



Appeal Decision

Site visit made on 28 January 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2020

Appeal Ref: APP/R3650/W/19/3240797

Plot 1, Springfield, 30 Frensham Vale, Lower Bourne, Farnham GU10 3HT

- 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 & Mrs C Abrahams against the decision of Waverley Borough Council.
 - The application Ref WA/2018/1912, dated 1 November 2018, was refused by notice dated 6 September 2019.
 - The development proposed is the erection of a detached dwelling with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling with associated parking at Plot 1, Springfield, 30 Frensham Vale, Lower Bourne, Farnham GU10 3HT in accordance with the terms of the application, Ref WA/2018/1912, dated 1 November 2018, subject to the following conditions on the attached Schedule A.

Procedural Matters

2. The addition of Plot 1 in the header and decision above accurately describes the location of the development. The emerging Farnham Neighbourhood Plan (FNP) 2013-2032 has now been 'made' and replaces the earlier FNP. Third party representations have detailed recent flooding within the area. The comments of the main parties and the Environment Agency (EA) on this have been considered in the decision's reasoning, along with a further third party letter, on behalf of the Frensham Vale Action Group.

Main Issue

3. The main issue are the effects of the proposal on the character and appearance of the area.

Reasons

Character and appearance

4. The appeal site comprises the front garden of Springfield, a large detached dwelling with woodland behind it. The frontage plot would be to the side of an access drive leading to Springfield. Between the road and new dwelling plot, there is also a belt of woodland. Under the FNP, the site is outside of the designated built-up area boundary area. It is identified within 'The Bourne' character area which is characterised by significant greenery around houses.

5. FNP policy FNP10 states that outside this boundary, priority will be given to protecting the countryside from inappropriate development and a proposal can only be permitted if it meets certain criteria. Applicable to this site, criterion e) states that development will only be permitted where it would enhance the landscape value of the countryside and, where new planting is involved, use appropriate native species. Under the Farnham Design Statement 2010, new development should respect and be sympathetic to the immediate architectural surroundings in terms of pattern, scale, materials and form.
6. The appeal site is located within a transitional area between settlement and countryside. Springfield, along with the existing dwellings to the front and side of this property, including 28, 32, 34 and 36 Frensham Vale, are set in sporadic and detached positions, within significant open, wooded and spacious surroundings. In contrast, the dwellings opposite and further along Frensham Vale towards the village centre of Bourne are sited closer to one another, in frontage positions, within more formal landscaped gardens.
7. The proposed two storey dwelling would have frontage gabled bay projections and would be constructed with exterior render, steeply pitched clay tile roof and chimney. It would reach a height of approximately 9.2m and would flank a roadside belt of woodland. There would be glimpsed views of the new dwelling through the roadside woodland belt in winter which would reduce in the summer with increased foliage. There would be restricted views of the dwelling across the frontage of the neighbouring Springfield Lodge at No 32 and through the access drive entrance serving the new dwelling from Frensham Vale. It would be viewable from dwellings either side of the development plot where vegetation is more limited in extent.
8. However, the visibility of a development is not a reason in itself to demonstrate any adverse impact. The site is located within an area where residential development is a key feature. The new dwelling would be sited a significance distance from the road, roughly in line with existing dwellings either side of it. Importantly, it would appear informally located in relation to neighbouring dwellings, with substantial landscaped and undeveloped areas separating it from them. This would accord with identified semi-rural character on this side of Frensham Vale, either side of the appeal site. The new dwelling's size, form and traditional vernacular architecture would also reflect those in the surrounding area.
9. Existing vegetation can deteriorate or disappear for any number of reasons, such as accidental damage or disease. However, the existing frontage belt of landscaping is protected by a Tree Preservation Order, with a wide range of established and native species in a semi-natural context. Consequently, the screened and landscaped context would be unlikely to be lost in any substantive way. Additional landscaping would further result in an enhancement of the site's landscape value. In this regard, a considerable length of hedgerow, comprising native species, would be planted along the access drive and boundaries of the plot.
10. An appeal for the construction of a new vehicular access, driveway and landscaping works on the site was dismissed in 2016. No details of this proposal have been submitted to me to consider but irrespective of this, the current proposal is clearly different in its nature and justification. There would also have been different local and national plan policies at this time.

Furthermore, the appeal proposal has been found to be in keeping with the area, having been considered on its particular planning merits taking into account the evidence submitted, including the appellants' Landscape Visual Assessment dated October 2018.

11. For all these reasons, the development would be of a high quality and would not materially detract from the intrinsic character and beauty of the countryside. The open, undeveloped and semi-wooded nature on this side of Frensham Vale would be retained, with additional landscaping resulting in the landscape value of the countryside being enhanced. The proposal would not coalesce the identity of settlements because it would not consolidate existing development in a dominant way. Accordingly, the proposal would comply with policy RE1 of the Waverley Borough Council Local Plan Part 1: Strategic Policies and Sites 2018 and policies FNP1, FNP10 and FNP11 of the FNP.

Other matters

12. The appellants' Flood Risk Assessment (FRA) (Patrick Parsons NPPF FRA May 2019) details that the entire appeal site lies outside of Flood Zones (FZ) 2 and 3. Third party representations have been made about the validity of the FRA's conclusions, including the incorrect incorporation of new topographical data into a revised 2012 HR Wallingford flooding model for the area and the lack of supporting technical calculations to justify flood zone extents.
13. However, the EA (12 December 2018 & 26 March 2020) has raised no objection to the application taking into account its own flood model. As a statutory consultee on flooding matters, considerable weight is given to the EA views and it has not indicated any need to revise their model, including in light of recent flooding. Indeed, it indicates the submitted flooding photographs appear to be an accurate reflection of what would be expected in terms of river flooding. In terms of the EA's flood model, it had been incorrect which resulted in revision but the EA's latest response confirmed that the dwelling on plot 1 would be outside of the 1:100 year flood extent, plus 70% allowance for climatic change and within FZ 1.
14. Of the submitted flooding photographs, all are taken of areas outside of the appeal site, many are of the road. One photograph does show flooding within Springfield's garden near a tennis court but this is still outside of the appeal site. Furthermore flooding, especially along roads, can result for other reasons, for instance inadequate public drainage systems. In terms of surface water, the FRA details that the worst possible flood hazard would be "Low" which would indicate safe access and egress for future occupants. Therefore, on the balance of evidence before me, there is no compelling and cogent reasons to depart from the EA views based on flooding grounds.
15. The EA has indicated a sequential test assessment requirement based on a small area of land being within FZ 3 but their submitted flood map (submitted with their latest response), shows no part of access road between Frensham Vale and plot 1 to be within FZ 2 and 3. Part of the access road in front of Springfield is within FZ 2 and 3 but this is outside of the redline application site. In any case, even if there was a relevant site area within FZ 3, this is indicated to be small by the EA and the flooding evidence indicates that the vast majority of the plot, including the dwelling and its garden, would be within an area of low flood risk. In this regard, the aim of the sequential test is to

steer new development to areas with the lowest risk of flooding. Therefore, a sequential test assessment is not required which is a view shared by the Council.

16. There is another proposal to develop land within the garden of Springfield on a plot which is on the other side of the access road. No other directly comparable sites have been brought to my attention. However, each proposal must be determined on its individual merits, and a generalised concern of precedent does not justify withholding permission in this instance.
17. The dwelling would lie within 5km of the Wealden Heaths Special Protection Area (SPA) and 2km of the Thursley, Hankley and Frensham Commons SPA and Thursley, Ash, Pirbright and Chobham Special Area of Conservation (SAC). The qualifying features of the SPAs and SAC are heathland nesting birds and habitats associated with heathland. Increased disturbance from residents on bird nesting and degradation of habitats from pollution deposition can affect the interest features of these type of designated sites.
18. The appellants' "Information to inform a Screening Assessment under the Habitats Regulations" (SA) Lloyd Bore Ltd 2019, identifies a number of green spaces within 1.5km of the appeal site. Close to the site, there is abundant greenspace that includes Bourne Wood, Farnham Heath, and Gong Hill, as well as a network of public footpaths and bridleways. The SA identifies that the pressure arising from new development in relation to the SPAs and SAC is far smaller than other SPAs, such as the Thames Basin Heaths SPA. Taking into account the distance of the development from the SPA's and SAC, and the SA's evidence on development pressure, the effect of any pollution deposition from the proposal would be negligible for a single dwelling.
19. Natural England has confirmed no need for an Appropriate Assessment (AA) under the relevant Habitats Directive. As a statutory ecological consultee, considerable weight is also placed on their views. In summary, there are significant alternative green spaces nearby and the effects of pollution deposition would be negligible. Taking into account the precautionary principles of the Habitat regulations, there would be no probability or risk that the proposal would have significant effects on the interest features of the designated sites, alone or in combination with other development for all these reasons. Thus, there would be no requirement for an AA.
20. An ecological report makes recommendations for the development, such as the inclusion of species rich wildflower meadow areas within the landscaping, native hedging, together with the provision of bat and bird boxes. The landscaping could include such measures and thus, there would be no adverse loss. Consequently, there is no evidence of adverse effect on biodiversity arising from the development. The proposal would be for a single dwelling and based on my site visit, the access visibility would be acceptable for this scale of development. No substantive evidence has been submitted to demonstrate an unacceptable effect on highway safety or a severe traffic cumulative effect on the road network. Therefore, the proposal would be acceptable in highway terms, a view supported by County Highways.

Conditions

21. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended in the interests of clarity and precision taking into account the guidance.
22. For the avoidance of uncertainty and to allow for applications for minor material amendments, a condition is necessary specifying the approved drawings. In the interests of character and appearance of the area, conditions are necessary setting out the requirements for external materials, landscaping and tree protection. For the sake of highway safety and adequate vehicle parking, conditions are necessary to ensure parking provision and a construction method statement. To promote sustainable modes of transport, conditions are necessary to ensure bicycle and electrical vehicle facilities. In accordance with policy, conditions are necessary to ensure adequate water consumption and high quality broadband.
23. In the interests of protected species and biodiversity, conditions are necessary to ensure safe site clearance, suitable external lighting and wildlife enhancements. To replace lost flood volume as a result of the access road, details shall be approved and implemented by condition in accordance with the FRA.

Conclusion

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

Jonathon Parsons

INSPECTOR

Schedule A

- 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: PL107/H; PL103/E; PL102/C; PL101/C; PL100/N and PL99/E.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site personnel, operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to prevent the deposition of materials on the highway;
 - v) on-site turning for the construction vehicles.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping, including the retention of existing landscaping, in accordance with the landscape strategy and details shown on drawing numbers PL100/N and PL107/H for the plot and access road. The scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedule of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme. The hard and soft landscaping works shall be carried out in accordance with the approved details before the development is first occupied. 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 or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) No development above slab level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 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 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 purpose.

- 7) The development hereby approved shall not be first occupied unless and until a scheme for the secure parking of bicycles has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 8) The development hereby approved shall not be occupied unless the proposed dwelling is 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 and thereafter retained and maintained in accordance with the approved details.
- 9) Prior to the occupation of the dwelling, details shall be submitted to and be approved in writing by the Local Planning Authority to confirm that the dwelling has been completed to meet the requirement of 110 litres of water per person per day.
- 10) Prior to the occupation of the dwelling hereby permitted, details of the best available speed broadband infrastructure shall be submitted to and approved in writing by the local planning authority. The approved broadband infrastructure shall be installed prior to first occupation of the dwelling.
- 11) Prior to the occupation of the dwelling hereby permitted, details of all external lighting on this development shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.
- 12) The development shall proceed in line with the enhancement recommendations in paragraph 5.1.4 of the Ecology Appraisal dated January 2018 by David Archer Associates and incorporate the following;
 - i) Provision of bird and bat boxes erected on or integral within the new buildings or on retained trees.
 - ii) Using native species for any tree and shrub planting, preferably of local provenance from seed collected, raised and grown only in the UK, suitable for site conditions and complimentary to surrounding natural habitat. Planting should focus on nectar-rich flowers and/or berries as these can also be of considerable value to wildlife.
- 13) The development shall only proceed in a precautionary manner, to avoid the killing or injuring of any individual reptiles that may be identified during development, in accordance with the following working methods:
 - i) All clearance works will be undertaken when common reptiles are likely to be fully active i.e. during the April to September period

- ii) Clearance of logs, brash, stones, rocks or piles of similar debris will be undertaken carefully and by hand.
- iii) Clearance of tall vegetation should be undertaken using a strimmer or brush cutter with all cuttings raked and removed the same day. Cutting will only be undertaken in a phased way which may either include: Cutting vegetation to a height of no less than 30mm, clearing no more than one third of the site in anyone day or cutting vegetation over three consecutive days to a height of no less than 150mm at the first cut, 75mm at the second cut and 30mm at the third cut.
- iv) Following removal of tall vegetation using the methods outlined above, remaining vegetation will be maintained at a height of 30mm through regular mowing or strimming to discourage common reptiles from returning.
- v) Ground clearance of any remaining low vegetation (if required) and any ground works will only be undertaken following the works outlined above.
- vi) Any trenches left overnight will be covered or provided with ramps to prevent common reptiles from becoming trapped.
- vii) Any building materials such as bricks, stone etc. will be stored on pallets to discourage reptiles from using them as shelter. Any demolition materials will be stored in skips or similar containers rather than in piles on ground.

Should any common reptiles be discovered during construction, which are likely to be affected by the development, works will cease immediately. The developer will then seek the advice of a suitably qualified and experienced ecologist and works will only proceed in accordance with the advice they provide.

- 14) All the trees to be retained within the site shall be protected in strict accordance with the submitted Arboricultural Method Statement prepared by David Archer Associates dated October 2018 and accompanying Tree Protection Plan.
- 15) Demolition or construction works, including deliveries to and from the site, shall take place only between 0800 and 1800 hours of the day on Monday to Friday and 0800 and 1300 hours of the day on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 16) No development above slab level shall take place until design details of the flood storage compensation, in line with section 10 and appendix M of the Patrick Parsons NPPF Flood Risk Assessment (30 Frensham Vale, Plot 1, Farnham, Surrey, GU10 3HT), reference A18008C, May 2019, has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the first occupation of the permitted dwelling.