



Appeal Decision

Site visit made on 15 January 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

Appeal Ref: APP/R3650/W/19/3236961

Rosefield, 81 Boundstone Road, Rowledge, Farnham GU10 4AT

- 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 Hugh Dennis, Rosefield (Rowledge) Ltd. against the decision of Waverley Borough Council.
 - The application Ref WA/2019/0388, dated 19 February 2019, was refused by notice dated 14 August 2019.
 - The development proposed is described as the "Retention of existing five-bedroom detached house, 4 no. three-bedroom flats, arranged in 2 no. detached two-storey buildings. Ground floor flats have garages. The first floor flats have roof terraces above garages and large loft spaces for storage. Each property, including the first floor flats, has its own private garden set in grounds with mature trees. The flats are aimed at the 'Down-sizers market' where there are a notable lack of options available locally".
-

Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of land forming part of the curtilage of No 81 Boundstone Road, Rowledge to provide four new self-contained 2-bedroom apartments with associated amenity space, parking provision and vehicular access at Rosefield, 81 Boundstone Road, Rowledge, Farnham GU10 4AT in accordance with the terms of the application, Ref WA/2019/0388, dated 19 February 2019, subject to the conditions in the attached Schedule.

Procedural Matter

2. The description of development in the banner heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, the amended description more concisely describes the proposed development and is used by the appellant in the appeal statement. I have therefore used this in the formal decision above.

Application for costs

3. An application for costs was made by Mr Hugh Dennis, Rosefield (Rowledge) Ltd. against Waverley Borough Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site lies to the rear of an existing dwelling and comprises part of its rear garden. There is a high degree of variety in the layout and arrangement of nearby dwellings, with many being accessed from and addressing the highway, whilst others are set back from the highway. Some are located within closes, with others located behind dwellings and accessed via long access drives. As a result of this, many dwellings in the area are not visible from the highway. Consequently, there is no typical layout of development that defines the character of the area. I observed that there is also considerable variety in the design and scale of dwellings that are present.
6. The proposed development would consist of two buildings, each comprising of two flat units, located to the rear of 81 Boundstone Road (No 81). Each building would be of a two-storey height and, notwithstanding that they would each contain flats, would have the appearance of not-insubstantial dwellings. They would reflect the scale of nearby development and add further variety in terms of their detailed design and use of external materials. The arrangement of the buildings located behind others is not unusual in the area, rather it is a common attribute of buildings in the vicinity. The buildings in terms of their location, design and scale would not therefore be inappropriate additions to the area.
7. Further comment is made of the "intensive" use of the site for flatted development. However, given the generous proportions of the appeal site, together with the degree of activity that is likely to be associated with the nearby residential development, I am unconvinced that the intensity of the use would be such that it would be harmful in any way.
8. I have been referred to the Farnham Design Statement 2010 however the status of this document has not been clarified. In any event, in respect of the Rowledge area I have been referred to the requirement that distinctive mature gardens should be retained. The document states this should be achieved by avoiding inappropriate infill. In this case, the garden has little visibility from public vantage points and appears larger than those I was able to see at the nearby dwellings. I therefore consider that the garden of the property is not particularly distinctive. Furthermore, I do not find that the proposal would comprise inappropriate infill.
9. Overall, I find that the proposal would not be incongruous within the existing pattern of development and it would not be out of keeping with the character of residential development nearby. Thus, the proposal would not have a harmful effect on the character and appearance of the area. The scheme accords with policy TD1 of the Waverley Borough Local Plan, Part 1, Strategic policies and sites (2018) (the Local Plan), policy FNP1 of the Farnham Neighbourhood Plan (2017) 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 responds to the distinctive character of the area within which it is located, that development does not harm the distinctiveness of an area with regard to its relationship to its surroundings and

that development integrates well with the site as well as complements its surroundings.

Other Matters

10. The site is located within 5-7 kilometres (km) of the Thames Basin Heath Special Protection Area (SPA), as well as within approximately 3km of the Wealden Heaths SPA. Policy NE3 of the Local Plan sets out that within 5-7km of the Thames Basin Heath SPA, large scale developments of 50 dwellings or more, should be assessed on an individual basis. This is also in line with the Thames Basin Heath Delivery Framework, to which I have been referred, which states that a 'zone of influence' defined as from 400 metres to 5km from the perimeter of the SPA will apply, where avoidance measures will be required for development within it. As the site lies outside this zone, and given the scale of the development, I find that there would be no likely significant effect on the interest features of the Thames Basin Heath SPA.
11. In respect of the Wealden Heaths SPA, the Council highlight that the Habitat Regulation Assessment of the Local Plan sets out that a development of the size proposed would not have a likely significant effect on the SPA's interest features. This is endorsed by Natural England, the government's adviser for the natural environment. Consequently, in light of this, in respect of both SPA's, neither an Appropriate Assessment nor any mitigation, is required in this case.
12. Comment has been made by several interested parties that the scheme would not comply with the neighbourhood plan. However, as I have found above, in my view, the proposals would be in accordance with the policy of the neighbourhood plan to which I have been referred. There is also concern that allowing the appeal in respect of the proposal would set a precedent for further development within the area. However, I have found the proposals acceptable on the basis of the particular circumstances of this case and I have no reason to find that this would set a precedent for any unacceptable development.
13. Reference has been made to the possibility of future phases of development on the site. However, I have made my decision on the basis of the scheme that is before me. Any schemes that may come forward in the future cannot form part of my consideration of this scheme and will be considered on their merits should they come forward.
14. The Council's Officer report outlines that the parking provision accords with the provision required by the relevant policy of the development plan. I have no reason to disagree with this stance. Some concern has also been raised in regard to the increase in traffic associated with the development, along the adjacent road. Given the number of dwellings existing within the area, I consider that the likely increase in traffic that would result from the proposal would not be significant and there would be no harm in this regard. Moreover, the County Highway Authority raises no objection to the development.
15. Interested parties have also expressed concern in respect of the possible loss of privacy of the occupiers of nearby properties. In this regard, I note that the Council raise no objection to the proposals on this basis. Furthermore, I consider that there are sufficient separation distances between the proposed buildings and surrounding dwellings to ensure that there would be no significant effects through overlooking. I note that the Council makes reference to possible overlooking from the proposed terrace associated with Unit 2 and

that a condition is recommended, should the appeal be allowed, to secure details of screening to this terrace. This would, in my view, provide adequate mitigation to any overlooking that may occur. I also find that the probable noise and disturbance associated with the use of the outdoor spaces within the proposed development would not be of such magnitude so as to materially reduce the living conditions of neighbouring occupiers.

16. The scheme would necessitate the removal of a number of trees within the site, predominantly to accommodate vehicular access to the development. The Council's Officer report states that none of these trees are covered by a Tree Protection Order. Whilst the removal of the trees is noted, I consider that such removal would not be of such an extent so as to have a significantly harmful effect and that the sylvan appearance of the site would be retained. This matter does not therefore justify dismissing the appeal.
17. I acknowledge that the density of the proposal may be higher than nearby development, due to the buildings comprising flats. However, I have found that the proposal would not be an incongruous element within the pattern of development in the area, that the scheme would be visually acceptable, would not degrade the living conditions of neighbouring occupiers and would not have any adverse effect on highway safety. Consequently, without any associated harm, the increase in density alone is insufficient to warrant withholding permission.
18. I note comments that there is no need for the development. However, as I have found the scheme acceptable in respect of the planning merits of the proposal, this is a matter that has little influence on my decision.
19. It has been commented that the proposal would have a negative effect on wildlife. Once more, I note that the Council do not object to the scheme on this basis and there is no substantive evidence before me to show that there would be any harmful effect in this regard.

Conditions

20. I have imposed a condition in relation to the commencement of development and in the interests of clarity a condition to ensure compliance with the submitted plans.
21. In order to ensure that the development has a satisfactory external appearance, I have also imposed a materials condition. So that the living conditions of neighbouring occupiers is safeguarded, I have imposed a condition in respect of screening to an external terrace area.
22. To ensure that the vehicular access is suitable for the development, I have included a condition in respect of visibility splays. Also, in the interests of highway safety, I have included a condition requiring the laying out of parking spaces for the development. So that there is no risk to highway safety during the construction phase of the development, I have included a condition in respect of construction traffic.
23. In the interests of promoting sustainable transport options, a condition is required in respect of electric car charging points. So that no harm occurs to retained trees and the appearance of the area, I have imposed a condition in respect of the details, and implementation, of tree protection measures. I have included a requirement for details of ground levels and materials to be included

within these details. Subject to this condition, I do not consider it necessary to impose the further suggested conditions in respect of the supervision of arboricultural protection measures or details of services, particularly as details of service runs are required by the condition I have imposed.

24. In the interests of protecting the character and appearance of the area, I have included a condition in respect of landscaping details and their implementation. So that there is no adverse effect on biodiversity, I have included a condition in respect of external lighting, albeit I have simplified the two conditions suggested by the Council, as well as including a condition preventing vegetation or site clearance during the bird nesting season. A condition is also imposed in respect of biodiversity enhancements, as required by Policy NE1 of the Local Plan.
25. It has been suggested that there is potential for the site to contain buried archaeological remains and therefore I have imposed a condition requiring the implementation of a programme of archaeological works. So that the development pays adequate regard to sustainable construction, I have imposed a condition in respect of water usage also.
26. A condition has been suggested removing permitted development rights for certain works within the site. No substantive justification has been provided for this and as such I find that I cannot conclude that such a condition would meet the test of necessity.

Conclusion

27. Therefore, for the reasons given and having regard to all matters raised, I conclude that the appeal should be allowed.

Martin Allen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1239-P-29 Rev B,
 - 1239-P-201 Rev D,
 - 1239-P-202 Rev A,
 - 1239-P-211,
 - 1239-P-212,
 - 1239-P-213,
 - 1239-P-214,
 - 224126612/20/2018 LS0.1,
 - ITP - 215-1-02 Rev P1,
 - CM/171869,
 - 224126612/20/2018 TPP,
 - 224126612/20/2018 AS.
- 3) Prior to any above ground works, samples of the materials to be used in the construction of external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Details of 1.7m high screening on the north-eastern elevation of the terrace serving unit 2 shall be submitted to and approved in writing by the Local Planning Authority, prior to above ground works taking place. Once approved the development shall be carried out in accordance with the approved details, prior to first occupation of unit 2. The screening shall at all times remain in the approved form and location.
- 5) No part of the development shall be first occupied unless and until the vehicular access to Boundstone Road has been provided with visibility zones in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
- 6) The development hereby approved shall not be first occupied unless and 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 for their designated purposes.
- 7) No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors,
 - (b) loading and unloading of plant and materials,
 - (c) storage of plant and materials,
 - (d) measures to prevent the deposit of materials on the highway, and
 - (e) on-site turning for construction vehicles,

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

- 8) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority, prior to above ground works taking place.
- 9) No development shall commence, including demolition and/or groundworks preparation, until finalised detailed, scaled Tree Protection Plans (TPP's) and the related Arboricultural Method Statement (AMS) are submitted to and approved in writing by the Local Planning Authority (LPA). These shall include details of
 - i) the specification, location and phasing of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas of trees (RPA) shown to scale on the TPP, including the installation of service routings, and
 - ii) cross sections/details indicating the proposed finished ground levels, surface materials including sub-base and depth of construction and method/materials used for edging, within protected zone around retained trees.

All works shall be carried out in strict accordance with these details when approved.

- 10) No development shall commence on site until a scheme for the landscaping and replacement tree planting of the site, including the retention of existing landscape features, has been submitted to and approved in writing by the local planning authority. Landscaping schemes shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme, which shall include a timescale for implementation. All hard and soft landscaping work shall be completed in full accordance with the approved implementation programme. All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837 - Trees in relation to construction. Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, and shrubs of the same size and species.
- 11) Prior to first occupation of the dwellings, details of external lighting shall be submitted to the Local Planning Authority and approved in writing. All lighting shall comply with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK - Bats and The Built Environment Series". The development shall be carried out in accordance with the approved details.
- 12) No vegetation or site clearance affecting nesting birds shall take place within the bird nesting season of 1 March to 31 August inclusive, unless

the areas affected, have been inspected for active nests by an ecologist immediately prior to clearance works. If any active nests are found, they shall be left undisturbed with a buffer zone around them, until it has been confirmed in writing by an ecologist that the nest is no longer in use.

- 13) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.
- 14) Prior to the occupation of the dwellings, details shall be submitted to and be approved in writing by the Local Planning Authority to confirm that the dwellings have been completed to meet the requirement of 110 litres of water per person per day.
- 15) Prior to the occupation of the development, a minimum of two bird boxes and two bat boxes shall be incorporated into the development and shall be erected on retained trees.