



Appeal Decision

Site visit made on 29 March 2022

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 6 April 2022

Appeal Ref: APP/R3650/W/21/3278931

34 Beavers Road, Farnham, GU9 7BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Susan Ostrom against Waverley Borough Council.
 - The application Ref WA/2021/01166, is dated 10 March 2021.
 - The development proposed is ancillary residential accommodation following demolition of or relocation of sheds, summer house and greenhouse and widening of the existing vehicular access onto Beavers Road.
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Decision

1. The appeal is allowed and planning permission is granted for proposed ancillary residential accommodation following demolition of or relocation of sheds, summer house and greenhouse and widening of the existing vehicular access onto Beavers Road at 34 Beavers Road, Farnham, GU9 7BD in accordance with the terms of the application, Ref WA/2021/01166, dated 10 March 2021, and the plans submitted, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council failed to determine the application within the prescribed period but has indicated that, were it in the position to do so, the application would have been refused as the proposal would amount to a self-contained unit of accommodation and would harm the character and appearance of the site and the surrounds. In July 2021 a revised National Planning Policy Framework (the Framework) was published. The main Parties have had the opportunity to comment on the implications for this appeal.

Main Issues

3. It is clear from the evidence that the appellant is not applying for a separate dwelling but for an annex to provide ancillary accommodation for family members. The main issues are: the effect of the proposed building on the character and appearance of the site and the surroundings; and whether the proposed accommodation would be an annex or an independent dwelling, and if the latter, whether a new dwelling would be appropriate.

Reasons

Character and appearance

4. The appeal property comprises a detached house with a relatively long back garden. It is in a residential area of mixed dwellings styles, sizes and ages. To one side No 32 Beavers Road is also a detached house with a similar length

garden and sited about the same distance back from Beavers Road. To the other side, separated from the site by a public footpath, is a terraced row of houses which are much closer to the road. Behind the terraced row is Beavers Close. At the end of this is Little Hops, a bungalow in a wider but shorter garden that adjoins the side boundary of the appeal site.

5. The proposed building would be sited about half way down the rear garden. Although larger than many typical outbuildings found in gardens it would replace a summer house and shed which would be removed. Hedges and some ornamental shrubs/trees would also be removed. A second shed would be repositioned further down the garden.
6. The proposed building would be flat roofed and constructed of a mix of timber boarding and brick work and would be of a modern design. Whilst this would be different from the pitched roof of the main house and other nearby dwellings, brick and timber boarding is evident in nearby buildings. Moreover, the appearance would not be wholly dissimilar to many outbuildings such as summer houses often found in gardens.
7. Despite the generous footprint size, as the building would be a considerable distance from the main house and would be flat roofed, it would not over-dominate the main house or significantly compete with the latter. It would not be visible from the road or other public vantage points.
8. For the above reasons I conclude that the proposed building would not be harmful to the character and appearance of the site or the surroundings. I find no conflict with Policy TD1 of the Waverley Borough Local Plan Strategic Policies and Sites Part 1 2018 (the LP); Saved Policies D1 and D4 of the Local Plan 2002, Policies FNP1 and FNP16 of the Farnham Neighbourhood Plan (the FNP); the Residential Extensions Supplementary Planning Document 2010 (SPD) or the Farnham Design Statement (the DS) in terms of protecting the character and appearance of the area.

Whether an annex or dwelling

9. It is a matter of fact and degree as to whether or not the proposed development would be an annex or an independent dwelling. Notwithstanding the SPD I see no reason in principle why an annex could not be some distance from the main dwelling, although I acknowledge that sharing day to day living arrangements would be somewhat less convenient than would be the case for an extension or if the two buildings were closer together. The proposed building, would include a bedroom, a kitchen/dining area, living area, study area/lobby, bathroom and utility, making it capable of independent occupation.
10. It does not necessarily follow that, because the proposed building is capable of being independently occupied, it would not, or could not, be occupied for purposes ancillary to No 34, or that it would become a separate planning unit. As a consequence, it is unnecessary for the annex to be in the form of an extension or to be within any particular distance for the additional living accommodation to be ancillary to the main residence.
11. The annex would be within the same curtilage as the main dwelling. Access would be from the existing Beavers Road entrance, which would be widened, and would be shared with the main dwelling. There is sufficient room for a number of vehicles to park and turn in the front garden. There is insufficient

room for a vehicle to pass the house and pedestrian access would be down the path between the house and the side boundary or through the main dwelling.

12. The appellant describes the annex as being intended for occupation as a "*multigenerational unit*" in connection with the use of No 34 but with a degree of independent living. The evidence indicates there is no intention of subdividing the site and that there would be no significant separation in terms of services, utilities, postal address or physical boundaries such as fences or walls. Such subdivisions would erode the functional linkage between the use of the annex and the main dwelling.
13. Whilst in principle a dwelling would be acceptable in a built up residential area, the subdivision of the site to form separate dwellings and associated curtilages, including private gardens, parking area and access for the occupants of the building, could result in a contrived layout and appearance. It could also result in awkward living conditions for the occupants of both buildings through noise, disturbance and a lack of privacy. Thus, occupation of the proposed building by anyone other than a relative or guest of the occupants of the main house would be undesirable. In my view, it could harm the character and appearance of the area and the living conditions of residents. However, a planning condition could be imposed to ensure the building is only occupied for purposes ancillary to the occupation of the main residence.
14. I acknowledge that the Council considers that the building could be occupied as a separate unit of accommodation without the Council's knowledge and that a planning condition limiting the use as ancillary accommodation could be difficult to monitor. However, it is not clear what harm the Council considers would arise from family members using the proposed annex, or why it should be assumed compliance would not occur. Moreover, it seems likely to me that any material breaches could be reported by neighbours and any appropriate action taken by the Council.
15. In conclusion the annex could be occupied either ancillary to the main house or independent of it. As set out above the latter could be harmful but this could be prevented by way of a planning condition. With such a condition, independent occupation could not lawfully occur; no separate dwelling/planning unit should materialise; and the proposal would remain as a domestic outbuilding within the curtilage of No 34. Accordingly I find no conflict with Policy TD1 the LP; Saved Policies D1 and D4 of the Local Plan 2002; Policies FNP1 and FNP16 of the FNP; or the DS in these respects. There would be some conflict with the provisions of the SPD, but that is guidance, and as explained above, a condition would ensure the use remained ancillary.

Other Matters

16. The building would be some 38m or more from the Grade II Listed row of terraced houses. Due to the separation distance and flat roof design there would be no effect on the Listed row or the setting in which it is appreciated.
17. The proposal would not result in a material increase in the number of people residing at the property and would therefore not have an impact upon the integrity of the Thames Valley Heath Special Protection Area.
18. The access at the front of No 34 would be widened by the removal of the low brick wall across the frontage. Concern has been expressed by third Parties

that this would lead to highway safety problems because the footpath between Nos 34 and 32 is regularly used by pedestrians including children on their way to and from school. Concern has also been raised about the potential difficulty for access for emergency services. However, no objections have been made on highway safety grounds by the Council; the wall could be removed at any time whether or not the development were to take place; and the path to the side of No 34 would be available for emergency access. I find no overriding reason to reach a different view to the Council.

19. The proposed building would be about 1.5m from the side boundaries of the site and would be a significant distance from the rear elevation of the house at No 32. Even given its scale I conclude that the proposed building would not have a materially harmful effect in terms of light and outlook for occupiers of that property or Little Hops and would be likely to cause less harm than an extension to the dwelling itself. External lighting and heat pump noise could be addressed by condition as could measures to protect trees during construction.
20. I acknowledge that the Council considers the needs of the appellant could be met by a smaller building and I am told that an annex has already been constructed as an extension to the main house. Nevertheless, I must consider the proposal before me in the light of the relevant planning considerations.
21. None of the above matters lead me to any different conclusions on the main issues.

Conditions

22. I have considered whether conditions would be necessary to make the proposal acceptable in relation to the Framework and the National Planning Policy Guidance. As well as the standard condition specifying the time limits for the commencement of development compliance with the approved plans is necessary to provide certainty. Approval of materials and protection of trees are required in the interests of the appearance of the area.
23. The appellant has indicated a willingness to adhere to conditions in respect of the building remaining ancillary to the occupation of No 34 and sound attenuating fencing to mitigate any noise from the proposed heat pump and has proposed that external lighting would be confined to recessed soffit lights above the covered areas with no wall mounted security lights being used. Conditions relating to these matters are necessary in the interests of the character and appearance of the area and to protect the living conditions of existing and future occupiers of the proposed building and neighbouring properties.
24. As suggested by the Town Council control is required over hours of construction works and management of construction vehicles and storage.

Conclusion

25. For the reasons given I conclude that the appeal should succeed.

S Harley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20/06 PI 1/01 Rev A; 20/06 PI 2/01 Rev A; 20/06 PI 1/02;
- 3) Prior to any above slab level construction full details of the materials to be used in the construction of the external surfaces of the building hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Before any heat pump is used at the premises, a scheme for sound attenuating fencing shall first have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and shall be retained thereafter.
- 5) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before any external lighting is installed. No external lighting shall be installed other than in accordance with the approved details.
- 6) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as No 34 Beavers Road and shall at no time be subdivided from the curtilage of, or used as an independent unit of residential accommodation separate from, No 34 Beavers Road.
- 7) No site clearance, preparatory work or development shall take place until trees have been protected in accordance with the Arboricultural Report March 2021 and the Tree Protection Plan 20/06 PI2/01 Rev A. The tree protection measures shall remain in place during the construction period.
- 8) Demolition or construction works shall take place only between 08:00-18:00 hours on Monday to Friday; 08:00-13:00 hours on Saturdays; and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 9) No construction shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide appropriate details including but not restricted to the following matters:
 - a) the parking of vehicles by site operatives and visitors,
 - b) the loading and unloading of plant, materials and waste,
 - c) the storage of plant and materials used in construction of the development.

End of Schedule of Conditions