



Appeal Decision

Site Visit made on 11 May 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2021

Appeal Ref: APP/R3650/W/20/3264017

9 Coppice Close, Farnham GU9 9DQ

- 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 Simon Deadman against the decision of Waverley Borough Council.
 - The application Ref WA/2019/2004, dated 30 October 2019, was refused by notice dated 26 November 2020.
 - The development proposed is erection of four new dwellings plot 1 and 2 with one parking space, plot 3, 4 and the existing dwelling using surrounding on street parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant submitted a completed signed planning obligation by way of a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 19 March 2020. This deals with financial contributions towards mitigation for the avoidance of the impact of development on the Thames Basin Heaths Special Protection Area (TBHSPA). I will discuss this in more detail later in this decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide suitable living conditions for future occupants, with regard to external space for all the proposed dwellings and outlook for plot 3;
 - the effect of the proposed development on the living conditions of 10 Coppice Close, with regard to light and the potential to appear overbearing; and
 - the effect of the proposed development on highway safety.

Reasons

Character and appearance

4. Numbers 9 and 10 Coppice Close (Nos 9 and 10) are a pair of small semi-detached houses positioned at the far end of Coppice Close. Both properties are set some distance from the highway, accessed via a footpath that also links

Coppice Close to an area of parking to the rear off Newcome Road. Coppice Close itself is a narrow road cul-de-sac, characterised by small semi-detached properties of a largely similar appearance. This gives Coppice Close a uniform appearance. The appeal site is an irregular plot of land forming the side and rear garden to No 9.

5. At the rear, the appeal site adjoins an area of surface parking accessed off Newcome Road, beyond which there are playing fields. The appeal site is enclosed by a tall hedge on its south-eastern boundary which separates it from a further car parking area and two-storey housing. On its other boundary it adjoins the garden to No 10 with four small bungalows at 7a-7d Newcome Road beyond. The open land and the limited and low height of development at the rear of Coppice Close, gives this area an open and spacious character.
6. The proposal includes a new dwelling (plot 4) to the side of No 9. This would be the same height as No 9 but only about three quarters of the width with the front corner of the property cut away to accommodate the site boundary. It would appear uncharacteristically narrow and out of keeping with the regular appearance of properties along Coppice Close. This would also make it appear cramped within the plot. The resulting short terrace would also be out of character with the semi-detached properties which would disrupt the uniformity of the road.
7. Within the rear garden, a proposed two-storey detached building would be positioned at an angle within the site. This would be at odds with the more regular pattern of development in the surrounding area. It would have a substantial roof to enable accommodation to be provided on three floors. The bulk of the roof would make it appear taller than two-storey properties nearby. Its height and position as a standalone building unrelated to surrounding development would make it an obtrusive and incongruous feature within the streetscene, which would erode the spacious and open character of the area. It would be widely visible from the surrounding area. The use of materials to complement the locality would not overcome the significant harm that would arise from the proposal.
8. I conclude that the proposed development would significantly harm the character and appearance of the area. It would therefore conflict with Policy TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 (LPP1), Policy FNP1 of the Farnham Neighbourhood Plan 2019 (FNP) and Policies D1 and D4 of the Waverley Borough Local Plan 2002 (LP). These policies together require new development to be a high quality of design, that complements its surroundings and reflects the distinctive character of the area in terms of height, scale, layout and orientation. It would also not comply with the National Planning Policy Framework (the Framework) which requires development to be sympathetic to local character and to establish a strong sense of place using the arrangement of streets and spaces. I have found no conflict with the Farnham Design Guide 2010 which neither weighs for nor against the proposal.

Living conditions – Future Occupants

9. The standalone building would comprise two two-bedroom units within plots 1 and 2 and a one-bedroom unit (plot 3) in the roofspace. Plot 4 would also be a one-bedroom unit.

10. The submitted drawings indicate that plots 1 and 2 would have outdoor amenity space which would wrap around the side and rear of the proposed building. Plot 4 would have a small rectangular area of garden at the rear. The drawings do not indicate outdoor space for plot 3.
11. Whilst I have not been provided with the precise dimensions of the proposed outdoor space, it is apparent from the drawings and my own observations on site that none of these spaces would be large. Due to their limited size, the external space would not provide a spacious area for sitting out in private or performing a range of outdoor household tasks and recreational activities. Furthermore, the irregular shape of the outdoor space to both plots 1 and 2 would further restrict their usefulness. I find that the proposed outdoor space for plots 1, 2 and 4 and the absence of any such space for plot 3 would not provide satisfactory living conditions for the future occupants.
12. Plot 3 would be fully contained in the roofspace of the detached building. The submitted drawings indicate that this space would be served by large rooflights in the south west roofslope and conventional ones in the north east elevation. Due to their angled nature, outlook from these windows would be restricted. As no other windows serve this upper floor flat, future occupants would not benefit from a satisfactory or meaningful outlook.
13. I conclude that the proposal would not provide suitable living conditions for future occupants, with regard to external space for all the proposed dwellings and outlook for plot 3. It would therefore conflict with Policy TD1 of the LPP1 which requires new development to maximise opportunities to improve the quality of life and health and wellbeing for future residents including through the provision of adequate amenity space. It would also not accord with the Framework which requires development to provide a high standard of amenity for future users.

Living conditions – neighbours

14. The proposed detached building would be approximately 2 metres from the boundary with No 10. Due to the angled line of this boundary, the rear elevation of No 10 would face towards the side elevation of the proposed building which would be approximately 8 metres away.
15. The Council has not specified whether it is concerned with the loss of daylight or sunlight or both. Whilst the Council has indicated that the proposal would be likely to pass the 45 degree rule in respect of its effect on daylight to No 10, it considers the 25 degree line has been breached due to the proximity of the proposed building to the windows in the rear elevation.
16. The appellant has not submitted any evidence to demonstrate that the proposal would not cause an unacceptable loss of light to this adjoining occupier. In the absence of firm evidence to demonstrate that this would not occur, given the proximity of this building to No 10 I am not satisfied that the living conditions of these neighbours in respect of daylight and sunlight would not be harmed.
17. Due to the proximity of this sizeable building to both the garden and rear facing windows serving No 10, it would appear visually dominant and intrusive when viewed from this property. This would be both overbearing and oppressive to these occupants.

18. For this reason, I find that the proposed development would significantly harm the living conditions of occupiers of No 10, with regard to light and the potential to appear overbearing. It would therefore conflict with Policy TD1 of the LPP1, Policy FNP16 of the FNP and Policies D1 and D4 of the LP. These policies together require development to improve the quality of life, health and well-being of current residents, to not harm general amenity including through the loss of natural light or through an overbearing appearance and to safeguard the outlook and light to adjoining neighbours. It would also not accord with the Framework which requires development to ensure a high standard of amenity for existing users.

Highway safety

19. Coppice Close is a narrow, single track cul-de-sac off Upper Weybourne Lane. It has very limited space for on-street parking without blocking the carriageway. Cars therefore either park on their front drives or in a designated parking area at the entrance to the road. This is restricted to occupants of an adjacent block of flats. With limited on street parking, the area behind Coppice Close and accessed via a footpath is a parking area accessed from Newcome Road and Mill Stream at the rear.
20. The proposed development would provide two off-street parking within the site which would be accessed via Newcome Road and the parking area. No other parking space are proposed. The appellant has indicated that parking for two of the units would be on local streets.
21. The appeal site is located in the 'Developed Area of Farnham' where Waverley's Parking Guidelines 2013 require the provision of one parking space for a one bedroom property and two parking spaces for a two bedroom unit. The appeal scheme would therefore generate a requirement for six parking spaces. It would also need to provide parking for the host property. With two spaces provided, there would be a shortfall of at least four parking spaces.
22. Without sufficient off-street parking allocated to meet the needs of the proposed development, it could give rise to demand for on-street parking in Coppice Close. Due to the narrowness of this road and its limited space, any parking here would be likely to either obstruct other vehicles or the footpaths. This would be inconvenient but would also significantly increase the risk of conflict between road users.
23. The junction of Coppice Close with Upper Weybourne Lane is narrow. For cars emerging from this junction, visibility to the left is restricted by an adjacent boundary hedge and post. Furthermore, the junction is not wide enough to allow two way vehicular movements. Any intensification of the use of this junction would increase the likelihood of conflict between road users.
24. The appellant has stated that parking for the proposed development would not be on Coppice Close and that this could be controlled through appropriate signage. Notwithstanding such signage would require permission for its display, it would also be unenforceable. It would not therefore adequately control any additional parking or vehicle movements on Coppice Close.
25. Unrestricted parking exists within the parking areas to the rear of Coppice Close. Newcome Road has unrestricted on-street parking. The appellant proposes the use of these areas to meet the additional parking needs of the

scheme. However, the Council has advised this parking area is outside the appellant's ownership and is not considered an appropriate parking solution. The Council also considers the surrounding streets do not have capacity for the additional on-street parking that the proposed scheme would generate.

26. I have been provided with no substantive evidence on the overall parking capacity in the area around the site, or how demand for this varies from daytime to evening or at weekends. I also have no information confirming that parking within the car parks to the rear of Coppice Close would be possible given this area lies outside the ownership of the appellant. In the absence of such information, it is not possible to fully assess the ability of the surrounding streets to accommodate any additional demand for parking arising from the proposal.
27. The access to local bus routes, footpath links to both the railway station, which is nevertheless some distance from the site, and the town centre, whilst contributing to the accessibility of the site, would not overcome the requirement for the proposal to provide adequate car parking.
28. Taking all the above factors into account, this leads me to conclude that the proposed development would lead to an increased risk of conflict between road users which would significantly harm highway safety. It would therefore not accord with Policy ST1 of the LPP1 and Policy FNP30 of the FNP. These policies together seek development that provides safely located access with adequate visibility and makes appropriate provision for car parking in accordance with local standards. It would also not accord with the Framework which requires safe and suitable access to the site and for development to not have an unacceptable impact on highway safety. It would also not accord with the Parking Guidelines as referred to above.

Other Matter

29. The appeal site lies within the 400 metres and 5 kilometres buffer zone of the TBHSPA. This is a protected habitats site and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. Regulation 63 prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the European site. I am the competent authority for the purposes of this appeal.
30. The appellant has accepted the need to provide a contribution towards mitigation against the adverse impacts of the proposal on the habitats site. The submitted UU would appear to secure this. Notwithstanding the Council's findings in respect of this, as the competent authority, I would be required to carry out an appropriate assessment of the effect of the proposed development. However, as I have found that the scheme is unacceptable for other reasons, I do not need to pursue this matter further.

Conclusion

31. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR