
Appeal Decision

Site visit made on 15 May 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/R3650/W/18/3215430

Berkeley Sports, 50 Upper Hale Road, Farnham GU9 0NS

- 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 Martyn Grimes against the decision of Waverley Borough Council.
 - The application Ref WA/2018/0969, dated 6 June 2018, was refused by notice dated 2 August 2018.
 - The development proposed is demolition of large existing buildings, erection of two new dwellings with covered parking and revised access point on to the highway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (a) the character and appearance of the area, (b) the integrity of a Special Protection Area and (c) highway safety and the adequacy of the parking arrangements.

Reasons

Character and appearance

3. The appeal site comprises a single storey building used as a sports shop with a parking hardstand to its side. It is located on the north-eastern side of Upper Hale Road and to the south-eastern side of its junction with Heath Lane. The existing building is attached to No.48 Upper Hale Road, a two storey terraced house with a front porch. No.48 is located on lower ground and land levels rise to the north-west. The surrounding area is mainly residential in character but mixed in form with many bungalows to Heath Lane, new and old terraced houses to the south-east and semi-detached dwellings to the north-west.
4. The proposed dwellings would have living accommodation on three floors with the top floor being set within the roof area served by front and rear roof lights. Notwithstanding the change in land levels, its eaves and ridge lines would be substantially higher than those of the attached building and terrace at 42-48 Upper Hale Road. The front elevation would have a weak design with recessed entrances alongside covered parking spaces at ground floor level and first floor windows unrelated to either ground floor or second floor openings or to the fenestration of the terraced houses. There would be a gable end wall significantly higher and wider than that on the adjacent terrace facing the open junction with Heath Lane.

5. By reason of its height, mass and poor design on a prominent corner site, the proposal would be out of keeping with the character of the surrounding area and would detract from the appearance of the street scene. It would thereby conflict with saved Policies D1 and D4 of the Waverley Borough Local Plan (2002), Policy TD1 of the Waverley Borough Local Plan Part 1 (2018) (WLP) and with Policy FNP1 of the Farnham Neighbourhood Plan (made 2017). These collectively require proposals to be appropriate in terms of scale, height, form and appearance and to be of a high quality design that responds to the distinctive local character of the area in which it is located.
6. The appellant contends that the proposal would be in keeping with the changing nature of Upper Hale Road and has referred to the new terraced houses, some with frontage parking, on a redeveloped public house site 50m to the south-east. However, these houses have a scale that fits in with the street scene, have coherent and attractive designs and where frontage parking is provided this is on a forecourt with the buildings set back from the footway. The appellant points out that bins could be stored at the back of the proposed houses and not left on the footway; however, such management of bins by future householders would not overcome the significant harm to the character and appearance of the area arising from the scale and design of the building.

Special Protection Area

7. The site is located within a 5km zone of influence to the Thames Basin Heathland Special Protection Area (TBHSPA). No assessment was made of any pressures on the TBHSPA, or mitigation proposed to offset any impact on its integrity, at the time of the appeal application, but the appellant has subsequently prepared an Ecology Report (ER) to inform a Habitats Regulations Assessment (HRA).
8. The ER confirms that the site is 0.8km from the Bourley and Long Valley Site of Special Scientific Interest (SSSI), the nearest part of the TBHSPA which supports populations of Nightjars, Woodlarks and Dartford Warblers as qualifying features. It sets out a procedure for assessment of key stages as laid out within ODPM Circular 06/2005. A stage 1 analysis confirms that the proposals are not concerned with the management of TBHSPA and that a Stage 2 HRA Screening assessment is required. This identifies likely significant effects in-combination with other plans and projects in the form of increased recreational pressure, such that a formal Appropriate Assessment is required.
9. The ER concludes under the Appropriate Assessment methodology that, *"in view of the designation's conservation objectives with the implementation of avoidance/mitigation measures in line with those set out in adopted local policy (in the form of SANG/SAMM contribution), the proposals would have no effect on the integrity of the TBHSPA either alone or in combination with other plans and projects and accordingly, in ecological terms and following standard guidance in relation to the HRA process, planning permission can safely be granted in relation to this matter"*. The findings of the ER are not corroborated by a consultation with Natural England as the statutory nature conservation body, but other than this, I have no reason to disagree with its conclusions regarding an Appropriate Assessment.
10. However, the proposal is not accompanied by a planning obligation to make contributions towards Sustainable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) as recommended by the

ER and in accordance with the Council's policies. I am satisfied that such contributions would satisfy the three tests as set out in Regulation 122(2) of the Community Infrastructure Regulations (2010) in that they would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. In the absence of a planning obligation to make such mitigation to offset increased recreational pressures, the proposal would be likely to adversely affect the integrity of the TBHSPA. It would thereby be contrary to Policies NE1 and NE3 of the WLP and policies FNP12 and FNP13 of the FNP that seek to conserve and enhance biodiversity and the ecological integrity of the TBHSPA.

Highway safety and parking

11. The hardstand at the side of the existing building has a vehicular access on to the corner of Upper Hale Road with Heath Lane. The proposal would involve replacement of this access with a double width crossover positioned more centrally within the site. From this position, visibility to the north-west along Upper Hale Road would be good, but to the south-east would be inferior to that for the existing access due to the obstruction formed by the porch at 48 Upper Hale Road. The width of the footway is also constrained by the porch. The local highway authority has objected to the proposal considering that, whether vehicles are leaving the site in forward gear or reversing, the shortfall in visibility in relation to approaching vehicles or pedestrians would lead to conditions prejudicial to highway safety.
12. Subsequent to the refusal of the appeal application, the appellant has commissioned a Transport Note (TN) from the Civil Engineering Practice that has analysed traffic speeds along Upper Hale Road and achievable stopping sight distances in relation to the proposed access. The TN states, *"to achieve the junction visibility desired of 51.5m to the south a vehicle exiting the parking bay would need to 'nose out' 3.0m into the carriageway"*. The TN considers that such nosing out is an established principal within an urban environment in Manual for Streets, but visibility would be significantly poorer than from the existing access. I also note from the highway accident records that there have been traffic incidents in the vicinity of the appeal site in recent years.
13. The restricted pedestrian and vehicular visibility associated with the creation and use of the proposed vehicular access would lead to conditions prejudicial to highway safety. The proposal would thereby be contrary to WLP Policy ST1 and with FNP Policy 30 that promote sustainable transport and the creation of safely located vehicular and pedestrian accesses with adequate visibility.
14. The proposal would provide one parking space for each dwelling. The Council's preferred provision is two spaces for each dwelling. The TN includes a parking stress survey which shows that there are generally many kerb side parking spaces within walking distance of the site that would be suitable for visitor parking. I note that the objections from interested parties refer to local on street parking congestion but having regard to the findings of the TN, any harm or inconvenience for local residents arising from overspill parking from the proposal would not be likely to be so great as to warrant dismissal of the appeal on parking grounds. There would be no substantive conflict with saved Policies D1 and D4, Policy TD1 of the WLP or with Policy FNP1 of the FNP that relate to the design, layout and environmental implications of development.

Other matters

15. The proposal would have the benefit of providing two additional homes to the housing stock within a sustainable location. However, this benefit would be significantly and demonstrably outweighed by the harm the character and appearance of the area, the potential threat to the integrity of the TBHSPA and in relation to the highway safety implications of the proposal.

Conclusion

16. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Rory MacLeod

INSPECTOR