Road, Farnham, GU9 8HR

- 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 Andrew Kamm (Bourne Homes) against the decision of Waverley Borough Council.
 - The application Ref WA/2017/0749, dated 11 April 2017, was refused by notice dated 7 June 2017.
 - The development proposed is the erection of 2 new houses with associated parking and use of existing vehicular access.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. A completed unilateral undertaking, making provision for a financial contribution in connection with the Thames Basin Heaths Special Protection Area (SPA), has been submitted with this appeal. The Council has confirmed that this resolves its reason for refusal relating to the impact upon the SPA.
3. The Farnham Neighbourhood Plan was adopted in July 2017, following the Council's determination of the planning application. I am satisfied that no party to this appeal has been prejudiced by this change to the relevant planning policies, as there has been opportunity for the parties to comment on its implications.

Main Issues

4. The main issues area:
 - i) The effect upon the character and appearance of the area, including the effect upon existing trees;
 - ii) The flood risk implications of the proposed development;
 - iii) The effect upon the living conditions of future occupiers of the proposed neighbouring property at The Coach House, with particular regard to privacy;
 - iv) Whether the proposal would provide for satisfactory residential living conditions for future occupiers of the proposed dwellings, with particular regard to outlook and privacy.
-

Reasons

Character and appearance

5. The appeal site comprises part of the large rear garden of the existing dwelling 'Leigh Cottage'. It is located within what I consider to be a semi-rural area generally comprising low density detached dwellings within very spacious plots. Although some dwellings in the vicinity have smaller plots than others, the large majority are located within very spacious plots, contributing to the semi-rural character. The established landscaping and large number of mature trees adds a verdant quality to the area. The semi-rural character and appearance of the area is in sharp contrast to the denser and more suburban form of development further along Tilford Road. The particular qualities of the area have led to it being designated as the South Farnham Area of Special Environmental Quality by policy BE3 of the Waverley Borough Local Plan 2002 ('the Local Plan'). The site is also within the South Farnham Arcadian Area as designed by policy FNP8 of the Farnham Neighbourhood Plan.
6. Policy BE3 does not preclude the subdivision of existing residential plots for additional residential development although it sets out criteria to enable the protection of the particular semi-rural characteristics of the area. As such I find it to be in general conformity with the National Planning Policy Framework ('the Framework') including the aim to respond to local character to reflect the identity of local surroundings.
7. The proposal would subdivide the existing large garden resulting in plot sizes that are generally significantly smaller than those existing in the surrounding area. The siting, footprint and massing of the two proposed dwellings and their garaging would harmfully erode the general openness and semi-rural characteristics of the area. The dwellings would be closer together than surrounding development and would have smaller gardens, resulting in a comparatively cramped form of development.
8. Furthermore, the layout comprising the proposed access driveway, turning and parking areas would introduce an overall proportion of hard surfaces that would reduce the areas available landscaping and would be in contrast to the informal verdant characteristics of the area. I consider the development would appear more akin to a suburban location rather than the particular semi-rural characteristics of the appeal site and its surrounds.
9. Although there is established landscaped screening on the majority of the road frontage, the development would be visible when viewed from the road adjacent to the site access. The substantial size and height of the proposed dwellings, combined with the slope of the site would exacerbate the harmful visual impact and obtrusiveness of the development.
10. The appellant has referred to several other schemes which have been permitted where policy BE3 has been applicable, including at appeal. I do not have the full details of these schemes before me and so it is difficult to make a detailed comparison with the current proposals. In any case, each scheme has to be considered on its own merits and circumstances. I have attached some weight to the information provided regarding such other schemes but I do not find that this outweighs the significant harm I have found to result in this case. The current proposal would erode the semi-rural character of the area and

would be out of keeping with the scale and pattern of surrounding development.

11. Mature trees of visual significance are located on and adjacent to the rear and the southern side boundary of the appeal site. Given the proximity of the trees to the proposed dwellings, there would be some pressure upon them both during the construction process and following the occupation of the dwellings, in terms of future pressure for works to be carried out to trees. This appears to be particularly the case for the proposed dwelling on plot 2. However, taking account of the arboricultural evidence submitted with the appeal, it appears that subject to appropriate arboricultural management measures, the trees adjacent to the rear boundary would be capable of withstanding the likely limited extent of root damage without any significant long term implications.
12. Furthermore, whilst I expect that future residents may wish to carry out some pruning works to the trees, it does not appear that this pressure would be such to result in any significant harm to the visual appearance of the trees and hence their contribution to the verdant quality of the area. However, my conclusions on these arboricultural matters do not override my findings of significant harm above.
13. I conclude on this issue that the proposed development would result in significant harm upon the character and appearance of the area. It would be contrary to the relevant design aims of policies BE3, D1 and D4 of the Local Plan, policies FNP1 and FNP8 of the Farnham Neighbourhood Plan 2017 and the Framework. It would also be contrary to policy TD1 of the Draft Local Plan Part 1: Strategic Policies and Sites ('Draft Local Plan'). I have given considerable weight at this time to this policy of the Draft Local Plan due to the advanced stage of the examination process and there being no substantive modifications being proposed to them.

Flood Risk

14. The proposed dwellings would be located within Flood Zone 1, though part of the site including part of the access drive to the proposed dwellings would be located within Flood Zone 2. The Council acknowledges that the proposed dwellings would be safe from flooding and that, further to information provided in the submitted Flood Risk Assessment, safe access and egress could be provided. I have had regard to the relevant paragraphs of the Framework and the Planning Practice Guidance.
15. Whilst a small part of the site is within Flood Zone 2 the proposed dwellings themselves are in Flood Zone 1 where there is a low risk of flooding. Given that it has been demonstrated that the small part of the access road affected would in any case be safe from flooding, from the evidence provided I do not consider it to be necessary or reasonable in this case for a sequential test to be carried out.
16. I therefore find that the proposal would not result in any significant risk of flooding. It would satisfactorily accord with the general flood risk aims of policy D1 of the Local Plan, policy CC4 of the Draft Local Plan and the Framework.

Living conditions (neighbouring properties and future occupiers of the appeal scheme)

17. There would be some possibility of overlooking of part of the rear garden and amenity areas of the proposed dwelling on the neighbouring plot (The Coach House). However, the appellant has provided information that such overlooking would be restricted taking account of the respective levels of the dwellings, the separation distances involved and proposed screening on the dividing boundary consisting of a 2m high fence along with additional tree planting. I note that the separation distance to the proposed paved amenity area of the proposed neighbouring dwelling would be well in excess of 20m which would be sufficient to prevent any significant overlooking in this case.
18. Taking account of these factors I consider that the degree of overlooking would be limited and would not result in an unreasonable loss of privacy for future occupiers of the neighbouring Coach House.
19. I turn now to matters raised concerning the living conditions of the future occupiers of the two dwellings proposed through this appeal. The outlook from the window of bedroom 5 of plot 1 would be restricted by the massing of the flank wall of the higher dwelling on plot 2. However, as this bedroom is the smallest of the five bedrooms in the dwelling and given that a separation distance of approximately 5m would still be provided, I consider that any resulting harm would be limited. The light to the side kitchen window would also be restricted though the kitchen would also be lit by the large rear window serving the associated family room and hence I am satisfied that any harm in this respect would be limited. I also consider that any harm arising from overlooking between the windows of bedroom 5 in both dwellings would not be significant given that these are both the smallest '5th' bedrooms for either dwelling and that the side elevation of plot 2 would angle slightly away from the side elevation of plot 1. As suggested by the Council, I consider that other potential opportunities for overlooking could be satisfactorily resolved by conditions should permission be granted.
20. Therefore, there would be likely to be some limited harm arising in terms of living conditions of the future occupiers of the proposed dwellings. However, when considered in the context of the overall living conditions for each dwelling when considered as a whole, I do not consider that any harm arising in this respect would be significant.
21. Consequently, I consider that the proposal would not result in any unreasonable impact upon the privacy of the future occupiers of the proposed neighbouring dwelling and it would provide for satisfactory overall living conditions for future occupiers of the dwellings proposed in the appeal scheme. It would therefore satisfactorily accord with the relevant amenity aims of policies D1 and D4 of the Local Plan, policy FNP8 of the Farnham Neighbourhood Plan and policy TD1 of the Draft Local Plan and the Framework.

Other matters

22. The site is located within 5km of the Thames Basin Heaths SPA and consequently the proposal has the potential to adversely impact upon the integrity of this protected area. As referred to above, the appellant has provided a unilateral undertaking making provision, through financial contributions, for the mitigation of the proposal's impact upon the SPA. The

Council has confirmed that this overcomes its previous objection on this matter. Given my overall conclusion on the merits of this appeal, it is not necessary in this instance for me to give any further consideration to the content of the unilateral undertaking.

23. The appellant considers that the Council is unable to demonstrate a five year supply of deliverable housing sites. In doing so the appellant refers to an appeal decision¹ of March 2017 at Former Weyburn Works where the Inspector found the housing land supply to be between 4.08 and 4.27 years. In such a scenario, relevant policies for the supply of housing should not be considered up to date. The Council has subsequently provided a housing supply update dated July 2017 which concludes there to be a housing land supply of 6.28 years. This is based upon the Local Plan Examination Inspector's provisional findings in July 2017. The appellant's final comments have not sought to refute this although I acknowledge that this does not necessarily mean that the appellant has accepted the Council's current position. From the evidence before me as part of this appeal, it is not possible to come to a definitive and conclusive view on the current five year housing land supply position. I will go on to consider the implications of this in my conclusion below.

Conclusion

24. I have found that the proposed development would result in significant harm to the character and appearance of the area, and would therefore be contrary to the relevant development plan policies as stated earlier in this decision. Given the general conformity of such policies with the Framework, I have given considerable weight to the conflict with them. Whilst I have found that no significant harm would result in relation to flooding and residential living conditions, the significant harm that would result to the character and appearance of the area leads me to find that the proposal would not accord with the development plan when considered as a whole.
25. The proposed development would provide for two family sized dwellings, making a modest contribution to the supply of housing in the Borough. In the context of a scenario where the Council is unable to demonstrate a five year housing land supply to the extent stated in the Former Weyburn Works appeal decision, I have given the resulting social and economic benefits moderate weight. Whilst the matter of housing supply is inconclusive, even should it be the case that the Council is unable to demonstrate a five year supply of housing land to the extent stated in the Former Weyburn Works appeal decision, I consider that the adverse effects would significantly and demonstrably outweigh the benefits. The proposal would not therefore amount to sustainable development in the context of paragraph 14 of the Framework.
26. The proposal would conflict with the development plan when read as a whole and other material considerations do not outweigh this finding. Therefore, for the reasons given, and taking all other matters into consideration, the appeal should be dismissed.

David Cliff

INSPECTOR

¹ APP/R3650/W/16/3150558