



Appeal Decisions

Site visit made on 17 November 2020

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

an Inspector appointed by the Secretary of State

Decisions date: 24th February 2021

Appeal A Ref: APP/R3650/W/19/3225484

Land to the rear of Trackers, 8 Burnt Hill Road, Wrecclesham, Farnham, GU10 4RZ

- 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 Tim Pearson against the decision of Waverley Borough Council.
- The application Ref WA/2018/1787, dated 10 October 2018, was refused by notice dated 28 February 2019.
- The development proposed is the construction of a two storey dwelling.
- **This decision supersedes that issued on 8 July 2019. That decision on the appeal was quashed by order of the High Court.**

Appeal B Ref: APP/R3650/W/19/3243815

Land to the rear of Trackers, 8 Burnt Hill Road, Wrecclesham, Farnham, GU10 4RZ

- 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 Tim Pearson against the decision of Waverley Borough Council.
- The application Ref WA/2019/0598, dated 3 April 2019, was refused by notice dated 3 September 2019.
- The development proposed is a new dwelling using a shared entrance drive.

Decisions

1. Appeal A is allowed and planning permission is granted for the construction of a two storey dwelling at Land to the rear of Trackers, 8 Burnt Hill Road, Wrecclesham, Farnham, GU10 4RZ in accordance with the terms of the application, Ref WA/2018/1787, dated 10 October 2018, subject to the following conditions in the attached Schedule A.
2. Appeal B is allowed and planning permission is granted for a new dwelling using a shared entrance drive at Land to the rear of Trackers, 8 Burnt Hill Road, Wrecclesham, Farnham, GU10 4RZ in accordance with the terms of the application, Ref WA/2019/0598, dated 3 April 2019, subject to the following conditions in the attached Schedule B.

Procedural Matters

3. In the banner headings above, the location of the development, as land to the rear of, has been used for the sake of accuracy because the application description only uses the property name. Additionally, the application

description of each proposal has been amended by omitting reference to location as this does not describe the built nature of the development.

4. As set out above there are two linked appeals on this site. In Appeal A, the design of the proposed dwelling would be contemporary, with flat roofed areas incorporating green roofs, balcony features, noticeable glazing and render stonework. In Appeal B, the design of the proposed dwelling would be traditional with first floor accommodation within a steeply pitched roof, brick, and clay tile materials. Each proposal has been considered on its individual merits. However, to avoid duplication, the two schemes have been dealt with together, except where otherwise indicated.
5. In Appeals A and B, Unilateral Undertakings (UU) dated 3 December 2018 and 24 May 2020 have been submitted. They concern Special Protection Area (SPA)/Suitable Alternative Natural Spaces (SANGS) and Strategic Access Management and Monitoring (SAMM) mitigation contributions in respect of the Thames Basin Heaths Special Protection Area (TBHSPA). Further comments on whether these contributions have been legally secured have been considered, along with Natural England's views on the effect of the proposals on the integrity of this SPA.
6. Views on appeal decisions concerning the Wealden Heaths Special Protection Area (WHSPA) and the appellant's ecological review of them, have also been considered under both appeals. An emerging Farnham Neighbourhood Plan (FNP) 2013-2032 (2020) has now been 'made' and replaces an earlier FNP (2017).

Main Issue

7. For each appeal, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

8. The appeal site comprises the rear and side garden of a detached two storey dwelling at Trackers, 8 Burnt Hill Road. It has trees and vegetation within and alongside its boundaries, and slopes down steeply to the rear gardens and dwellings on Longhope Drive. The subdivided residential building at 6 Burnt Hill Road is sited at an angle to the road and has a rear garden that is elevated above the appeal site where one or the other of the proposed dwellings would be built. Immediately behind No 6 and alongside a flank boundary of the site, there is a small wooded area. Such verdant, sylvan and topographical landscape qualities are attractive.
9. Under the Farnham Design Statement (FDS) (2010), the Shortheath and Boundstone Character area includes the appeal site and its surroundings. It states, amongst other matters, that new development should respect and enhance the sylvan nature of the area and the pattern of existing development, in terms of scale and materials.
10. Opposite the site, there is frontage development along Burnt Hill Road. This pattern of development is also noticeable along Longhope Drive and Shortheath Road to the west of the site. However, there are dwellings sited behind road frontages in the area, including at Shortheath Road, 4 Burnt Hill Road, the

Sycamores behind 12 Burnt Hill Road and just further from this on Burnt Hill Road (accessed off Longhope Drive). The building frontage of No 6 is also served by a long access track routed around it and to the rear. These developments relate strongly to the appeal site because they are located within the immediate vicinity. For all these reasons, the context comprises an attractive sylvan and semi-rural character and appearance, with dwellings varied in terms of their siting relative to road frontage. Within this context, a new dwelling sited to the rear of the Burnt Hill Road frontage would be in keeping with the pattern of development in the area.

11. In both appeals, the dwellings would be partially built into the slope of the site and would be sited in spacious and landscaped surroundings. Together with rearward siting, this would significantly limit the visibility of the dwellings in both schemes. The contemporary design of the Appeal A dwelling would be different when compared with the area's traditionally designed dwellings. Nevertheless, the lack of visibility of the dwelling plot, together with spacious and landscaped surroundings, would make any contrast in relation to existing dwellings insignificant. For each proposal, the height, scale, layout, density and design of the dwelling would be acceptable for all these reasons.
12. The development of the site would result in the clearing and felling of trees and vegetation. However, the removed trees and vegetation are of low quality due to their young age and irregular form. The appellant's Tree Survey and Impact Assessment (TSIA) 2018 confirms all the removed trees and vegetation would be of a lower grade based on BS5837 'Cascade chart for tree quality assessment' and suffering from structural defects. Furthermore, the trees would have limited lifespans according to the TSIA.
13. There is no evidence to refute such findings and the Council's Arboricultural Officer has raised no objections to the proposals. Furthermore, the higher graded trees (under the TSIA) along the boundaries of the housing plot and its access, including those protected by a Tree Preservation Order, would be retained as part of the development. There would also be opportunities for further planting within the plot.
14. For all these reasons, the developments would be of a high quality responding to the locally distinctive character and appearance of the area. Accordingly, the proposals would comply with Policy TD1 of the Waverley Borough Council Local Plan Part 1: Strategic Policies and Sites (LPP1) 2018, Policies D1 and D4 of the Waverley Borough Local Plan 2002 and Policy FNP1 of the FNP. They would comply with the guidance of the FDS.

Unilateral Undertakings

15. The UUs essentially concern the payment of SANGS and SAMM contributions. They would provide mitigation in respect of the effect of development on the integrity of the TBHSPA. Residents of any permitted dwelling would be able to access the TBHSPA for recreation. The qualifying features of the SPA are ground bird nesting species in heathland habitats which are affected by increased disturbance and degradation from pollution deposition.
16. The Council's TBHSPA Avoidance Strategy 2016 (updated 2018) details the adverse effects of recreation, such as dog walking and urbanisation on the nesting of these birds. For each proposal, there would be a significant effect, either alone, or in combination with other plans or projects on the

internationally important features of the SPA. The National Site Network objectives require maintaining or where appropriate restoration of species and habitats listed in Annex I and II of the Conservation of Species and Habitats Regulations 2017 to a Favourable Conservation Status. Accordingly, it cannot be ascertained that the proposal would not affect the integrity of the SPA. Consequently, it is necessary for me as a competent authority to make an Appropriate Assessment (AA) of the implications of the proposals for that site in view of its nature conservation objectives.

17. Each UU detail levels of contributions in accordance with the formulae of the Strategy. The mortgagee has not signed the UUs but, based on the submitted evidence, the risk of the repossession of the appellant's property is low. Therefore, the payment of the contributions by the appellant and successors in title is considered legally secure. Both the Strategy and a recent Council response confirm enhancements would increase capacity of the space through bridge, bench, car park and path improvements at this SANGS. The SAMM contribution would be for the promotion of SANGS for recreation, education, the provision of wardens, bird and visitor monitoring.
18. The Strategy has been drawn up in consultation from Natural England (NE), the government's advisor on nature conservation. NE states the financial contributions towards SANGS and SAMM are sufficient to avoid an adverse impact to the integrity of the TBHSPA. Given the status of the NE as a statutory ecological consultee on nature conservation, I place significant weight on their view.
19. The Thames Basin Heaths Joint Strategic Partnership Board comprises local authorities, NE as a delivery body and the County Council as administrative body. It has endorsed a Strategic Delivery Framework for the avoidance and mitigation measures within the Strategy. The Strategy confirms works and projects are being undertaken in respect of SANGS and SAMM provision.
20. Taking all the evidence into account, I am satisfied that in each proposal, monies would be spent on measures which would prevent adverse urbanising effects, including recreational pressure and pollution deposition, in combination with other developments coming forward. Consequently, the integrity of the TBHSPA would not be adversely affected and I am able to make an AA to that effect for each proposal. Consequently, the proposals would comply with Policies NE1 and NE3 of the LPP1, Policy FNP12 of the FNP and Policy NRM6 of the South East Plan 2009.

Other Matters

21. Residents of any permitted dwelling would be within 5km of Wealden Heaths Special Protection Area (WHSPA) which also has ground nesting birds in heathland habitats. The appellant's ecological review indicates that there are a range of alternative destinations for recreation between the appeal site and the closest part of WHSPA. For the closest part of the WHSPA, visitor information indicates recreation mainly takes place on the ponds and not its most sensitive area for the ground nesting birds.
22. At Brambleton Avenue, the Inspector found development harmed the integrity of the WHSPA but this was due to the absence of evidence. For the reasons given above, the collective evidence demonstrates that the proposals would have no likely significant effects on the interest features of the designated site,

alone or in combination with other development. Thus, there would be no requirement for an AA for all these reasons.

23. The properties at 20-26 Longhope Drive have rear elevations, garden and patio/terrace areas which are at a significantly lower level compared to the appeal site. Amenity areas are raised up considerably above the ground floors of the dwellings and mostly accessed by staircases immediately behind the dwellings. In each appeal proposal, dwellings would have windows and terraces/patios backing onto these neighbouring properties.
24. However, the windows of the proposed dwellings would be mostly positioned at an angle and a significant distance from the sensitive areas of the neighbouring properties, their rear elevations and adjacent patio/terrace areas. This would considerably limit intervisibility. In each appeal proposal, the proposed patios/terraces would also be sited a considerable distance from the neighbouring properties because they would be located towards the back half of the main part of the plot to be developed. There would also be a common boundary fence of 2m restricting views of any new dwelling from the neighbouring properties. For all these reasons, there would be no significant loss of privacy, outlook and light to the occupiers of these neighbouring properties.
25. In each appeal, there would be a 2m high fence along the common boundary with the properties in Longhope Drive. However, this timber boundary treatment would be of a lightweight nature and low height, and so would not adversely affect the outlook of neighbouring residents. On site, there is a recently erected fence along the common boundary. Its lawfulness has been questioned due to its height, but this is a matter for the Council to consider in the first instance. In Appeal A, the dwelling's contemporary design has extensive glazing but the effect of light glare and pollution would be small by reason of its location away from the boundaries of the site, its partial construction within the slope of the site and location within a sylvan setting. Noise and disturbance from new residents would not be significant given the domestic nature of the appeal developments. The local wildlife trust has raised no objections to the proposals. For all these reasons, these considerations would not individually or cumulatively outweigh the acceptability of each of the schemes.

Conditions

26. For each appeal, suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the guidance. There are pre-commencement condition requirements for the approval of details where they are a pre-requisite to enable either of the developments to be constructed. The appellant has agreed to these.
27. For the avoidance of uncertainty and to allow for applications for minor material amendments, a condition is necessary specifying the approved drawings for each of the proposals. In the interests of character and appearance of the area, conditions are necessary setting out the requirements for external materials, landscaping, the protection of trees and service provision. To safeguard the living conditions of neighbours, conditions are necessary to ensure acceptable ground and slab levels, boundary treatments,

construction hours and obscure glazing of a first floor study window (for Appeal A).

28. In the interests of highway safety, a condition is necessary to ensure adequate vehicle parking and turning on the site. To promote sustainable modes of travel, a condition is necessary requiring the provision of an electric vehicular charging point. To protect and encourage biodiversity, conditions setting out the requirements for suitable clearance of the site and the provision of bat and bird boxes are necessary. In accordance with LPP1 policy and to promote a sustainable form of development, a condition is necessary to ensure appropriate water consumption.

Conclusion

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

Jonathon Parsons

INSPECTOR

Schedule A List of Conditions for APPEAL A: APP/R3650/W/19/3225484.

- 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: E100 B Rev B -Location/Site Plan; E102 -Block Plan ; P101b Rev B -Proposed Site Plan; P102a Rev A - Upper Ground - Entrance Level; P103a Rev A - Lower Ground - Garden Level; P104a Rev A - Roof Plan; P105a Rev A -South-West Elevation; P106a Rev A- North-East Elevation; P107a Rev A - South-East Elevation; P108a Rev A – North West Elevation; P202b Rev B Site Sections and P203 -Fence Elevation (in respect of the Contemporary Design Scheme).
- 3) No development above slab level shall take place until samples and details of all external facing have been submitted to and approved in writing by the local planning authority in writing. The dwelling hereby permitted shall be carried out in accordance with the approved samples and details.
- 4) No development shall take place until full details of existing and proposed levels of the dwelling and garden areas shall be submitted to and approved by the local planning authority. Such details shall specify spot heights of existing and proposed ground levels, slab levels and any retaining walls, across the whole site, in relation to a fixed datum point. The development hereby permitted shall be completed in accordance with the approved details.
- 5) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority.

Details shall specify 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. The written specifications shall include the use of native species in compensation for felled trees, with local provenance from seed collected, raised and grown only in the UK, suitable for site conditions and complimentary to the surrounding natural habitat, and the inclusion of nectar-rich flowers and/or berry bearing plants.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to occupation or use of the approved development or in accordance with a programme agreed in writing with the local planning authority.

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.

- 6) No development shall commence including demolition and or groundworks preparation until a finalised detailed, scaled Tree Protection Plan (TPP) 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 the specification and location 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. The AMS shall also include a pre commencement meeting with the LPA, supervisory regime for their implementation and monitoring with an agreed reporting process to the LPA. All works shall be carried out in strict accordance with these details when approved.

- 7) No development shall commence until details of any services to be provided or repaired including drains and soakaways, on or to the site, have been submitted to and approved by the local planning authority in writing. Such works shall be carried out in accordance with the approved details as shown.
- 8) Prior to the first occupation of the dwelling, hereby permitted, 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 a forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 9) Prior to the first occupation of the dwelling, hereby permitted, an electric vehicular charging point shall be installed ready for operation in accordance with details submitted to and approved in writing beforehand by the local planning authority. The charging point shall thereafter be retained and kept available for its purpose.
- 10) Prior to the first occupation of the dwelling, hereby permitted, bird and bat boxes shall be erected in accordance with details submitted and approved in writing beforehand by the local planning authority. The boxes shall thereafter be retained and kept available for their intended purposes.
- 11) Prior to the first 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.
- 12) To avoid the killing or injuring of individual reptiles, during the development of the site, the following working methods should be adhered:

All clearance works should be taken when reptiles are likely to be fully active i.e. during the April to September period.

Clearance of logs, brash, stones, rocks or piles of similar debris will be undertaken carefully and by hand.

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.

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 reptiles from returning.

Ground clearance of any remaining low vegetation (if required) and any ground works will only be undertaken following the works outlined above.

Any trenches left overnight will be covered or provided with ramps to prevent reptiles from becoming trapped.

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 the ground.

Should any reptiles be discovered during construction, 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.

