



Appeal Decision

Site visit made on 13 March 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 April 2024

Appeal Ref: APP/R3650/W/23/3325558

22 Pottery Lane, Wrecclesham, Farnham, Surrey GU10 4QJ

- 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 V Bassi against the decision of the Waverley Borough Council.
 - The application Ref WA/2022/02983, dated 11 November 2022, was refused by notice dated 13 February 2023.
 - The development proposed is erection of two storey dwellinghouse (class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in December 2023, replacing the previous version dating from September 2023. The amendments made did not have any bearing on the issues in this appeal, and it was therefore not necessary to seek comments from the main parties on the updated Framework. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.
3. Since the planning application was determined the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (2023) (LPP2) has been adopted. This supersedes the Waverley Local Plan (2002). Both main parties have commented on this within their Statements of Case and I have considered the appeal on this basis.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises a detached garage set back from the highway in a modest plot within a predominantly residential location. The immediate area contains a mix of semi-detached and detached dwellings, which are generally two storey in height and positioned within modest plots.
6. The neighbouring properties to the right, when viewed from the highway, are a pair of semi-detached properties. The generous spacing and planting around the side elevations of these semi-detached properties provide a green buffer which creates a spacious suburban character and appearance.

7. When viewed in isolation, the proposal's design, traditional form and use of traditional materials would not be out of keeping with the surrounding residential buildings. However, the proposal, due to its siting, would result in a building positioned uncharacteristically close to the site's side boundaries. This would significantly reduce the sense of spaciousness within the streetscene. Similarly, due to the proximity of the proposal's footprint to the adjoining semi-detached properties, its layout would create a cramped form of development which is indicative of overdevelopment.
8. The harm that I have identified would be exacerbated by the appeal site's elevated corner location. As a consequence, the proposal would be prominent in views when approached up the hill on Pottery Lane.
9. The appellant has identified a number of plots within the local area which are of a similar size to the appeal site. Whilst the proposal may not be at odds to the prevailing density and plot coverage of neighbouring sites, for the reasons outlined above, the form of development, would appear awkward and uncharacteristic to the area.
10. My attention has been drawn to 'Kiln Cottage', which is opposite the appeal site. However, I have not been provided with details related to the planning permission for that development, for instance, whether it replaced an existing building. Furthermore, the property occupies a less prominent position which is not a corner plot, and in any event, each case must be considered on its own merits, circumstances and situation.
11. The site benefits from planning permission for a two storey side extension (Council Ref: WA/2022/00131) and this forms a fallback position. From the outline of the extension which has been provided on the submitted drawings, it appears that the side extension would be less harmful than the appeal proposal. Whilst the appeal proposal would not be as tall, it would cover more of the site and would project closer to the site's boundary. Consequently, the appeal proposal would have a more harmful visual impact as it would significantly reduce the site's spaciousness. Therefore, whilst the two storey extension works could go ahead, given that it would be less harmful than the appeal proposal I give minor weight to the fallback.
12. For the above reasons, I conclude that the proposal would harm the character and appearance of the surrounding area. I therefore find that it would conflict with Policy TD1 of the Local Plan Part 1 (2018) (LPP1), Policy DM4 of the LPP2, Policies FNP1 and FNP15 of the Farnham Neighbourhood Plan (2013) (FNP), and paragraph 135 of the Framework. Amongst other aspects, these policies seek to secure development of a high standard of design which positively contributes to the existing character.
13. The Council also alleges conflict with Policy DM1 of the LPP2 and the Residential Extensions Supplementary Planning Document (2010) (SPD) with regards to this matter. However, my attention has not been drawn to any words within the policy or SPD that are relevant to this issue. They have therefore not been determinative in my decision.

Other Matters

14. The Thames Basin Heath Special Protection Area (SPA) comprises a network of heathland sites providing a habitat for three internationally important bird

species, the woodlark, nightjar and Dartford warbler. These birds' nest on or near the ground and are therefore very susceptible to disturbance from informal recreational use, especially ramblers and dog walking. The SPA is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations).

15. The proposal would introduce a new residential unit into the site, located within 400m to 5km of the SPA zone of influence. It is therefore likely to result in adverse effects upon the integrity of the SPA including the potential for increased disturbance of the protected habitat from the activity of future residents.
16. The Council has adopted the Thames Basin Heath SPA Avoidance Strategy, which provides for contributions to the Council's Suitable Alternative Natural Greenspaces (SANG) and Strategic Access Management and Monitoring (SAMM) to mitigate the effect of development on the SPA.
17. The appellant has provided a unilateral undertaking which includes obligations which would secure financial contributions for the SANG and SAMM. These are intended to mitigate the effect on the SPA. Had I found the proposal to be otherwise acceptable, the Regulations impose a duty to consider within the framework of an Appropriate Assessment whether it would have a significant effect on the conservation objectives of the SPA either alone, or in combination with other plans and projects. However, given the harm that I have identified above and that I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter further as it would not alter my findings on the main issue.
18. The appeal site is located opposite the Farnham Pottery, which includes a number of Grade II Listed buildings. Mindful of the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, I have had special regard to the desirability of preserving the setting of this asset.
19. The appeal property is also adjacent to the Wrecclesham Conservation Area (CA). The significance of the Wrecclesham Conservation Area is that it is an ancient village within the hinterland of a medieval planned town.
20. Although no statutory protection for the setting of a CA is present under the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, the Framework requires the impact of a proposal on a heritage asset be taken into account, including by development affecting the setting of a heritage asset. When considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the assets' conservation.
21. The scale and form of the proposal would be reasonably consistent with other local dwellings and the overall level of development within the wider settings of the designated heritage assets would not be altered to an extent that would harm their significance. Consequently, I consider that the proposal would preserve the setting of the listed buildings and the CA and the contribution these make to the assets' significance.
22. The appellant indicates that the Council's Five Year Housing Land Supply Position Statement (2023) identifies the total housing requirement as 755 units

per annum and that the estimated dwellings from small windfall sites (where less than five net new homes can be delivered) is 73 units per annum from 2023 to 2028. Windfall sites therefore play a key role in the Council's delivery of housing. It has also been put to me that the proposal would make effective use of an area of garden land that has little functional value to the donor house. However, the development plan is explicit that development will only be permitted if it responds positively to the character of the area. I have found that this would not be the case.

23. The appellant has identified development plan policies and Framework paragraphs relating to matters including making the best use of land, which it is contended that the proposed development would accord with. I have also found no harm in relation to matters such as the living conditions of existing residents. However, the absence of harm or development plan conflict with respect to other relevant matters is neutral and weighs neither for nor against the proposal.

Planning Balance and Conclusion

24. The main parties are in agreement that the Council cannot demonstrate a 5-year housing land supply. The Council indicate that they have a 4.6 year housing land supply. As a result, paragraph 11 d) of the Framework applies which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole.
25. The policies in the Framework seek to deliver a sufficient supply of homes. As a small site the appeal proposal could be developed out quickly. Support for such sites, particularly windfall sites within existing settlements which play a key role in the Council's housing delivery, is provided by paragraph 70 of the Framework. I give these factors significant weight.
26. However, the Framework also sets out in paragraph 131, that the creation of high quality and beautiful places is fundamental to what the planning process should achieve. The failure of the proposals to represent a high quality form of development carries substantial negative weight. Although there is considerable support for new windfall housing in this location the benefits in terms of the overall position in the Borough would be limited. Indeed, this is a case where the importance of good design trumps the provision of an extra windfall unit.
27. Therefore, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
28. The proposal would conflict with the development plan as a whole. There are no other material considerations, including the Framework, that would indicate that the proposal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

B Pattison

INSPECTOR