
Appeal Decision

Site visit made on 10 December 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/R3650/W/19/3237325

25 Middle Bourne Lane, Lower Bourne, Farnham GU10 3NH

- 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 Harvey Gudge against the decision of Waverley Borough Council.
 - The application Ref WA/2019/0109, dated 2 January 2019, was refused by notice dated 8 August 2019.
 - The development proposed is the erection of a single dwelling along with additions to existing dwelling and car parking and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwelling along with additions to existing dwelling and car parking and associated works at 25 Middle Bourne Lane, Lower Bourne, Farnham GU10 3NH in accordance with the terms of the application, Ref WA/2019/0109, dated 2 January 2019, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issue

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and, (ii) the Thames Basin Heaths Special Protection Area.

Reasons

Character and Appearance

4. The appeal site is located on a corner plot adjacent to the junction of Middle Bourne Lane and Valley Lane. It is in a predominantly residential area, which mainly consists of 2 storey dwellings of varied size and architectural style. The land to the side of No 25 consists of a lawn which is enclosed by hedging on the boundary. The site is served by a vehicular access to the rear from Valley Lane.
5. The proposed 2 storey side and rear extensions to No 25 would be set down from the ridgeline of the main roof and would appear subordinate to the existing dwelling. The pitched roofs of the extensions would respect the form and design of the main roof. The proposed side extension would remain set-

back from the front elevation and the proposed rear extension would appear proportionate to the existing dwelling due to its modest width and depth. The proposed alterations to No 25 would therefore integrate satisfactorily with the existing dwelling and would provide an acceptable appearance.

6. The proposed dwelling would respect the design, form and proportions of No 25 and it would be similar in appearance. Whilst the dwellings in the area are generally varied in architectural style, there are groups of buildings that are similar in appearance, including Coolgreany and Nos 2 to 8 Valley Lane. In this respect, the appearance of the proposed dwelling would integrate satisfactorily with the surrounding area.
7. The proposed dwelling and extensions to No 25 would cumulatively increase the amount of built form on the site. Nevertheless, an appropriate gap would be provided between the buildings, which would afford visual separation. Moreover, the proposed dwelling would maintain sufficient spacing to the boundary with Middle Bourne Lane and Valley Lane, which would facilitate the provision of soft landscaping. This would help assimilate the dwelling into its surroundings and ensure that it would not appear dominant or cramped in the street scene.
8. The existing vehicular access from Valley Lane would facilitate the provision of 3no on-site parking spaces for each dwelling, with manoeuvring space to allow vehicles to turn. The amount of hard-surfacing associated with the parking area would cover a modest proportion of the site and therefore it would not appear incongruous in the surrounding area. Furthermore, the proposed dwelling would have a soft-landscaped garden area, which would provide sufficient usable outdoor amenity space for future occupiers of the dwelling. These factors signify that the proposed development would not be cramped.
9. For the above reasons, I conclude that the proposed development would not be harmful to the character and appearance of the area. The proposal would therefore comply with Policy TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 ('LP'), Policies FNP1 and FNP16 of the Farnham Neighbourhood Plan 2017 ('FNP'), and saved Policies D1 and D4 of the Waverley Borough Council Local Plan 2002 ('SLP'), which, amongst other things, seek high quality design that responds to the distinctive local character of the area. The proposal would also accord with Chapter 12 of the National Planning Policy Framework, which, amongst other things, states that planning decisions should ensure that developments are sympathetic to local character.

Effect on the Thames Basin Heaths SPA

10. The appeal site lies within a buffer zone, between 400 metres and 5 kilometres of the Thames Basin Heaths Special Protection Area (SPA), which is an internationally designated site of nature conservation importance. It provides a habitat supporting breeding populations of three protected bird species: Nightjar, Woodlark and Dartford Warbler. The proposed development would create a net increase of one dwelling and therefore would increase the population and associated recreation pressure within the 5km buffer zone of the SPA.
11. The proposed development is not directly connected with or necessary for the management of the SPA. Therefore, in combination with other projects across the area, the proposal could have a significant effect on the SPA as a result of

the cumulative increase in population nearby. In these circumstances, the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) require that an Appropriate Assessment is carried out.

12. With regard to the above, the SPA supports populations of internationally important bird species, which are susceptible to predation and disturbance. The additional dwelling proposed, whilst small scale on its own, would contribute to an increased population in combination with other plans, projects and developments in the area. Given the proximity of the development to the SPA, it is likely that this increase in population will lead to an increase in visitor and recreational pressure within the SPA. Taking into account the susceptibility and vulnerability of the important conservation features of the SPA to such use, it cannot be concluded that the development, in combination with other projects, would not adversely affect the integrity of the SPA.
13. The Waverley Borough Council Thames Basin Heaths SPA Avoidance Strategy (July 2016) is in place to provide the possibility of opportunities to avoid or mitigate the adverse effects. This is through the provision of alternative recreational space to attract and divert people away from the SPA, together with access management measures within the SPA. In that respect, the Avoidance and Mitigation Strategy has the potential to demonstrate adequate avoidance or mitigation of significant adverse effects due to recreational pressure on the SPA. To achieve such avoidance and mitigation it seeks financial contributions from development to contribute towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).
14. Further to Regulation 63(3) of the Habitats Regulations, I have consulted Natural England as part of this assessment and had regard to their views in relation to the matter. Natural England has no objection to the proposal providing the appellant is complying with the Council's avoidance strategy and providing appropriate contributions to SANG and SAMM.
15. The appellant has completed a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to provide for the appropriate contribution to be made in accordance with the Avoidance and Mitigation Strategy, including towards a SANG at Farnham Park and towards SAMM. The contributions would be necessary to make the development acceptable in planning terms; directly relate to the development; and are fairly and reasonably related in scale and kind to the development. Furthermore, with the planning obligation in place, I consider that the effects of this proposal on the SPA would be sufficiently mitigated so that no harm to its integrity would result.
16. I conclude that the development would not have a harmful effect on the Thames Basin Heaths SPA. The proposal would therefore accord with Policies NE1 and NE3 of the LP, Policies FNP12 and FNP13 of the FNP and saved Policy NRM6 of the South East Plan, which require new residential development to provide appropriate mitigation for impacts on the SPAs and to protect and enhance biodiversity.

Other Matters

17. I have had regard to the representations from the Town Council, Bourne Residents' Association and local residents, which, in addition to the above main issues, raise a range of other matters. These include the impact of the proposed development on: the living conditions of the occupiers of neighbouring properties; highway safety; access; traffic; parking; pollution; housing mix; accessibility; and biodiversity. The officer's report considered these issues extensively.
18. The officer's report affirms that the proposed development would not cause a harmful loss of light, outlook or privacy to neighbouring properties. Given the separation distances and relationship of the proposed development to the neighbouring windows and main outdoor amenity areas, I see no reason to disagree. Concerns have been raised by a local resident that the box window to the east of the proposed dwelling would cause light pollution that would shine into neighbouring houses in Valley Lane. Nonetheless, the appeal site is located in a settlement and internal lighting would not cause harm to the living conditions of neighbouring properties by reason of glare. The parking area would serve 2 dwellings and therefore vehicular movements would be infrequent. Consequently, the parking area would not cause significant noise or disturbance to neighbouring properties.
19. The Highway Authority raised no objections in respect of highway safety and the effect of the proposed development on the operation of the local highway network. The increase in vehicular movements associated with one additional dwelling would be limited and therefore it would not cause a material increase in traffic congestion or pollution. The proposal would utilise an existing vehicular access and so it would not cause an adverse effect to pedestrian safety. The plans show turning space to enable vehicles to enter and exit the site in forward gear, which would avoid vehicles reversing in Valley Lane. Some local residents have suggested that the distances used by the Highway Authority to assess the proposal are inaccurate, however there is no substantive evidence before me to show that this is the case. The access and parking arrangement would serve a small number of dwellings and so it would not cause danger to occupiers of the proposed development.
20. The plans show that 3no parking spaces would be provided for each dwelling, which is sufficient. One of the parking spaces for the proposed dwelling would include an electric vehicle charging point, which would accord with sustainable transport objectives. Having regard to the on-site parking provision, it is unlikely that vehicles would park in Valley Lane.
21. Policy AHN3 of the LP seeks an appropriate range of different types and sizes of housing to meet the needs of the community. The proposed development would not conflict with the policy because it does not preclude the provision of dwellings with four bedrooms. In housing delivery terms, the development would also be relatively modest and would consequently only have a very limited effect on the mix of dwellings, by size, in the Council's area.
22. Policy AHN3 also states that the Council will require developments to meet Building Regulations M4(2) Category 2 standard: "Accessible and adaptable dwellings" to meet the needs of older people and those with disabilities. This could be secured by the imposition of a planning condition.

23. Having regard to the location and characteristics of the appeal site, and the submitted biodiversity checklist, the officer's report states that a biodiversity survey is not necessary and I agree.

Conditions

24. The Council has suggested 8 conditions which I have considered against the Framework and the advice in Planning Practice Guidance, amending where necessary in the interests of precision. I am satisfied that all of my conditions set out in the attached Schedule are necessary, relevant and reasonable to make the approved development acceptable.
25. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
26. A condition to require details of the materials to be used in the construction of the external surfaces of the development are necessary in order to protect the character and appearance of the area. In the interests of proper planning and to avoid any potentially abortive works, it is appropriate that the condition should be approved prior to the commencement of development.
27. A condition requiring the parking and manoeuvring area to be provided in accordance with the approved plans is necessary in the interests of highway safety.
28. A condition to require an electric charging socket to be provided in accordance with details of a scheme to be approved by the Local Planning Authority is necessary in order to meet sustainable transport objectives.
29. A condition relating to water efficient design is necessary to minimise the environmental impact of the proposed development, in accordance with Policy CC2 of the LP.
30. In order to protect the living conditions of the occupiers of neighbouring properties during construction works, a condition is necessary to restrict the hours of construction.
31. A condition to prevent the installation of additional first floor windows in the eastern side elevation of the proposed dwelling is necessary to protect the privacy of neighbouring properties in Valley Lane.
32. In addition to the conditions suggested by the Council, I have imposed a condition to require the proposed dwelling to be built to Building Regulations M4 (2) standard "Accessible and adaptable dwellings". This is necessary in order to meet the needs of older people and those with disabilities, in accordance with Policy AHN3 of the LP.
33. The Council has suggested a condition to require the existing vegetation along the boundary with Middle Bourne Lane to be trimmed and thereafter kept permanently clear of any obstruction over 1.05 metres high. The Highway Authority states that this is to improve visibility from Valley Lane onto Middle Bourne Lane in the leading traffic direction (to the west). Nonetheless, as this is an existing junction, the condition is not necessary to make the proposed development acceptable. The increase in vehicular movements associated with one additional dwelling would be limited and so it would not materially harm

highway safety. The suggested condition therefore would not meet the tests in paragraph 56 of the National Planning Policy Framework.

Conclusion

34. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be allowed.

C Osgathorp

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

345 001; 345 002 A Rev A; 345 003 A Rev A; 345 004 A Rev A; 345 005 A Rev A; and 345 006 A Rev A.
3. No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. The development hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
5. The development hereby approved shall not be occupied until the proposed dwelling is provided with an electric vehicle charging socket in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging socket shall thereafter be retained and maintained.
6. The development hereby approved shall not be occupied until details have been submitted to and approved in writing by the Local Planning Authority to confirm that the dwelling has been completed to meet the water efficiency optional requirement of 110 litres of water per person per day, as set out in The Building Regulations (2010) Approved Document G Requirement G2 and Regulation 36.
7. Construction works including ground works, shall take place only between 08:00 – 18:00 on Mondays to Fridays and 08:00 – 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank Holidays.
8. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or other openings other than those expressly authorised by this permission shall be constructed at first floor in the eastern elevation of the dwelling hereby permitted.
9. The dwelling hereby approved shall be built to The Building Regulations (2010) Access to and use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4 (2): Accessible and adaptable dwellings.