
Appeal Decision

Site visit made on 20 April 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Ref: APP/R3650/W/20/3264487

Land adjoining Ivy House, The Green, Farnham GU9 0HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Miss S Booth against the decision of Waverley Borough Council.
 - The application Ref WA/2019/1472, dated 23 August 2019, was refused by notice dated 20 November 2020.
 - The development proposed is outline application for erection of a dwelling and associated works with all matters reserved following demolition of existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For reasons of precision and clarity, I have taken the description of development from the Council's Decision Notice.
3. The appeal application was submitted in outline with all detailed matters reserved for a subsequent approval. An indicative layout (Drawing No. MLP/04) accompanied the outline planning application and I have taken this into account in so far as establishing whether or not it would be possible, in principle, to erect a single dwelling on the site.
4. The proposal is supported by a planning obligation in the form of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990. I have had regard to it in reaching my decision.

Main Issues

5. The main issues in this appeal are:
 - The effect of the proposed development upon the character and appearance of the area, including the likely long-term effect on protected trees;
 - Whether the proposal provides adequate living conditions for future occupiers, in particular with regards to the potential shading from existing trees; and
 - The effect of the proposal upon biodiversity on the site.

Reasons

Character and appearance

6. The surrounding area is predominately residential, with the character of the area being made up of a mix of dwelling types including detached, semi-detached and terrace properties. Dwellings are set within a range of plot sizes and shapes, with the position of the buildings within the plots varying. Design of the buildings are also varied, although Ivy House forms part of four detached dwellings that are of similar appearance. To the north of the appeal site is Farnham Green, which is a large area of open space used for recreational purposes. This, combined with the presence of substantial trees, gives the area a verdant and sylvan character.
7. The appeal site comprises an area of underused land, located to the south-east of Ivy House. The site has a narrow frontage, before widening towards the rear. Within the site there is a fully enclosed, disused squash court, with the remainder of the site being heavily treed, with the trees forming an important part of the wider sylvan character of the area.
8. The illustrative plan shows that the footprint of the proposed building, whilst being smaller than Ivy Cottage, would be similar in size to surrounding dwellings. However, whilst there is a variety of plot shapes and sizes within the area, I find that all of the other properties benefit from more open plots, whereas the site before me has a large proportion of it curtailed through tree cover. The presence of the proposed dwelling including its footprint and proportions in a confined parcel of land would, thereby, undermine the prevailing characteristics of the area.
9. The illustrative plan shows that to accommodate the development some existing trees would be lost. Work would also be undertaken to a number of the remaining trees. Despite being to the side of Ivy Cottage, the larger mature trees are clearly visible and are important features within the street scene. The presence of these trees therefore makes a significant contribution to the character of the area and are an important part of the wider sylvan character, especially when viewed from the public open space to the north.
10. Of those trees to be retained, the illustrative plan shows that the development would be located within close proximity to them. Whilst modern methods of construction could provide a solution to enable development to take place, as these trees mature, their relationship with the proposed development is likely to place pressure on the future safeguarding of these trees. Furthermore, given the number and size of the existing trees and their relationship with the proposed dwelling, it is likely that the windows of habitable rooms and large parts of the garden space would be shaded by these trees. This could potentially lead to pressure for these trees to be reduced or removed.
11. My attention has been drawn by the appellant to the fact that, whilst resulting in the loss of some trees, the proposal would retain the substantial trees, and in particular, those which make a clear contribution to the character of the area, thereby retaining the existing verdant character. I do not seek to bring this into question, however, I consider that the presence of the trees upon the appeal site makes an important contribution to the overall character of the area. From the illustrative drawings and other information, I therefore

conclude the erection of a detached dwelling cannot be easily accommodated on the site without having an adverse effect upon the existing trees.

12. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and have a long-term effect on protected trees and, in this respect, would be contrary to Policies TD1, NE1 and NE2 of the Waverley Borough Local Plan 2018 (Part 1) (WBLP), Policy FNP1 of the Farnham Neighbourhood Plan (FNP), Policies D1 and D4 of the retained Waverley Borough Local Plan 2002 (rWBLP), the Farnham Design Statement and Paragraph 127 of the National Planning Policy Framework (the Framework).

Living conditions

13. From the submitted illustrative plans, the rear garden area of the proposed dwelling would appear to be of sufficient size to ensure the provision of an adequate amount of garden area to meet the needs of a single dwelling.
14. However, given the relationship of the proposed dwelling with the existing trees on the site, along with their size, in particular those along its southern boundary, it is likely that the enjoyment of this external area, along with the associated internal space of the proposed dwelling, would be severely overshadowed by the presence of these existing trees. As a result, whilst the garden area may be of sufficient size, its suitability to provide appropriate living conditions would be compromised by this shading.
15. For the above reasons, I therefore conclude that the proposed development would, due to the presence of protected trees on the site, fail to provide adequate living conditions for future occupiers and, in this respect, the proposal would be contrary to Policy TD1 of the WBLP and Paragraph 117 of the Framework.

Biodiversity

16. The supporting assessment confirms that the former squash court on the site is of low potential to support roosting bats, however the assessment recommends further survey work to confirm their absence. No evidence has been provided to show the conclusions of these additional surveys.
17. Therefore, notwithstanding the low potential of the existing building to support bats, taking a precautionary approach, without this additional survey work, I am unable to conclude that the proposed development would not result in an adverse impact upon protected species. Furthermore, given the protected nature of the species, it would not be appropriate to require these additional surveys to be undertaken via a condition.
18. For these reasons, I therefore conclude that the proposed development would have an adverse effect upon biodiversity on the site and, in this respect, is contrary to Policy NE1 of the WBLP and the Framework.

Other Matters

19. The Council raised no objections in relation to access, parking, flooding and drainage or impact upon the nearby SPA. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.

Planning balance and Conclusion

20. I have concluded that the proposal would harm the character and appearance of the area, would fail to provide adequate living conditions for future residents and would have an adverse effect upon protected species. These matters weigh substantially against the proposal.
21. On the other hand, the proposed development would involve the removal of the existing former squash court, which makes little contribution to the character of the area, and its replacement with a new, self-build development, in a sustainable location within the existing settlement boundary.
22. Overall, whilst the proposal would deliver benefits, given the relatively modest scale of the development proposed, these benefits are not considered to be sufficient to outweigh the substantial harm caused through the identified conflict with the development plan and the Framework.
23. For the above reasons, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR