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# 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**

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**Appeal Ref: APP/R3650/W/18/3213575**

**The Coach House, Great Austins House, 90 Tilford Road, Farnham, Surrey GU9 8DS**

- 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 B&M Developments Ltd against the decision of Waverley Borough Council.
  - The application Ref WA/2017/1810, dated 7 July 2017, was refused by notice dated 27 June 2018.
  - The development proposed is extensions and alterations to form a two-bedroom dwelling.
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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 integrity of Special Protection Areas and (b) the stability and amenity of retained trees.

## Reasons

3. The Coach House is a dilapidated detached building of brick and timber construction with a tiled roof. It is located in the eastern corner of the site adjacent to a side boundary and set back some 7m from the Tilford Road frontage. It is currently used for storage and has parking spaces alongside. The building is within the grounds of Great Austins House, an extended mainly two storey building occupied as apartments with bungalows and garages to the rear of this. The site is located within the Great Austins Conservation Area and the South Farnham Arcadian Areas identified by the Farnham Neighbourhood Plan (made 2017) (FNP).

## *Special Protection Areas*

4. The site is located within the 5km buffer zones of the Thames Basin Heath and Wealden Heaths Special Protection Areas (SPA) which could be subject to recreational pressures arising from the proposal. Following a recent court ruling<sup>1</sup>, if a proposal, either alone or in combination with other proposals, is likely to have a significant effect on a SPA and is not directly connected with its management, then an Appropriate Assessment should be undertaken on the implications for the SPA in relation to its conservation objectives.

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<sup>1</sup> European Court of Justice ruling (Case C323/17 – People Over Wind and Sweetman 2018) relating to the application of the Habitats Directive.

5. The proposal is not accompanied by information to inform an Appropriate Assessment, nor by a planning obligation relating to financial contributions that the Council indicates may provide sufficient mitigation for recreational pressures arising. As such, it has not been demonstrated that the proposal would not have a significant adverse effect on the integrity of the SPAs. The proposal would thereby be contrary to Policy NE2 of the Waverley Borough Local Plan Part 1 (2018) (WLP) and Paragraphs 176 and 177 of the National Planning Policy Framework (the Framework) that seek to safeguard the integrity of habitat sites including Special Protection Areas.

### *Trees*

6. There are substantial trees to the north-east and south-west of the Coach House with canopies that overhang the building. The proposed extension would be over the likely root protection areas for some of these trees. The appellant proposes utilising micropiles to support a floating slab, thereby minimising disturbance to the root system of the surrounding trees. Furthermore, it is claimed that utilisation of a concrete slab to a former driveway beneath a thin layer of topsoil in the location of the proposed extension would also minimise root damage. A photograph has been submitted indicating a former vehicular access from Tilford Road leading to the area of the proposed extension; there is now a front boundary wall and hedge across the former opening.
7. However, the extent of any remaining hardstanding beneath the lawn where the extension would be built is unclear as is its depth, condition and the degree to which it could be relied upon to support the extension. Whilst the use of sensitively sited micropiles may limit root damage, given the proximity of trees to the construction site and the high probability of several tree roots in this area, it seems likely that there would nonetheless still be some damage to tree roots. It has not been demonstrated that the health and stability of the nearest trees would not be adversely affected.
8. The canopies to some of the trees close to the building include low branches and even with some crown raising, it is likely that regrowth would have some impact on outlook from and light received by windows in the proposed dwelling. The ground floor kitchen window would face north-east towards two large trees close to the building. The south-west facing lounge windows would be shaded by another large tree close by and the north-west facing bedroom window would be close to a conifer tree. Given the number and proximity of trees around the proposed dwelling, it is likely that there would be pressure from future occupiers to prune or remove trees. Whilst conservation area status affords some protection for the trees, the provision of a satisfactory relationship between the dwelling and trees should be established at the planning stage without having to rely on other powers to safeguard the amenity value of retained trees.
9. The threat to tree roots and canopies would be contrary to Policies NE2 and HA1 of the WLP, Policy FNP8 of the FNP and with saved Policies HE8(a), D4 and D7 of the Waverley Borough Local Plan (2002). These policies collectively seek in relation to new development the protection of trees that contribute to the informal rural character and well-wooded appearance of the South Farnham Arcadian Areas and to land within conservation areas.

### *Other matters*

10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty for decision takers with respect to any buildings or other land in a conservation area, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The significance of the Great Austins Conservation Area is that it is an estate laid out in the early twentieth century following garden suburb ideas. The proposal would be modest in scale and not prominent in views from public land or adjoining properties. It would not undermine the positive contribution that the main building makes to the character of large buildings in sylvan gardens. It would have a neutral effect on the significance of the conservation area. The proposal would thereby preserve the character or appearance of the conservation area in relation to the statutory duty.
11. Some interested parties have objected to the proposal on the grounds of harm to wildlife and claim that the Coach House has been used by bats and barn owls. The appellant has submitted an Ecology Appraisal and completed the Council's Biodiversity checklist. These indicate no evidence of any historic or recent bat roosting anywhere on site and no evidence of any notable bird nesting activity for rare species such as barn owls.
12. Some residents have objected to the loss of the convenience offered by the present two front garden parking spaces that would be allocated to the proposed dwelling. There is parking elsewhere on the site and I have no evidence to disagree with the Council's findings of satisfactory overall parking provision at the wider site. Others have commented that the land around the Coach House is currently used for the storage of the site's bins as this is close to the site entrance where refuse collection servicing takes place. My visit confirmed this. It would not be appropriate to store these bins in this position if the Coach House is to be used as separate living accommodation. The site has extensive grounds, but the plans do not indicate an alternative location where the bins could be stored.
13. The proposal would contribute one additional small dwelling to the housing stock in a sustainable location within a built up area. However, the Council has a five year housing land supply and so the tilted balance at Paragraph 11 of the Framework does not apply. The modest benefit of one dwelling would be significantly and demonstrably outweighed by the harm to the stability and amenity of trees of amenity value and by the potential threat to the integrity of the SPAs.

### **Conclusion**

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

*Rory MacLeod*

INSPECTOR