



Appeal Decision

Site Visit made on 22 November 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2021

Appeal Ref: APP/R3650/W/21/3275345

Land rear of 9 Upper South View, Farnham, GU9 7JW

- 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 Mrs Dean against the decision of Waverley Borough Council.
 - The application Ref WA/2020/0772, dated 9 March 2020, was refused by notice dated 23 February 2021.
 - The development proposed is erection of 3 dwellings with access and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have omitted the reference to amended plans in the description of development as these do not describe the proposed development.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the setting of Farnham Park; and,
 - The effect on the character and appearance of the area.

Reasons

Setting of Farnham Park

4. The appeal site lies immediately outside Farnham Park, a Grade II Listed Park and Garden. The park dates from the 14th Century and was laid out as a deer park associated with Farnham Castle. The park acted as a buffer to residential development of the site from the late nineteenth century, with new streets from that time running towards the park's south boundary or parallel to it. The site's significance derives from its historic importance in the area and its use and evolution over time as Farnham has grown and developed around it.
5. The appeal proposal would be visible from within Farnham Park from the footpath that runs along the shared boundary as well as from the slope beyond it. As the buildings would be among the closest to the Park and would face towards it where all dwellings in the vicinity have their side or rear elevations towards the Park, they would be prominent in views from it, albeit seen in the context of the wider urban setting that abuts the Park.

6. Due to their size, siting close to the Park and their orientation facing towards it, the buildings would be an uncharacteristic feature in its setting, and therefore would result in harm to its significance. The buildings would be seen only from limited points within the Park, mainly in incidental views and would be set within the context of the wider development of Farnham that has extended over time up to the Park's boundaries. In this context, the proposed development would result in less than substantial harm to the significance of the heritage asset. It would therefore conflict with Policy HA1 of the Waverley Borough Local Plan 2018 (the 2018 LP) and Policy FNP1 of the Farnham Neighbourhood Plan 2017 (the FNP). Collectively these policies require that the significance of the heritage assets within the Borough are conserved or enhanced.

Character and appearance

7. The appeal proposal would involve backland development of a residential garden. The buildings would face towards Farnham Park, where all other residential development abutting the Park in the area has its side or rear elevations facing the Park. It would therefore be out of keeping with the established pattern of development in the area.
8. The proposal would create one house and two flats providing generous accommodation for future occupiers, and the individual buildings would sit within spacious plots. The appeal proposal would not therefore appear cramped within its setting.
9. Overall, the development would be harmful to the character and appearance of the area by virtue of the siting and orientation of the buildings. It would therefore conflict with Policy TD1 of the 2018 LP, Policies D1 and D4 of the Waverley Borough Local Plan 2002 (the 2002 LP) and Policy FNP1 of the FNP, together with guidance in the Farnham Design Statement 2010. Taken together these require that development responds to the distinctive local character of the area in which it is located.

Other Matters

10. The site is within 5 kilometres of the Thames Basin Heaths Special Protection Area (SPA). The Council has referred to a Section 106 agreement securing contributions towards mitigation measures in line with its adopted avoidance strategy. Had I been minded to allow this appeal, it would have been necessary to carry out an appropriate assessment as the competent authority to determine whether this would be sufficient to mitigate any significant adverse impacts arising from the development. However, as I am dismissing the appeal on other grounds, it is not necessary for me to consider the matter further.
11. The Council has referred to Policies HE3 and HE5 of the 2002 LP in its decision. These policies refer to works affecting listed and locally listed buildings rather than historic parks and gardens. They are therefore not relevant to the appeal proposal.

Planning Balance

12. The appeal proposal would create three new dwellings, supporting the Government's objective of significantly boosting the supply of homes. The appeal site is available and deliverable, and is in a sustainable, urban location. The appellant contends that there is a shortfall in the Council's supply of

housing land, and this is supported by the figures provided by the Council in appeal submissions dated after their refusal of the application the subject of this appeal. While the identified shortfall is slight it does nevertheless weigh in favour of the proposed development. There would also be an economic benefit from the creation of construction jobs and investment resulting from the appeal proposal. Collectively these attract moderate weight in favour of the proposed development.

13. Set against these benefits, the proposed development would cause harm to the setting of the Grade II listed Historic Park and Garden. The National Planning Policy Framework requires that great weight be given to the conservation of designated heritage assets, irrespective of whether any potential harm amounts to less than substantial harm to its significance. In addition to the great weight afforded to the conservation of Farnham Park, the development would also be out of keeping with the character of the area. This attracts further moderate weight given the site's setting within the context of surrounding residential development.
14. As there would be harm to the setting of a heritage asset arising from the proposed development there is no presumption in favour of sustainable development in this instance. Even allowing for the additional weight accorded to the provision of new housing, the identified benefits would not outweigh the heritage harm and other harm that would result from the proposed development. There are therefore no considerations to indicate that this appeal should be determined otherwise than in accordance with the development plan.

Conclusion

15. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR