



Appeal Decision

Site visit made on 15 November 2022

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 DECEMBER 2022

Appeal Ref: APP/R3650/W/22/3299393

The Cherry Tree Inn, Cherry Tree Road, Rowledge, Farnham GU10 4AB

- 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 M Hurley against the decision of Waverley Borough Council.
 - The application Ref WA/2021/01172, dated 5 March 2021, was refused by notice dated 30 November 2021.
 - The development proposed is described as 'Proposed new dwelling on plot of land adjacent to Cherry Tree, Cherry Tree Road.'
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Decision

1. The Appeal is dismissed.

Preliminary Matter

2. The appellant has requested that I consider amendments to the proposal that formed the basis for the original application. Although the amended proposal is similar to the original application, the plans show significant changes to the length of the dwelling and the garage design. While the Council has been consulted on this amended proposal, this was limited to a pre-application process, with the Council officers providing an informal opinion of the revised scheme.
3. I have considered this matter, under the principles established by the Courts in *Wheatcroft*,¹ and conclude in light of the significant changes outlined above, that to consider the amended proposal in this appeal would deprive those who should have been consulted on the changes, the opportunity of such consultation. As such the plans and drawings submitted with the original application are the basis for this decision.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, which includes a locally listed building.

Reasons

5. The appeal site is a plot of land with a corner location. It is adjacent to Cherry Tree, a former public house that has been converted to a dwelling. This locally listed building dates to the late 18th/ early 19th Century, and the appeal site comprises the former car park associated with the previous use of this existing building.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

6. The site is in a part of the village, that despite development pressures surrounding it, has generally retained its semi - rural character. This character, defined by low-density development and mature vegetation, is particularly notable where Cherry Tree Road, Church Lane and School Road converge in the immediate vicinity of the appeal site. The prominence of this characterful part of Cherry Tree Road is also positively reinforced by the interesting features surrounding the appeal site, which include the War Memorial monument. Although, the appeal plot is currently vacant, I observed that its mature hedge boundary ensures it has a relatively neutral impact on this attractive part of the village.
7. At the time that I conducted my site visit, the conversion works at Cherry Tree appeared to be complete. These works have substantially removed features that distinguished this property as a pub, with the exception of the signpost at its front boundary. This said, I observed that the conversion works appear of a high quality, with the outward historic form and architectural style of the property generally retained and appreciable from this section of road. Therefore, regardless of its status as a building of local merit, it continues to contribute positively to the street scene and the essentially rural character of this part of the settlement.
8. The proposed dwelling would be a large, detached form with its side elevation built relatively close to the eastern boundary of its plot, and in turn close to the side elevation of the dwelling at Cherry Tree. As a consequence, even though the extent of development in the appeal plot may be comparable with that in surrounding plots, this proximity of the new and existing built forms would substantially alter the current sense of space in this area, and this would harmfully disrupt the loose pattern of development in this prominent location.
9. A significant portion of this proposed side elevation of the new dwelling would protrude beyond the front building line of the dwelling at Cherry Tree. As such, this addition would significantly encroach on the backdrop of the locally listed building when viewed from the street. In this regard, the setting of that existing dwelling would be considerably altered, and this would impact on how the non-designated heritage asset is currently appreciated from Cherry Tree Road.
10. I note the submitted plan seeks to define the building line relevant to this proposal, and this identifies development on three different roads. Even if I was to accept this as the defining context for this proposal, it would be the side and rear of the new dwelling that would roughly align with the front elevations of the existing dwellings on these roads. Therefore, although the height and shape of the proposal would reflect surrounding built form, the orientation of the new dwelling would be substantially at odds with this existing layout of development in this regard.
11. The elements of the new dwelling, that would address this section of Cherry Tree Road, would be relatively featureless, comprising principally solid walls and plain gable and roof planes. Even with mature landscaping at this boundary, the upper floors of the proposed dwelling would be visible in this prominent location. As a result, despite the materials matching surrounding properties, this generally featureless aspect of the dwelling, would fail to bring interest to the street scene and would appear a discordant feature in this attractive part of the road. A condition protecting the hedge and ensuring its

maintenance would not resolve this negative effect of the proposal for the reason outlined above.

12. The appeal site's address may well be Cherry Tree Road, but the access of the new dwelling would be on School Road. The principal elevation of the new dwelling would also be visible in that road and would sit considerably forward of the generally consistent front building line of properties on the east side of School Road. In this regard the new dwelling, despite the retained space between No 5, would not harmonise with the built form on this Road.
13. The National Planning Policy Framework (the Framework), at paragraph 203, requires, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
14. The harm identified above would be localised. Balanced against this is the benefit of a new family sized dwelling contributing to the supply of housing in the area. However, this would be just one dwelling and therefore a limited benefit. There would also be a small economic benefit through payments to the Community Infrastructure Levy.
15. The proposal would also make use of a plot which I understand has been vacant for some time, and this would be an efficient use of land. The proposal could also ensure the maintenance/extension of the boundary hedge through conditions, but as outlined this would not negate the harm identified in this case. Moreover, while noting its importance in ensuring the vacant appeal plot remains a relatively neutral feature in this location, there is nothing to demonstrate that the hedge is at risk of removal or will not be maintained if this appeal is dismissed. Furthermore, given the plot's location, surrounded by properties, it has not been demonstrated in this appeal, as asserted by the appellant, that the site is particularly likely to attract fly tipping or that there is a high risk of illegal encampment. I attach limited weight to these matters accordingly.
16. While I acknowledge the challenges that the infill of a corner plot presents, in my assessment, for the reasons outlined above, this proposal would be out of character with the existing pattern of development on all roads that surrounds the plot, and in turn it would substantially alter the existing positive appearance of this area. Furthermore, the evidence submitted has not demonstrated that this scheme, that would be harmful in this regard, would be the only solution for utilising this vacant plot, and any benefit of using the site is severely diminished by this factor.
17. In light of this, I find that only limited benefits would arise from this proposal, and these would not be sufficient to outweigh the identified substantial harm to the character of the area, which in this case provides the setting for a non-designated heritage asset.
18. I therefore conclude on this matter, that the proposal would have a harmful effect on the character and appearance of the area, which includes a locally listed building. It would in this respect be contrary to Policies HA1 and TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (Local Plan 2018), Policies HE4, D1 and D4 of the Waverley Borough Council Local Plan (Local Plan 2002) and Policies FNP1 of the Farnham Neighbourhood Plan

(Neighbourhood Plan). These collectively state that new development will be permitted where it, amongst other matters, is designed to a high quality which responds to the heritage and distinctive character of the individual area of Farnham in which it is located.

19. It would also be inconsistent with guidance set out in the Farnham Design Statement which advises, amongst other matters, that the rural character of the village should be preserved by respecting the low density of development prevalent in the village, and that inappropriate infill should be avoided.
20. The Council cites Policy FNP16 of the Neighbourhood Plan on its decision notice. However, this relates to building extensions with the supporting text to this policy clarifying extensions to existing homes and businesses. This policy is therefore not applicable to this proposal for a new dwelling. This is also the case for guidance set out in the Waverley Borough Residential Extensions Supplementary Planning Document (SPD) which has a similar focus to Policy FNP16, and they have not been determinative in this case for this reason. The decision notice also cites Policy HE2 of the Local Plan 2002, but in reviewing the officer's report this appears to be an error and should read as Policy HE4 as referenced above.

Other Matters

21. The principle of the proposed use at this location has support in the spatial strategy of the development plan. However, this is subject to its acceptability in terms of other issues, and I have found this proposal to be unacceptable in terms of character and appearance.
22. A dwelling at the appeal site may well lead to a more peaceful pattern of use than the previous use of the site. But the pub is now a dwelling, and the site no longer functions as a pub car park, so this matter does not weigh in favour of the harmful proposal. No issues regarding adverse impacts on neighbouring residents' living conditions, highways (subject to conditions) and local biodiversity have been raised by the Council in this case. However, this outcome is expected for all development and therefore these are neutral factors in this appeal.
23. The evidence indicates that the Council is unable to demonstrate a 5-year housing land supply. Therefore, the requirements set out in paragraph 11 d of the Framework applies in this case.
24. The proposal would in small part support the Government's objective of significantly boosting the supply of homes. It would be a small windfall site and there would also be a small economic benefit through its construction. As outlined previously, this is one dwelling and these would amount to limited benefits. Moreover, the Framework states that decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment. In respect to the efficient use of land, the Framework requires account is taken of the desirability of maintaining an area's prevailing character. I have found that this would not be the case with this proposal. In this regard it would conflict with the Framework and Local Plan policies which are generally consistent on this matter.
25. Therefore, the substantial harm identified in this case, with regards the adverse impacts on the character and appearance of the area, would significantly and

demonstrably outweigh the limited benefits of the proposal, when assessed against the policies in the Framework taken as a whole.

26. I note the information relating to the application process. However, this is a matter between the Council and the appellant, and it has not altered my findings in this appeal.

27. The appeal site is within the zones of influence of Wealden Heaths I and II Special Protection Areas (SPAs) and the Thames Basin Heath SPA. However, as I am dismissing this appeal there is no further need to consider this matter.

Conclusion

28. For the reasons stated above and having regard to the development plan as a whole, and all relevant material considerations, including the Framework, the appeal is dismissed.

A J Sutton

INSPECTOR