
Appeal Decision

Site visit made on 29 June 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2022

Appeal Ref: APP/R3650/W/21/3285684

24 Green Lane, Farncombe, Surrey GU7 3SN

- 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 Mr Matthew Bryant against the decision of Waverley Borough Council.
 - The application Ref WA/2021/0476, dated 14 February 2021, was refused by notice dated 2 July 2021.
 - The development proposed is a 2 bedroom detached dwelling following the demolition of an existing garage, on land currently forming part of the rear garden of 24 Green Lane.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was revised in July 2021, as the Council was making its decision. As such it has referred to the previous iteration in its reasons for refusal. However, the sections pertinent to this appeal have not materially altered, as such the main parties will not be prejudiced by my reference to the revised version in my decision.
3. The appeal scheme seeks outline planning permission with all matters reserved. I have therefore considered the submitted block plan as illustrative only. I have also omitted from the description above additional commentary concerning the timing of the appeal scheme. Specifically, that it is a resubmission of a previous one, Council reference WA/2020/0022.

Main Issues

4. There main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of future and existing occupants in relation to outlook.

Reasons

Character and appearance

5. The appeal site is the rear garden of 24 Green Lane, a 2-storey detached property. It is enclosed by fencing with a detached garage accessed directly from Elm Road, which runs up the side of the site. 24 Green Lane is like many of the properties within the surrounding residential area. Although there is a mix of detached and semi-detached properties, they are generally similar in size, siting, style, and form, with reasonable and largely undeveloped gardens to the rear.

6. The total size of the plot, and others around it, along with the set back of buildings from the street and the general consistency of built form, creates a pleasant sense of spaciousness and homogeneity to the street scene which contributes positively to the character and appearance of the area. In addition, the rear gardens of this part of Green Lane and Willow Road create a verdant break in the otherwise built up locale. Although it is evident there is a mix of outbuildings within the gardens, their presence is softened by planting, and their sizing proportional to the plots they are in.
7. The introduction of a building in the garden of No 24 would erode the verdant character of the aforementioned gardens. In addition, the significant reduction in garden size to No 24 and subsequent smallness of plot size for both this and the proposed dwelling, would be at odds to the adjacent properties and local suburban grain., reducing the spacious feel of the area.
8. The proposed development would therefore be harmful to the character and appearance of the area. Accordingly, it would be contrary to Policy D1 and D4 of the Waverley Borough Local Plan 2002 (LP2002), Policy TD1 of the Waverley Borough Local Plan 2018 (LP2018), Policy GOD5 of the Godalming and Farncombe Neighbourhood Plan and paragraph 130 of the Framework, insofar as they relate to the quality of design and the distinctive local character of an area.

Living conditions

9. Even if the proposed building were to be single storey, it would be sited very closely to the rear elevation of No 24. It would unacceptably reduce what is currently an open and unencumbered outlook from the immediate rear garden of No 24, making it restrictive and oppressive, to the detriment of the living conditions of its occupiers.
10. The appeal site backs onto the rear garden of 4 Willow Road but is separated from 2 and 2a Willow Road by a large outbuilding and a sub-station. On the opposite side of Elm Road is 26 Green Lane, which has a more modest garden with limited privacy. This is due to the requirement for a low boundary treatment to ensure visibility around the junction of Green Lane and Elm Road.
11. If the proposal were a 2 storey property, then the outlook for occupants of both these properties would be impinged by the height and its proximity, but a single storey building could be designed so as not to harm the outlook. However, this is a variable that is not known at this stage, but the potential harm could be overcome.
12. In relation to potential occupants of the proposed new dwelling, it is likely to ensure privacy of surrounding properties, clear glazed windows would be limited to the Elm Road facing elevation or would be very close to the site boundary treatments. This could be harmful to the living conditions of future occupants creating a single aspect property with its only outlook toward the road.
13. The appellants assertion that the proposal would not harm the privacy of and light for the occupants of the properties mentioned is a neutral matter and cannot, by definition, outweigh the harm identified.

14. The proposal would, therefore, harm the living conditions of the occupants of 24 Green Lane and the proposed dwelling in relation to outlook. This would be contrary to LP2018 Policy TD1, LP2002 Policies D1 and D4, the Residential Extensions Supplementary Planning Document and paragraph 130 of the Framework. Together, and amongst other things, these policies seek to ensure the amenities of occupiers of neighbouring properties and future residents.

Other Matters

15. The potential that a new dwelling would lead to the gentrification of the wider area, is well located to public amenities, and has not received objections from the Highways Department, are a lack of harm in each case and thus neutral factors which, by definition, would be incapable of outweighing the harms I have found.
16. The Council are unable to demonstrate the supply of housing sites required by the Framework. I would therefore consider the most important policies out of date and be taken, having regard to the particular circumstances of the case, to paragraph 11 d) ii).
17. The harms I have found would be wide ranging and long lasting, relating to the character and appearance of the area and the living conditions of occupiers both existing and future. They would result in conflict with the Framework as I have set out above and I attach substantial weight to them. A single dwelling would contribute to reducing the current housing shortfall of the Borough, but this would be limited. As would its associated benefits. The appellant has also stated that the house would be affordable, of low carbon construction, and that 2 bed dwellings are required in the area. However, this has not been evidenced nor has it been shown how the new dwelling would be secured for affordable rent or sale. In addition, as an outline scheme, the number of bedrooms is not fixed. Consequently, I give these benefits limited weight.
18. The adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore benefit from the presumption in favour of sustainable development.

Conclusion

19. The appeal scheme would conflict with the development plan. There are no material considerations, including the Framework, and worthy of sufficient weight, that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

RJ Redford

INSPECTOR