



Appeal Decision

Site visit made on 16th March 2023

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 20th April 2023

Appeal Ref: APP/R3650/D/22/3311562

Wyndham Lodge, 37 Church Road, Milford, Godalming, Surrey GU8 5JB

- 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 Oliver Childs against the decision of Waverley Borough Council.
 - The application Ref.WA/2022/01571, dated 10 May 2022, was refused by notice dated 14 October 2022.
 - The development proposed is "new structural opening and sliding door to side elevation, new gates to front entrance, new hedge and fencing".
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal site lies within the Milford Conservation Area. I consider there to be only one main issue in the appeal which I identify as whether the acoustic fencing would preserve the character and appearance of the Conservation Area.

Reasons

3. Wyndham Lodge is a handsome detached nineteenth century two storey dwelling and is located on the north-west side of Church Road opposite the junction with Ockfields. Ockfields is a small estate of more modern properties outside the Conservation Area. The site is in the village of Milford close to a church, other dwellings and some shops.
4. The house is slightly elevated above the main road. It has a vehicular access and a separate pedestrian access. The latter access has a black iron gate and leads up to the main front door. Amongst other things, it has a beech hedge near the front boundary which frames the path to the front door. There are also black railings on top of a dwarf stone wall which lines the footway. There are some trees in the front garden.
5. The development proposed includes the erection of an acoustic panel timber lap fence, creation of a sunken patio area, a 2.3m high internal brick wall perpendicular to the road, the installation of automated vehicle entrance gates and some alterations to elevations. It is solely the proposed erection of the acoustic fencing which is in issue in the appeal. I agree that that is the only issue for the appeal as the other elements of the proposal do not raise significant planning or heritage concerns.

6. The significance of the Milford Conservation Area is based upon its rurality. It is formed around the junction of Portsmouth Road and Church Road, extending in all directions at this junction. The built form is typical of a small rural settlement of historic houses of gentry and labourers cottages. Wyndham Lodge is an attractive historic dwelling within a generous plot, set back from the street. The house with its bargate stone boundary walls is a key vista within the Conservation Area and is expressly identified in the Conservation Area Appraisal (2014). It makes a notable contribution to the significance of the Conservation Area.
7. For the purposes of noise reduction it is proposed to construct an inner leaf of timber acoustic fencing behind the existing road-facing dwarf wall and beech hedging. There would be a further run of new laurel hedging planted on the interior of the new acoustic fence. Plan number CR_007 shows that the acoustic fencing would be placed across the front approximately the same width as the main front elevation of the house. The existing pedestrian gate and path to the front door are not marked on the plan and the acoustic fence is shown as stretching across the frontage behind the beech hedge. I saw on my site visit, as can be seen in photographs supplied, that the beech hedge has a break in it through which the path to the front door runs.
8. The acoustic fence would be about 2.1m high whereas the beech hedge is very approximately 2.5m high. At the time of my site visit it had brown foliage but allowed filtered views through to the front elevation of the house. Whether or not the beech hedge gap was planted with further beech hedge, my primary concern is the inevitable loss of the view of the path to the front door from the pedestrian gate as it would be blocked by the acoustic fence. There would be a regrettable loss of legibility from the public realm with a pedestrian gate no longer physically or visually serving the front entrance to the property. Furthermore, loss of seasonal views through the hedge to the front elevation of the house would be undesirable for an appreciation of this particular historic house within the Conservation Area. I also have to bear in mind that hedges cannot always be relied upon as permanent screens and a bare view of the acoustic fence would be harmful to this particularly important vista within the Conservation Area.
9. I find that the acoustic fencing would cause harm to the Milford Conservation Area by failing to preserve its character and appearance and I find that there would be breaches of policies HE8, D1, D4 and RD1 of the Waverley Borough Local Plan 2002, policy TD1 of the Waverley Local Plan (Part 1) 2018 and policy HC3 of the Witley Neighbourhood Plan 2021.
10. The National Planning Policy Framework states that where a development proposal will lead to "less than substantial harm" to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. The harm I identify in this appeal I judge to be in the "less than substantial" category of harm. There would be benefits arising from the proposed development including reduced noise and increased privacy and security for existing and future occupants of Wyndham Lodge and improvements to the appearance of the historic property from the other elements of development that are sought in this appeal.

11. However, having weighed up these benefits cumulatively, they do not outweigh the “less than substantial” harm that I have concluded would be done to the Conservation Area by the acoustic fencing.

Conclusion

12. Having taken into account all representations made, including those highlighting other boundary treatments in the Conservation Area, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR