



Appeal Decision

Site Visit made on 4 January 2021

by Mr Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2021

Appeal Ref: APP/R3650/W/20/3258229

Land adjacent to 1 Grovelands, Lower Bourne, FARNHAM, GU10 3RQ

- 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 J Marsh against the decision of Waverley Borough Council.
 - The application Ref WA/2020/0764, dated 1 May 2020, was refused by notice dated 4 August 2020.
 - The development proposed is the erection of a dwelling together with associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr J Marsh against Waverley Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The site is within the zone of influence of the Thames Basin Heaths Special Protection Area (SPA). There is no dispute between parties that the proposal would affect the integrity of the SPA without mitigation. A Unilateral Undertaking is referenced within the officer report and the Appellant's Statement of Case. However, this has not been provided within the submitted evidence. I shall return to this matter later in my decision.
4. Amended plans were submitted to the Council to relocate the proposed dwelling. These plans were not accepted and were not therefore subject to public consultation. Accordingly, I cannot be satisfied that these would not prejudice interested parties. Furthermore, the appeal process is not an opportunity to evolve a proposal. Consequently, the amended plans have had no bearing on my consideration of the merits of the proposal.
5. The Council has referred to its Residential Extensions guidance¹ in both of its Reasons for Refusal. However, this would not be applicable to the type of proposal advanced by the appellant. Accordingly, I have afforded this document limited weight as discussed later in my decision.

¹ Waverley Borough Council – Residential Extensions Supplementary Planning Document 2010

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the street scene; and
- the effect of the proposal on the living conditions of occupiers of 1 Grovelands (No 1) with particular regard to loss of daylight, sunlight and outlook.

Reasons

Character and appearance

7. Grovelands is a short cul-de-sac of dwellings within a verdant location. These dwellings are in relatively large plots with generous gaps between many. The gaps increase around the terminus of the road, as built form becomes more dispersed due to layout and land level changes. The dwelling of No 1 is within a plot that is larger than many of its neighbours. It is also within a prominent location at the entrance to the estate road. As a result of its open character, plot size and prominent position, the appeal site has a strong sense of spaciousness. The appeal site makes a positive contribution to the open and verdant character of the surrounding area.
8. The rear garden of the existing dwelling is adjacent to Lodge Hill Road, which is largely screened by fencing and landscaping. The garden area, between the dwelling and 2 Grovelands (No 2), although behind fencing is mostly open to views from Grovelands. The elevation facing No 2 appears as a frontage, with its many windows and overlooking the driveway and garden, that add interest to the street. The proposal would obscure a large part of this elevation and would appear to crowd the existing dwelling. This would create an awkward and oppressive relationship between the proposal and host dwelling. This effect would be reinforced by the more generous retained space to the boundary with No 2. Therefore, although the local streetscene includes a variety of built form including infill development, the general pattern of development largely retains reasonably generous gaps between dwellings. Moreover, even those neighbouring dwellings with more limited separation distances do not crowd each other in the manner anticipated by the proposal.
9. The front elevation of the proposed dwelling would be set back towards the rear of the plot, a significant distance from the elevation of No 1 that faces Grovelands. The effect of this recessed position, along with the relatively modest scale of building in comparison with its neighbours, would mean that it would appear as a discordant element in the local street scene. Also, the proposal would replace an existing garage, which is well set back from the road and has a neutral impact on the appearance of the surrounding area. Consequently, its removal would be of a negligible visual gain.
10. The host property recently gained planning approval for an extension. The approved extension would be subservient and integrate well with the existing functionality of the dwelling and make a positive contribution to the local streetscene. In contrast, the proposal would be disconnected from the existing building and result in the subdivision of the plot. Therefore, whilst the overall

scale of built form would be similar to the approval, the proposal would have a fundamentally different relationship with the existing dwelling and surrounding area. Accordingly, taking the above points together, the proposal would substantially harm the character and appearance of the area.

11. Consequently, the proposed dwelling would be contrary to policy TD1 of the Local Plan (2018) Part 1 (2018LP) which seeks, amongst other things, for development to be high quality that responds to the local character of an area. Furthermore, the proposal would not accord with the character and appearance related sections of policies D1 and D4 of the 2002 Local Plan (2002LP). These include seeking to prevent development that would harm the visual character and distinctiveness of a locality and be appropriate in terms of form and appearance. The proposed dwelling would also not satisfy policies FNP1 and FNP16 of the Farnham Neighbourhood Plan 2017 (NP). These seek development to respond to local distinctive character and for spacing between buildings to respect the local character. The proposal would also fail to accord with the Farnham Design Statement. This seeks development that consists of a design that is sympathetic to its surroundings in terms of pattern, scale and form.

Living conditions

12. The proposal would be adjacent to the north facing fenestrated elevation of No 1. Bedroom 4 (currently used as a study) and a living room window of this dwelling would look towards the front elevation of the proposal at an oblique angle. The Council's Residential Extension guidance, although of limited relevance, provides a useful guide to its approach to matters of proximity. The guidance identifies that new development, that would break a '45-degree line' of the window of a habitable room, would be refused to protect access to daylight.
13. A 45-degree line would be interrupted by the proposal after around 6 metres from both windows. This is a relatively sizeable distance from the windows of the host dwelling. Furthermore, due to the distance of interception, the majority of the field of vision from these windows would remain unobscured. Therefore, due to the separation distance, the proposal would be unlikely to obscure significant levels of daylight to these rooms. The existing dwelling also includes north facing windows that serve its hallway, landing, w/c and bathroom. The proposed dwelling would be located alongside these windows. These rooms would be likely to experience a substantial reduction in ambient daylight due to the proximity and scale of the proposal. However, as these rooms are non-habitable the associated harm would be limited. The proposal would be located to the north of the existing dwelling. As such, occupiers of the host dwelling would not experience a loss of sunlight due to the position of the proposal.
14. In regard to the effect on outlook the proposal would be experienced from all windows on the north elevation. However, it would be most directly observed from the two habitable rooms noted above. The outlook from the bedroom would be affected, but this view would only be moderately harmed due to the separation distance and retained wider field of vision. Furthermore, the effect on outlook from the living room would be diminished due to the broad field of vision that would be retained from the living room's three aspects. Also, the effect to outlook from windows serving non-habitable rooms would be greater,

but these rooms would be used less frequently than habitable rooms. These are therefore of lessened importance due to the nature of their uses. Therefore, the impact on the outlook of the existing dwelling would be limited.

15. As a result, the proposal would accord with policy TD1 of the 2018LP, which seeks development to maximise opportunities to improve the quality of life, health and well-being of current and future residents. The proposal would also satisfy the sections of policies D1 and D4 of the 2002LP that relate to living conditions. These seek development to prevent the loss of general amenity enjoyed by neighbours and not significantly harm the amenities of occupiers of neighbouring properties.
16. The Council has stated that the proposal would also not accord with the Farnham Design Statement. However, this does not appear to refer to living conditions and is therefore not relevant to this consideration. Furthermore, Policy FNP1 of the NP relates to the design of new development. However, this policy is silent in regard to its approach to impact on neighbouring living conditions. Furthermore, policy FNP16 relates to extensions to buildings. These policies of the NP are therefore not relevant to this proposal when considering the effect of development on living conditions.

Other Matters

17. The site is located within 5kms of the SPA. The Council has accepted that the impact on the integrity of the SPA would be mitigated through payments towards a Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) in accordance with its Avoidance Strategy. This was to be secured through a S106 Legal Agreement in the form of a Unilateral Undertaking. When considering the effect a proposal may have on a SPA, a decision maker must consider mitigation within the framework of an Appropriate Assessment (AA) rather than at the screening stage. This responsibility now falls to me within this appeal. Had I been minded to allow, it would have been necessary for me to seek additional information from the parties and consult Natural England in order to undertake the AA. However, as I am dismissing the appeal for other reasons, I do not need to consider the matter further as it would not change the outcome of this appeal.
18. There is dispute between main parties as to whether the Council can demonstrate a 5-year housing land supply (HLS). The Council's Housing Land Supply Position Statement² identifies it has a 5.3 year supply, which includes a 5% buffer and provides for 962 homes per annum. This position is further confirmed following the Government's recent 2020 Housing Delivery Test results, showing that the Council has a delivery rate of 98%. Therefore, the appeal decisions submitted in evidence, preceding the Council's Position Statement, are of limited weight. I am therefore satisfied that the Council can currently demonstrate a 5-year HLS. As such, paragraph 11 of the National Planning Policy Framework (The Framework), and the presumption in favour of sustainable development, is not engaged. Even if paragraph 11 were to apply, the provision of one dwelling would make only a limited contribution towards housing land supply provision in the area. This limited gain would not outweigh the significant and demonstrable harm found to the character and appearance of the area.

² Five Year Housing Land Supply Position Statement – October 2020

19. The proposal is a self-build project, the Framework supports the provision of a range of house types for different groups including for people wishing to build or commission their own homes. This therefore conveys moderate weight in favour of the proposal.
20. The Government seeks to significantly boost the supply of housing, including self-build dwellings and within previously developed land, such as in this case. The proposal would also provide good access to public services and a range of goods and services being located within the built-up area of Farnham. However, the merits of the proposal do not outweigh the identified conflict with the development plan.

Conclusion

21. For the above reasons the appeal is dismissed.

Mr Ben Plenty

INSPECTOR