



Appeal Decision

Site Visit made on 30 November 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

Appeal Ref: APP/R3650/W/21/3274408

Rear of 18 High Park Road, FARNHAM, Surrey, GU9 7JL

- 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 and Mrs C and F Trottier against the decision of Waverley Borough Council.
 - The application Ref WA/2020/1878, dated 29 October 2020, was refused by notice dated 25 February 2021.
 - The development proposed is conversion of garages into a 1 bedroom studio house with car parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, following the Council's decision, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.
3. Although the proposal is described as conversion of garages, and the appellant suggests that this would involve limited physical change to the building, at my visit I noticed that the garage building as constructed differs from the building shown on the plans before me. The side elevation appears taller on site than it does on the drawings, with a larger area of masonry above the northeast facing window. Furthermore, the front facing rooflights are shown on the plans at the top of the roof slope and in the same position as the rear facing rooflights, whereas on site the front facing rooflights were set much lower than those at the rear. Accordingly, whilst I have been mindful of the presence of the existing building at the site, I have assessed the proposal primarily on the basis of the plans before me.

Main Issues

4. The main issues are the effect of the proposal upon
 - a) the character and appearance of the area, and
 - b) the living conditions of the occupiers of Nos. 16, 18 and 20 High Park Road.

Reasons

Character and appearance

5. The appeal building would front onto a modest secondary street. Although existing dwellings are varied in terms of their siting and appearance, they are all on the opposite side of the street to the appeal building. The side of the street on which the appeal site is located is defined by the far end of long domestic plots that front High Park Road. In the most part their boundary against Lower South View is demarcated with high fences and mature vegetation up against the road edge. Some plots are more open at the end with a garage building and a small area of parking, but all are consistent in the sense that they represent the well secured rear boundary of the dwellings fronting the road to the north.
6. Although the proposed building would be larger than other nearby garages, if completed with a pair of front facing garage doors it would read as a further ancillary outbuilding, serving a dwelling fronting High Park Road. I appreciate that the changes necessary to use the building as a dwelling would be modest when compared with the building already permitted by the Council. However, they would be significant in terms of how the building would function and relate to adjacent buildings, and the impact this would have on the area's character.
7. Following the insertion of the front facing windows in place of the permitted garage doors, the building would present itself as a rather awkwardly scaled dwelling that would be entirely different to any of the dwellings opposite. The modest space to the side and front would appear cramped when used regularly for the parking of cars and would reinforce the poor layout of the proposal and its unsympathetic response to its context. The proposal would open up the end of the plot to face out towards Lower South View and would be at odds with the more defensive arrangement of adjoining rear boundaries that effectively turn their backs on this road.
8. The appellants have referred to the conversion of a garage to a dwelling nearby at 47a Castle Street, which the Council accepted. I can see from the details provided that the context of this building differs considerably from the appeal proposal. Furthermore, I do not doubt that there are many instances where a garage building can be converted into a modest dwelling without harm to the character of the area, however for the reasons above I am not satisfied that this would be the case for the appeal proposal.
9. In summary, the proposal would harm the character and appearance of the area. It would not accord with Policy TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 (LP 2018), Policies FNP1 and FNP16 of the Farnham Neighbourhood Plan 2013-2032 (FNP) and Saved Policies D1 and D4 of the Waverley Borough Local Plan 2002 (LP 2002), insofar as they seek to ensure that development proposals protect an area's character, are well integrated and designed to a high quality including matters of layout and orientation.
10. The Council also referred to its Residential Extensions Supplementary Planning Document 2010. However, as the proposal is for a new independent dwelling I am not satisfied that this document is relevant.

Living conditions

11. The building would stand at the rear of No. 18 High Park Road. Rear facing windows at first floor level would face out over No. 18 and also towards the neighbours to either side. These windows would be rooflights, which when open would give future occupants the opportunity of a broad and unobstructed view over these nearby rear gardens. I am of the view that this would cause significant harm to the living conditions of the occupiers of these three dwellings. Their private garden areas would be easily overlooked at close range by the occupiers of the proposed dwelling. This would be quite different to the more occasional use of the first floor of the permitted building as a playroom.
12. It is suggested that these two rear facing rooflights could be obscurely glazed. Because of the opportunity to open a rooflight fully to give a clear view when the weather allows, I consider that it would also be essential for the rooflights to be non-openable to safeguard the living conditions of the occupiers of these existing dwellings. A suitably worded condition could be used in the event that the appeal is allowed which would be sufficient to mitigate against the harm I have identified.
13. The Council is concerned that if the rear windows are obscurely glazed the first floor room would be without sufficient outlook, owing to the low level of the front facing rooflights. I have however already found that the rooflights fitted to the front of the building that has been constructed at the site do not accord with the position shown on the plans before me. The front facing rooflights shown on the submitted plans would be the same level as the side facing window and would thus give the occupants of the proposed dwelling adequate outlook from the first floor bedroom. I am thus satisfied that using obscure glazing for the rear facing rooflights would not have a harmful impact on the living conditions of future occupants of the proposed dwelling.
14. In summary, I am satisfied that the proposal would not harm the living conditions of Nos. 16, 18 and 20 High Park Road. It would accord with Policy TD1 of the LP 2018, Policy FNP1 and FNP16 of the FNP, and Saved Policies D1 and D4 of the LP 2002, insofar as they seek to ensure that development proposals are well designed to safeguard the privacy of adjoining residents.
15. Comments are also before me relating to the impact on the living conditions of the dwellings on the opposite side of Lower South View. I accept that the distance between the front of the building and the front of the dwellings opposite would be modest, however views between the two would be across a road where a level of overlooking from those using the road would already take place, and thus the level of privacy to be expected is considerably less than between areas of private rear gardens. I am therefore not satisfied that the proposal would harm the living conditions of the dwellings opposite, or that this matter should form part of this main issue.

Planning Balance

16. The proposal would conflict with the development plan, as it would be contrary to Policies of the LP 2018, LP 2002 and FNP which seek to ensure that development proposals do not harm the character or appearance of an area.
17. Evidence before me suggests that the Council is unable to demonstrate a five year supply of deliverable housing sites (5YHLS). The level of under supply is

reported to be modest and this is not disputed by the appellants. As such the 'tilted balance' set out in paragraph 11 d) of the Framework is engaged. As a result, where the policies are out of date, which would be the case where a Council cannot demonstrate a 5YHLS, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

18. Paragraph 14 of the Framework establishes that in such situations the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, providing certain criteria apply. With reference to paragraph 14 a) the FNP was made on 3 April 2020 and is therefore within two years of the date of this appeal decision.
19. With reference to paragraph 14 b) I am satisfied that the FNP sets out its identified housing requirement and the policies and allocations to meet that requirement. Evidence before me¹ confirms that the shortfall in 5YHLS is modest and well above 3 years supply of deliverable housing sites. Therefore, criteria c) of paragraph 14 of the Framework is also satisfied. The results of the Housing Delivery Test 2020 shows that the Council's housing delivery was well over 45% of that required over the previous three years. Accordingly criteria d) of the Framework paragraph is also satisfied.
20. As such, paragraph 14 is engaged. The proposal would make a small contribution to housing supply. It would deliver a dwelling that is within easy walking distance of a range of local services and facilities. However, the adverse impact of allowing the proposal, taking into account the conflict with the FNP, significantly and demonstrably outweighs these benefits. Accordingly, the appeal should fail.

Other Matters

21. The appeal site is within 5km of the Thames Basin Heathland Special Protection Area. The addition of a residential dwelling within this area would be likely to have a significant effect on the internationally important interests and features of this site. The appellant has submitted a Unilateral Undertaking to secure financial contributions towards mitigation measures. However, as I am dismissing the appeal for other reasons, the likely significant effect will not occur in any event, and this matter does not therefore need to be considered further.

Conclusion

22. In conclusion, the proposal would conflict with the development plan and there are no other considerations that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR

¹ Council's Closing Submissions for appeal APP/R3650/W/20/3262641