



Appeal Decision

Site visit made on 15 June 2022

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2022

Appeal Ref: APP/R3650/W/21/3287686

1 Grovelands, Lower Bourne, Farnham GU10 3RQ

- 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 J Marsh against the decision of Waverley Borough Council.
 - The application Ref WA/2021/0416, dated 12 February 2021, was refused by notice dated 01 June 2021.
 - The development proposed is 'Erection of a new dwelling and associated works (revision of WA/2020/0764)'
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Appeal Ref: APP/R3650/W/21/3288833

1 Grovelands, Lower Bourne, Farnham GU10 3RQ

- 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 Mr J Marsh against the decision of Waverley Borough Council.
 - The application Ref WA/2021/02277 is dated 01 July 2021.
 - The development proposed is 'Erection of an attached dwelling together with associated works (revision of WA/2020/0764)'
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Decisions

1. The appeals are dismissed.

Preliminary Matters

2. The description of development for appeal 3287686 was amended following submission of the application. The descriptions are very similar, and I have utilised the amended description.
3. The site address given on the application and appeal forms is 'Land adjacent to 1 Grovelands'. The Decision Notices is in the format given above. I have utilised the site address given on the Decision Notices, which omits the 'land adjacent to' and thus better reflects the single planning unit of the appeal site.
4. As set out above there are two appeals on this site. They differ only in that 3287686 relates to a detached dwelling next to the existing dwelling (the detached dwelling), no.1 Grovelands (no.1) and 3288833 relates to an attached dwelling (the attached dwelling) with no.1. Appeal 3287686 was refused planning permission by the Council, whereas 3288833 is an appeal against a failure to determine the application within the prescribed period. I have considered each proposal on its individual merits. However, to avoid

duplication I have dealt with the two schemes together, except where otherwise indicated.

5. A previous appeal for a detached dwelling with similar siting within the garden of No.1 was dismissed in January 2021 (Ref. APP/R3650/W/20/3258229) (the previous appeal). The current appeals seek to overcome the reasons for dismissal of the previous appeal. The main issues for the previous appeal were the effect of the proposal on the character and appearance of the area and the effect of the proposal on the living conditions of occupiers of neighbouring property (namely no. 1). The Inspector for that appeal concluded that the dwelling would have an unacceptable adverse impact on the character and appearance of the area, but that the effect of the proposal on living conditions would be acceptable. Accordingly, the Council's reasons for refusal for the detached dwelling were limited to the impact on the character and appearance of the area. The Council did not supply any putative reasons for refusal for the attached dwelling, although it did provide a detailed Officer Report which recommended refusal of the scheme on the basis of character and appearance only.

Main Issue

6. The main issue for the appeals is the effect of the proposal on the character and appearance of the street scene and surrounding area.

Reasons

7. Grovelands is a residential cul-de-sac within a predominantly residential, suburban area. Grovelands is characterised by large, detached dwellings set within generous plots. The dwellings are sited roughly within the centre of their plot, creating a sense of spaciousness around them. This spaciousness is maintained despite some of the dwellings sprawling almost the entire width of their respective plots, due to their deep and wide front gardens and some varied gaps between dwellings, both of which increase in size with the splay of the cul-de-sac. The spaciousness of Grovelands is further emphasised by the sylvan background, visible in the street scene above the dwellings and in the gaps in-between. This regular yet loose grain creates an attractive, verdant and spacious street scene, reflective of the wider spatial pattern and character of the area.
8. The flank wall of No.1 fronts the street, whilst its rear elevation and its somewhat enclosed rear garden face Lodge Hill Road. Its front elevation faces the flank wall of No. 2 Grovelands (No. 2) and its open front garden lies in-between the two dwellings. As such, the full depth of its front and rear gardens form part of the street scene of Grovelands. The appeal site makes a positive contribution to the open, spacious character of the street scene and wider area.
9. The appeal proposals would create a detached dwelling adjacent to no.1 (3287686) and an attached dwelling with no.1 (3288833). The attached scheme would be sited on the same footprint as a previously approved scheme for a two-storey extension to the existing dwelling (Council ref. WA/2019/1295). The approved extension benefits from an extant planning permission and as it is likely that the permission would be implemented as an alternative to the appeal proposals, it represents a realistic 'fallback' (the 'fallback' scheme). This is a material consideration for the appeals to which I attach substantial weight

10. The appeal proposals would both infill a gap in the street scene and would reduce the existing gap between no.1 and no.2, thereby eroding the characteristic openness of the street scene. However, whilst the attached dwelling would erode the openness of the street scene, it would not have any greater impact on the street scene in this regard than the 'fallback' extension.
11. The 'fallback' extension would relate well to the proportions and scale of the existing dwelling.
12. The detached dwelling would be sited few metres from where the previous appeal dwelling would have been, creating a slightly increased gap with no. 1 and a slightly closer relationship with no.2. This repositioning seeks to directly address the harm identified by the Inspector for the previous appeal that; *"the proposal would obscure a large part of this elevation [front of no.1] and would appear to crowd the existing dwelling. This would create an awkward and oppressive relationship between the proposal and host dwelling. This effect would be reinforced by the more generous retained space to the boundary with no.2"*. However, the detached dwelling would nonetheless retain a more generous gap with no.2 and would have an awkward proximity to no.1. Combined with its smaller overall scale and proportions, as well as its recessed position, it would appear as contrived, cramped and discordant infill within the street scene.
13. In contrast, the attached dwelling would be slightly less massive than the 'fallback' extension by virtue of some reductions in the overall scale of the design, and therefore it would also be in keeping with the proportions and scale of the existing dwelling. However, the proximity of its front elevation with that of no.1 would create a close and awkward visual relationship between the two dwellings and as a result it would appear cramped, poorly planned and incongruous with the spatial pattern of the street. As such, the attached dwelling would nonetheless appear as a discordant feature in the street scene. In any case, the reduced scale of the attached dwelling is not an improvement which makes it preferable to the 'fallback' extension, which is acceptable in its permitted form.
14. Moreover, the 'fallback' extension would be subservient to no.1 in its functional appearance. In contrast, both the attached and detached dwelling would have a fundamentally different relationship with no.1 and the surrounding area. Despite its similar footprint to the 'fallback' extension, the attached dwelling would clearly have the appearance of a semi-detached dwelling due to its layout, fenestration details, shared driveway and subdivision of the large plot. The additional works to subdivide the plot and create two separate dwellings would further erode the spacious character of the street scene and would be incongruous with the spatial pattern of Grovelands.
15. The Appellant claims that the Council has introduced new objections in respect of the plot subdivision and residential appearance. However, the Inspector for the previous appeal concluded that the subdivision of the plot and the fundamentally different relationship with the existing dwelling and surrounding area would substantially harm the character and appearance of the area. For the reasons given above, I concur with the Inspector for the previous appeal in respect of the subdivision of the plot and the spatial pattern of Grovelands.
16. Although there is an existing double garage in the location of the proposed dwelling, it is modest, unobtrusive and clearly associated with the dwelling, and

its removal would not result in any notable improvement to the character and appearance of the street scene. Similarly, although there are some semi-detached dwellings within the wider area, a semi-detached dwelling within Grovelands would appear incongruous.

17. For these reasons, the appeal proposals would be contrary to policy TD1 of the Local Plan Part 1, adopted in 2018, saved policies D1 and D4 of the Local Plan, adopted in 2002, and policy FNP16 of the Farnham Neighbourhood Plan, made in 2017, as well as the National Planning Policy Framework. These policies seek, amongst other things, to ensure that development respects the visual character and distinctiveness of the local character, including its scale and spatial pattern, and is appropriate in terms of its detailed design, form and appearance.
18. The Council cannot demonstrate a five-year supply of deliverable housing land. Appeals decided since the latest Housing Land Supply Position Statement in October 2020 have established the extent of shortfall is somewhere between 3.9 and 4.9 year's supply. As such, the 'tilted balance' of Paragraph 11 of the Framework applies and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
19. The appeals would result in a net gain of one dwelling respectively. This would make a very limited contribution towards the supply of housing and is therefore a very limited benefit of the appeal schemes, to which I attribute significant weight. The appeals would also be a self-build project, which is supported by the Framework; a benefit to which I attach moderate weight.
20. However, these benefits are significantly and demonstrably outweighed by the harm which I have identified above.

Other Considerations

21. The site is located within 5kms of the SPA. The Council has accepted that the impact on the integrity of the SPA would be mitigated through payments towards a Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) in accordance with its Avoidance Strategy. This was to be secured through a S106 Legal Agreement in the form of a Unilateral Undertaking. When considering the effect a proposal may have on a SPA, a decision maker must consider mitigation within the framework of an Appropriate Assessment (AA) rather than at the screening stage. This responsibility now falls to me within these appeals. As I am dismissing the appeal for other reasons, I do not need to consider the matter further as it would not change the outcome of this appeal.

Conclusions

22. The appeals are dismissed for the reasons given above.

Kim Langford Tejrar

INSPECTOR