



Appeal Decision

Site visit made on 20 February 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 April 2020

Appeal Ref: APP/R3650/W/19/3242100

**Land adjacent to Goose Cottage, Green Lane, Dockenfield, Farnham
GU10 4JD**

- 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 D Kirkby against the decision of Waverley Borough Council.
 - The application Ref WA/2019/1418, dated 25 July 2019, was refused by notice dated 30 October 2019.
 - The development proposed is described as 'development of site to provide a detached dwelling with associated access, hardstanding and landscaping.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted an ecology assessment in support of the appeal. As this document does not evolve the scheme, and the nature of the concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I were to have regard to the ecology assessment in the determination of the appeal. For the avoidance of doubt, I have considered the ecology assessment in the determination of the appeal.
3. In light of the additional ecological information, the Council have advised that they no longer wish to defend the second reason for refusal which relates to protected species, subject to the imposition of a planning condition to secure the recommended compensation and enhancement measures. I do not disagree with the views of the Council in respect of this matter and hence it does not fall to be considered as a main issue.

Main Issues

4. The main issues are:
 - (i) the effect of the development upon the character and appearance of the area;
 - (ii) the effect of the development upon highway safety; and
 - (iii) the effect of the development on existing trees.

Reasons

Character and appearance

5. The appeal site is an undeveloped parcel of land to the side of an existing dwelling, known as Goose Cottage, on Green Lane. The land slopes downwards to the rear boundary and previously formed part of the residential curtilage of Goose Cottage, but it has been fenced off from the host property.
6. It is proposed to erect a detached dwelling at the appeal site, which would be served by a new access from Green Lane. The proposed dwelling would be of a traditional design with two floors of accommodation, with the upper floor located within the roof form.
7. The appeal site is located within a countryside location outside of the settlement boundary of Dockenfield. However, owing to the proximity of other dwellings, the Council have concluded that the proposed development would not result in the creation of an isolated home in the countryside. Based on the evidence before me and my site observations, I have no reason to disagree with the Council's assessment.
8. The Council explain that the site is also located within an Area of Great Landscape Value (the 'AGLV'). Policy RE3 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (February 2018) (the 'LPP1') sets out that new development must respect and where appropriate, enhance the character of the landscape in which it is located. Criterion (ii) of Policy RE3 states that the same principles for protecting the Surrey Hills Area of Outstanding Natural Beauty (the 'AONB') will apply in the AGLV, which will be retained for its own sake and as a buffer to the AONB, until there is a review of the Surrey Hills AONB boundary, whilst recognising that protection of the AGLV is commensurate with its status as a local landscape designation.
9. Green Lane is a long cul-de-sac accessed from Dockenfield Street. The lane serves a number of residential properties, which are laid out in an organic pattern on either side of the road. The properties are typically detached dwellings and set within generous plots with extensive gardens which feature mature trees and soft landscaping. The properties at the end of Green Lane are more dispersed with larger plots. Overall, Green Lane has a semi-rural character which contributes positively to the local distinctiveness of the area.
10. To the rear of Goose Cottage, a new dwelling is being constructed which appeared to be near completion at the time of my site visit. The plot for the new dwelling to the rear of the appeal site previously formed part of the residential curtilage of Goose Cottage. As part of the recent development to the rear of the appeal site, Goose Cottage and the new dwelling retain generous plots with large gardens to the south of each dwelling. As such, the two properties accord with the prevailing pattern of development and the local area's semi-rural character.
11. Despite the traditional design approach, the proposed development would result in the sub-division of the residential curtilage of Goose Cottage to form two smaller plots. The appellant argues that this section of Green Lane represents a transition, between smaller dwellings on smaller plots, to larger dwellings on larger plots as one navigates to the end of Green Lane.

12. Whilst I acknowledge the development would be situated at the bottom of Green Lane, near to the junction with Dockenfield Street where the plot sizes are typically smaller than the dwellings at the end of the lane, which have a more dispersed layout, the limited size of the proposed plot and the resultant plot for the host building would be a significant departure from the prevailing pattern of development in the local area and out of keeping with the area's semi-rural character. This in turn would cause an urbanising effect which would cause significant harm to the local distinctiveness of the area. Consequently, the proposal would cause harm to the intrinsic character and beauty of the countryside and the landscape character of the AGLV.
13. The Council have raised concerns about the height of the proposed dwelling and have concluded that the development would be prominent from the street. However, I consider that the height of the proposed dwelling would be an appropriate response to the site's context, whereby the topography of Green Lane rises gently upwards. To this regard, I note that the host building appears marginally taller than the neighbouring dwelling to the south when viewed from Green Lane. As such, I find that this aspect of the development would not harm the character and appearance of the area. Despite this, the harm identified above is sufficient to justify dismissing the appeal.
14. The appellant argues that the proposed development would make efficient use of land by delivering an additional dwelling at the appeal site. To this regard, I recognise that paragraph 122(d) of the National Planning Policy Framework (the 'Framework') states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change. In this instance, I have found that the proposal would not maintain the area's prevailing character, which would have an undesirable urbanising effect that would cause significant harm to the local distinctiveness of the area. Moreover, based on the evidence before me, the appeal site is not within an area where the development plan specifically promotes regeneration and change.
15. For the reasons set out above, I conclude that the proposed development would cause significant harm to the character and appearance of the area. As such, the proposal would not accord with Policies RE1, RE3 and TD1 of the LPP1 which states that new development should recognise and safeguard the intrinsic character and beauty of the countryside; must respect and where appropriate, enhance the character of the landscape of the AGLV; and ensure that the character and amenity of the Borough are protected by high quality and inclusive design that responds to the distinctive local character of the area in which it is located.
16. In addition, the proposal would not accord with Saved Policies D1 and D4 of the Waverley Borough Local Plan (2002) (the 'LP') which state that development will not be permitted where it would result in material detriment to the environment by virtue of (b) harm to the visual character and distinctiveness of a locality; and require new development to integrate well with the site and complement its surroundings. Having regard to paragraph 213 of the Framework, I consider that these policies are consistent with the Framework's aims of securing good, contextually appropriate design and therefore the conflict with them warrants significant weight.

17. Given the above, the proposal would not accord with Paragraph 170 of the Framework which states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Highway safety

18. The appeal site would be served by a new vehicular access from Green Lane. The appellant explains that the host property historically benefitted from an 'in and out' access arrangement on to Green Lane. In addition, my attention has been drawn to the 'in and out' access arrangement shown on the site plan for the recently approved development at the appeal site. The vehicular access shown on the site plan is in a similar location to the current proposal. On that basis, the appellant argues that the number of vehicular accesses on to Green Lane would remain unchanged as part of the current proposal.
19. Even if I were to accept that the number of vehicular accesses on to Green Lane would remain unaltered as part of the proposal, no technical information has been provided by the appellant to demonstrate that the amount of vehicle movements associated with the proposed use would be comparable to the 'in and out' arrangement associated with the host property.
20. The appellant asserts that the positioning of the proposed access would increase highway safety by removing conflict with neighbouring occupiers, when compared to the 'in and out' arrangement. However, no technical information has been put forward to demonstrate that appropriate visibility splays could be provided as part of the proposed development. In addition, it is unclear whether the appellant has control over all of the land to provide the visibility splays required by the Local Highway Authority. Given the level of uncertainty, it would not be suitable to impose a planning condition to restrict the height of landscaping at the front of the appeal site because such an approach may not achieve the necessary levels of visibility.
21. Notwithstanding the above, the appellant states that Green Lane experiences a limited number of vehicle movements and that vehicle speeds are typically no higher than ten miles per hour. On that basis, he argues that the visibility splays required by the Local Highway Authority would be unnecessary. However, no substantive evidence has been provided to demonstrate that this is the case. Indeed, the Local Highway Authority state that Green Lane has a speed limit of thirty miles per hour. Therefore, I am not persuaded by the appellant's assertion that the vehicle movements associated with the proposed dwelling would not lead to a significant impact on the highway network.
22. The appellant explains that a vehicular access on to Green Lane could be constructed in an identical position to that proposed as part of the current proposal using permitted development rights. Whilst this may be the case, such an access would serve the existing dwelling, as opposed to an additional property at the appeal site, which would result in an increase in vehicle movements on to Green Lane. As such, I have afforded this matter limited weight in my considerations.
23. For the reasons set out above, in the absence of specific details to demonstrate that the vehicle access onto Green Lane would be appropriate to serve the proposed dwelling, I am unable to conclude that the proposal would preserve highway safety. As such, the proposal would be inconsistent with paragraph

110(c) of the Framework, which states that developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles. In addition, paragraph 109 of the Framework advises that development should be refused if there would be an unacceptable impact on highway safety.

24. The Council has made reference to Policy ST1 of the LPP1 in respect of this main issue. However, this policy relates to sustainable transport matters and not to highway safety issues. Therefore, it is not directly applicable to this main issue.

Effect on existing trees

25. Policy NE2 of the LPP1 states that *"The Council will seek, where appropriate, to maintain and enhance existing trees, woodland and hedgerows within the Borough"*.
26. Saved Policy D7 of the LP has similar requirements and states that the Council will *"require adequate separation between important trees or hedgerows and the proposed development so as to secure their long-term retention and allow for their development"*. I consider that this policy is consistent with the Framework's aims of conserving and enhancing the natural environment and I have afforded it significant weight in my considerations.
27. In this instance, there is an extensive group of mature trees immediately to the side of the appeal site. In addition, there are several mature trees at the front of the appeal site, near to the roadside. The trees contribute positively to the area's verdant semi-rural character.
28. The appellant contends that the proposed development would not have an impact on the trees within and near to the appeal site. He explains that the Root Protection Areas of the trees to the side of the appeal site are 'circa four metres' and given that the proposed dwelling would be located about nine metres away from the side boundary there would be no detrimental impact.
29. Notwithstanding the above, no technical information has been provided by the appellant to demonstrate the extent of the Root Protection Areas of the adjoining trees and how the trees may or may not be impacted by the proposed development. Nor has any technical information been provided to demonstrate how the existing trees within and near to the appeal site would be protected during the construction of the proposed dwelling. The appellant argues that a tree protection plan could be secured by a planning condition. However, as this matter goes to the heart of the acceptability of the proposed development, it would not be suitable to impose a planning condition relating to the submission of such details for later approval.
30. In the absence of such details, I am unable to assess the extent to which the proposal would impact upon the health and longevity of the existing trees situated within and near to the appeal site. Therefore, I am unable to conclude that the proposal would have an acceptable effect on existing trees. Consequently, I cannot conclude that the proposal would accord with Policy NE2 of the LPP1 and Saved Policy D7 of the LP.
31. The Council has made reference to Saved Policy D6 of the LP in respect of this main issue. However, this policy relates to the protection of existing trees through the use of control measures, such as Tree Preservation Orders, as

opposed to assessing the impact of proposed development on existing trees. Given my conclusion, I consider that this policy is not directly applicable to this main issue.

Planning Balance

32. The appellant states that the Council are unable to demonstrate a five-year supply of deliverable housing sites as required by the Framework. However, the Council argue that they have a supply of 5.2 years.
33. The provision of one dwelling would make a positive contribution to the Council's housing land supply which weighs in favour of the proposal, albeit that the contribution would be limited due to the quantum of development proposed. There would also be some limited benefits to the construction industry and from the spend of future occupiers.
34. Even if I were to accept the appellant's argument that the Council is unable to demonstrate a five-year supply of deliverable housing sites; the significant harm to the character and appearance of the area which would be an adverse impact of the development at odds with the development plan and the Framework, would significantly and demonstrably outweigh its limited benefits, when assessed against the policies in the Framework taken as a whole.
35. Notwithstanding the above, I have also been unable to conclude that the proposal would preserve highway safety and have an acceptable effect on the existing trees that would be retained as part of the proposal. To this regard, the proposal would conflict with the Framework.
36. Accordingly, this is not a point that suggests the appeal should be determined other than in accordance with the development plan.

Other Matters

37. The appeal site is located within five kilometres of the Wealden Heaths Special Protection Area (the 'SPA'). The Council have concluded that due to the availability of alternative recreational opportunities within the area, the proposal would not have a likely significant effect upon the integrity of the SPA. However, notwithstanding the Council's conclusion, as I have concluded that the proposed development would conflict with other development plan policies, and given my findings on the main issues, this is not a matter I need to address. For this reason, I have not undertaken an appropriate assessment.
38. None of the other matters alter or outweigh my overall conclusion below.

Conclusion

39. I have been unable to conclude that the proposal would preserve highway safety and have an acceptable effect on the existing trees that would be retained as part of the proposal. In addition, I have found that the proposal would cause significant harm to the character and appearance of the area. Therefore, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell
INSPECTOR