



Appeal Decision

Site visit made on 15 September 2022

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/R3650/D/22/3300609 86A Tilford Road, Farnham GU9 8DS

- 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 MacKenzie against the decision of Waverley Borough Council.
 - The application Ref: WA/2021/03131, dated 31 August 2021, was refused by notice dated 29 March 2022.
 - The development proposed is erection of outbuilding following demolition of the existing garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area, including the conservation area.

Reasons

3. No.86a Tilford Road is part of a large Arts and Craft style property which has been subdivided into two residential properties. It has a triangular plot which extends primarily to the side of the property. Along the extensive frontage with Tilford Road is a timber fence with hedging behind and mature trees and other vegetation within the garden is visible above. Whilst the appeal site is within the defined built-up area of Farnham the area has a strong verdant character. The southern side of Tilford Road, including the appeal site, also lies within the Great Austins Conservation Area (Conservation Area) which is a low-density residential area with large properties set within sylvan gardens.
4. There are two existing timber outbuildings located towards the front of the plot in the general location of the proposal. The proposed 'L' shaped outbuilding would have a significantly larger footprint and would be taller than the existing outbuildings. However, it is to be a single storey, timber clad structure set within a sizeable plot and, in my view, would have a subservient relationship with the host property.
5. The Council's Residential Extensions Supplementary Planning Document (SPD) advises that outbuildings forward of the front elevation of the dwellinghouse are unlikely to be acceptable. Nonetheless, this is general advice and as set out in the SPD relates to concerns that such buildings could appear unduly prominent and harm the character of the area. Whilst in a forward position the

proposed siting generally aligns with the neighbouring property, No.88. There are also other buildings nearby close to the road, including No.84, which is part of the group of properties served by the same access drive, and a garage to the other side of Tilford Road. There is extensive screening along the front boundary and Tilford Road is on lower ground, nevertheless due to the topography the proposal would be visible in some views, particularly from the west, down the hill.

6. The Council's officer report explains that in consultation with the heritage officer it was assessed that the proposed outbuilding would not be prominent within the street scene and no harm to the heritage asset was identified. Whilst I concur that the outbuilding would not be unduly dominant, this is in a large part contingent on its landscape setting. The verdant character of the area is an integral part of the Conservation Area's significance, and the front part of the appeal site contains numerous trees, including some of a substantial height and age, which contribute to the visual appearance of the area. The Council indicate that none of the trees are subject to a tree preservation order, but all trees in a conservation area are protected by the provisions in section 211 of the Town and Country Planning Act 1990, and I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area.
7. While the application plans denote a line of tree protection fencing relating to the largest trees, from my site visit and the plans it is evident that there are a number of trees within or close to the area of development. The officer's report explains that an earlier withdrawn application for an annexe building in the same location (Council reference WA/2020/1373) did consult with the Council's tree officer. Be that as it may, each proposal is to be considered on its own merits and from the information before me the extent of any tree works/removal and the appropriateness of the protection of those to be retained is unclear.
8. Due to the lack of clarity regarding the full extent of any tree works, and the importance of their visual presence to the wider setting and street scene, I am unable to conclude that the character and appearance of the Conservation Area would be duly protected. As required by the National Planning Policy Framework great weight is to be given to the conservation of designated heritage assets. Whilst the potential harm would be less than significant there are no identified public benefits of the proposal which would outweigh this harm.
9. I have considered whether such matters could be addressed via a condition, but the details submitted pursuant to such a condition could potentially result in the development being unimplementable, which would be unreasonable, and/or in harm which was not identified as part of the planning balance.
10. I therefore find that the proposal would fail to ensure that the visual character of the area is respected, protects the street scene, and pays regard to the existing site features, including trees, contrary to policies D1 and D4 of the Waverley Borough Local Plan 2002 (Local Plan).

Other Matters

11. The Council's reason for refusal includes reference to conflict with policy BE3. This is not a saved policy of the Local Plan and therefore is no longer in effect.

It also refers to the Supplementary Planning Guidance Surrey Design Guide 2002, although the Council make no reference to this in their officer's report. I have, however had due regard to the Council's Residential Extensions SPD which was referred to and is of direct relevance to the type of development proposed.

12. I am aware that a Certificate of Lawfulness was recently granted (Council reference WA/2021/0344) for a similar outbuilding located closer to the property and on higher ground. I acknowledge that this is a potential fallback, yet it does not change the situation in relation to the trees and the impact of the appeal proposal, and therefore does not alter my decision.

Conclusion

13. While I do not find that the siting of the outbuilding would conflict with the general aims of the SPD to ensure that development is in keeping with the character of the area, the appeal lacks sufficient information to fully assess the relationship with the existing trees. The verdant character is a defining quality of the area, and I am unable to determine that this, and the significance of the conservation area, would be protected. Consequently, the proposal would conflict with the Local Plan.
14. Therefore, for the reasons set out the appeal is dismissed.

G Ellis

INSPECTOR