- 13) Prior to the first occupation of the dwelling hereby permitted, details of all proposed and existing screen walls, or fences, or other means of enclosure, shall have been submitted to and approved in writing by the local planning authority. The screen walls, fences or other means of enclosure shall be erected prior to the occupation of any part of the approved development and thereafter be retained unless otherwise agreed in writing by the local planning authority.
- 14) No construction works or deliveries shall be carried out from the site outside the hours of 08:00 - 18:00 hours Monday to Friday, 08:00 - 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
- 15) The dwelling hereby permitted shall not be occupied until the first floor study window on the south east elevation has been fitted with obscured glazing in accordance with the approved plans and once installed the obscured glazing shall be retained thereafter.

Schedule B Conditions for APPEAL B: APP/R3650/W/19/3243815.

- 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: E100 -Location/Site Location; P101 - Proposed Site Plan; P102 Rev A – Floor Plans;; P103 - Roof Plan; P104- North – East Elevation; P105 – North - West Elevation; P106 – South - West Elevation; P107 – South - East Elevation; P108 - Site Sections and P200 - Fence Elevation (in respect of the Traditional Design Scheme).
- 3) No development above slab level shall take place until samples and details of all external facing have been submitted to and approved in writing by the local planning authority in writing. The dwelling hereby permitted shall be carried out in accordance with the approved samples and details.
- 4) No development shall take place until full details of existing and proposed levels of the dwelling and garden areas shall be submitted to and approved by the local planning authority. Such details shall specify spot heights of existing and proposed ground levels, slab levels and any retaining walls, across the whole site, in relation to a fixed datum point. The development hereby permitted shall be completed in accordance with the approved details.
- 5) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority.

Details shall specify 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. The written specifications shall include the use of native species in compensation for felled trees, with local provenance from seed collected, raised and grown only in the UK, suitable for site conditions and complimentary to the surrounding natural habitat, and the inclusion of nectar-rich flowers and/or berry bearing plants.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to occupation or use of the approved development or in accordance with a programme agreed in writing with the local planning authority.

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.

- 6) No development shall commence including demolition and or groundworks preparation until a finalised detailed, scaled Tree Protection Plan (TPP) and the related Arboricultural Method Statement (AMS) is submitted to and approved in writing by the Local Planning Authority (LPA). These shall include details of the specification and location 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. The AMS shall also include a pre commencement meeting with the LPA, supervisory regime for their implementation and monitoring with an agreed reporting process to the LPA. All works shall be carried out in strict accordance with these details when approved.

- 7) No development shall commence until details of any services to be provided or repaired including drains and soakaways, on or to the site, have been submitted to and approved by the local planning authority in writing. Such works shall be carried out in accordance with the approved details as shown.
- 8) Prior to the first occupation of the dwelling, hereby permitted, 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 a forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 9) Prior to the first occupation of the dwelling, hereby permitted, an electric vehicular charging point shall be installed ready for operation in accordance with details submitted to and approved in writing beforehand by the local planning authority. The charging point shall thereafter be retained and kept available for its purpose.
- 10) Prior to the first occupation of the dwelling, hereby permitted, bird and bat boxes shall be erected in accordance with details submitted and approved in writing beforehand by the local planning authority. The boxes shall thereafter be retained and kept available for their intended purposes.
- 11) Prior to the first 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.
- 12) To avoid the killing or injuring of individual reptiles, during the development of the site, the following working methods should be adhered:

All clearance works should be taken when reptiles are likely to be fully active i.e. during the April to September period.

Clearance of logs, brash, stones, rocks or piles of similar debris will be undertaken carefully and by hand.

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 any one 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.

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 reptiles from returning.

Ground clearance of any remaining low vegetation (if required) and any ground works will only be undertaken following the works outlined above.

Any trenches left overnight will be covered or provided with ramps to prevent reptiles from becoming trapped.

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 the ground.

Should any reptiles be discovered during construction, 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.

- 13) Prior to the first occupation of the dwelling hereby permitted, details of all proposed and existing screen walls, or fences, or other means of enclosure, shall have been submitted to and approved in writing by the local planning authority. The screen walls, fences or other means of enclosure shall be erected prior to the occupation of any part of the approved development and thereafter be retained unless otherwise agreed in writing by the local planning authority.
- 14) No construction works or deliveries shall be carried out from the site outside the hours of 08:00 - 18:00 hours Monday to Friday, 08:00 - 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.