
Appeal Decision

Site visit made on 14 January 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2020

Appeal Ref: APP/R3650/W/19/3237999

Land south of 65A Lodge Hill Road, Lower Bourne, Farnham GU10 3RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs B. Lacey against Waverley Borough Council.
 - The application Ref WA/2019/0974, is dated 24 May 2019.
 - The development proposed is the erection of single detached residential dwelling with access off Lodge Hill Road. Associated parking and private garden.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has purported to issue a decision on the planning application following the submission of the appeal. Due to the lack of decision by the Council at the time of submission, I have dealt with the appeal on the basis of the Council's failure to give a decision. Nonetheless, the purported decision provides putative reasons for refusal on the basis of which the Council opposes the development.
3. A Unilateral Undertaking has been submitted in respect of payment to mitigate the effect of the proposed development on the Thames Basin Heath Special Protection Area. This is addressed below.

Main Issue

4. The main issue raised in this case is the effect of the proposal on the character and appearance of the area, including the long-term health of protected trees

Reasons

Character and appearance

5. The appeal site lies along the northern side of Lodge Hill Road and comprises an area of garden land associated with the dwelling 65A Lodge Hill Road (No 65A). No 65A lies at a lower level and is not visible from vantage points along the highway. The site is adjacent to the vehicular access drive to No 65A and is generally level where the proposed dwelling would be sited. Levels fall to the north and east, into a wooded area that is covered by a Tree Preservation Order.
6. I observed that generally the area is characterised by detached dwellings, set within generous and spacious plots. There is also a significant amount of tree cover, both along the highway and set back within plots, which frames and

- provides backdrops for existing buildings. The site lies within the South Farnham Arcadian Areas, as defined by the Farnham Neighbourhood Plan (2017) (the FNP).
7. The proposed dwelling would be set back from the highway by approximately 15 metres (m), set behind a substantial hedge which would to some degree limit its visibility. However, I am conscious that this hedge cannot be relied upon in perpetuity to provide screening for the development. Whilst the appellant comments that the dwelling would be 1½ storeys in height, it would in my view, notwithstanding a relatively low eaves height, appear as a two-storey dwelling which would be plainly visible from the adjacent highway. The set back from the road would do little to diminish its visual presence. The appeal site comprises an open space typical of the spacious character of the area, which contributes to the informal and rural character of the wider area. The introduction of a dwelling at this location would appear as a discordant addition, not reflective of this spacious character.
 8. The dwelling would also be in close proximity to 65 Lodge Hill Road (No 65). Whilst the appellant contends this would be approximately 20m, this distance is measured from the side elevation of the main dwelling, rather than the built form of the attached outbuilding. The Council contend that the proposed dwelling would be approximately 13m from No 65. Notwithstanding these differing stated distances, the proposal due to its proximity to the neighbouring property, would not be reflective of the spacious layout of development within the immediate vicinity of the site.
 9. I am conscious that there has been a previous appeal¹ on the site, which was dismissed due to harm to the character and appearance of the area. In that appeal, the Inspector found that the combination of the closeness to No 65 and the obvious closeness to the road, reinforced their view that the proposal would fail to respect the scale, pattern and density in the area.
 10. I acknowledge that in order to attempt to address this concern, within the scheme that is before me, the appellant contends that the dwelling has been set back further from the road and the separation from No 65 has been increased. Whilst I note these amendments to the scheme however, as I outline above I find that the set back from the road would not be sufficient to ameliorate the incongruous appearance that the development would have. Furthermore, I note comments in regard to increasing the spacing between the proposal and No 65. However, I note from the submitted details, due to the orientation of the dwelling the proposed building would be closer to No 65 at some points, than the previously proposed development. Thus, I find that the scheme that is before me has not overcome the reasons for dismissal of the previous appeal.
 11. A large part of the site is covered by a Tree Preservation Order, protecting a "woodland area comprising mixed broadleaved and mixed evergreen trees". The Council has no objection to the development on the basis of any direct effect on the trees and I find no reason to disagree with this. Concern stems from the future pressure to reduce the woodland area. In this regard I note that the rear garden of the proposed development would be located between the access drive which serves No 65A and a number of large, high trees.
 12. The dwelling would be located directly alongside the canopy of the adjacent trees. Given the height of the trees, together with the cover provided by the canopy, they would tower above the proposed dwelling and in particular the rear garden area. Whilst I appreciate that the scheme is likely to appeal to individuals seeking a

¹ APP/R3650/W/19/3158513

property within a wooded environment, it cannot be guaranteed that this attraction would endure throughout an individuals' occupation or for all occupiers in the future.

13. Given the constrained nature of the rear garden, I find that the height of the trees is likely to result in a considerable sense of enclosure. In such circumstances, there would be significant pressure to lop, or possibly fell, the trees in order to address these concerns, which may be difficult for the Council to resist. The reduction of the trees or their loss would diminish to an unacceptable degree, or remove, the positive contribution that they make to the area. I note that the Inspector, when considering the previous appeal on the site, also found this to be the case.
14. I therefore find the scheme would result in harm to the character and appearance of the area. Furthermore, given the significant contribution that the protected trees make, the potential future pressure for a reduction in their crown or their removal would have a considerable adverse effect on both the character and appearance of the area. Accordingly, the proposal conflicts with policy FNP8 of the FNP, policy TD1 of the Waverley Borough Local Plan, Part 1, Strategic Policies and sites (2018) as well as policies D1 and D4 of the Waverley Borough Local Plan (2002). Together, and amongst other things, these policies seek to ensure that development maintains the informal rural character and well wooded appearance of the area, that development responds to as well as respects distinctive local character and that development does not result in harm to the distinctiveness of a locality.

Other Matters

15. In the reasons for refusal, the Council also cite the lack of mitigation for effects on the Thames Basin Heath Special Protection Area. I note that a signed legal agreement has been submitted in this respect. The Council highlight that there are errors within this document, in that the address is missing from the front page, the document has not been dated and one of the recitals should be removed. Notwithstanding this, as I have found harm above sufficient to dismiss the appeal, the development will not take place and thus there would be no resultant effect on this designated area which would require mitigation. As such, I have no need to consider this matter further.
16. The appellant contends that the Council is not able to demonstrate a 5-year supply of deliverable housing sites, whilst the Council maintain that it is able to demonstrate a 5-year supply. However, despite the differing views of the parties, even if it is the case that there is no 5-year housing land supply, overall I find that the adverse impact of the proposed development would significantly and demonstrably outweigh the limited benefits that would arise from the contribution of a single dwelling to housing supply, when assessed against the policies in the Framework taken as a whole.

Conclusion

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

Martin Allen

INSPECTOR