



Appeal Decision

Site visit made on 18 June 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2024

Appeal Ref: APP/R3650/W/24/3337229

9 Frensham Vale, Lower Bourne, Farnham, Surrey GU10 3HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms N. Francis Burns against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/01681.
 - The development proposed is new detached dwelling with integral garage and associated access and landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for a new detached dwelling with integral garage and associated access and landscaping at 9 Frensham Vale, Lower Bourne, Farnham, Surrey GU10 3HN in accordance with the terms of the application, Ref WA/2023/01681, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. No. 9 Frensham Vale, is a detached dwelling set in a large plot fronting onto the highway behind a sizeable driveway. Its rear garden gently rises away from the dwellinghouse and has a broadly 'L' shaped configuration which is not typical of the gardens of neighbouring properties. The surrounding area is residential in nature and has a spacious, semi-rural character, with dwellings set in generous plots, while an abundance of mature vegetation provides the streetscene with a verdant quality.
4. The scale, height, and form of neighbouring properties vary. However, the dwellinghouses are predominantly detached and positioned behind front gardens/driveways, in a linear arrangement facing onto the highway. That being said, there are some variances in the position of buildings along Frensham Vale, with my attention being drawn in particular to no. 30 Frensham Vale.
5. More notably, a private drive 'Vale Wood Drive' runs to the side of no. 7 Frensham Vale (no. 7) and behind the appeal site. The private drive serves a small number of residential properties and results in several dwellings being sited to the rear of dwellings along Frensham Vale, in an almost tandem arrangement.

6. The appeal proposal would result in a dwelling of significant scale set within a backland position. Despite its overall height and existing ground levels, the proposed development due to its backland position would largely be concealed from views by existing built form along Frensham Vale, as well as mature vegetation. Where publicly available views could be found, they are likely to be limited to glimpses of the upper storey and roof of the dwellinghouse. Such views would also likely be transient in nature.
7. The proposed dwelling would be served by a plot shape that does not generally conform with the linear layout of plots along Frensham Vale. Nonetheless, the existing plot serving no. 9 is already of an irregular shape, whilst the difference in shape of the proposed plot would not be notable on the ground. Moreover, even though the proposed dwellinghouse would be accessed from Frensham Vale, due to its positioning and orientation it is likely to be read in conjunction with the wider residential built form along Vale Wood Drive. As such, I find that it would largely be interpreted as part of the existing band of residential development that runs to the rear of properties along Frensham Vale.
8. The access drive to the proposed property would run between nos. 7 and 9 and would be apparent within the streetscene. However, this in itself would not lead to any harmful impacts to the character and appearance of the area. Additionally, the appellant has already commenced works under a certificate of lawfulness (Ref: WA/2022/00094) that includes providing an extension to the existing driveway, which would have a very comparable visual impact to the driveway proposed under this appeal scheme.
9. Together I find that the combination of the above factors would not result in the proposed dwelling causing harm to the character and appearance of the area. The appeal scheme therefore accords with Policy DM4 of the Waverley Borough Local Plan (Part 2) (adopted 2023) ("LPP2") and Policy FNP1 of the Farnham Neighbourhood Plan (made 2020). Together these policies, amongst other matters, seek to promote high-quality design, that makes efficient use of land and is sympathetic and responsive to its surroundings.
10. The Council's decision notice also refers to the proposal as being contrary to Policy DM5 of the LPP2, which relates to safeguarding of amenity for future occupiers of development and existing nearby occupiers. However, the planning officer's report indicates that the proposal was considered to have an acceptable impact on residential amenity, whilst no concerns have been raised in respect of living conditions through the Council's appeal submission.

Other Matters

11. As highlighted above, in refusing the application the Council did not indicate that the proposal would cause harm to the living conditions of neighbouring residents. From my observations on site and the evidence before me, I am content that there would be no unacceptable impacts on the living conditions of neighbouring residents, including any future occupiers of no. 9 Frensham Vale. I am also satisfied that the proposed dwelling would provide suitable living conditions for future residents, including in terms of the availability of outdoor garden space.
12. Notably, whilst the proposed vehicular access would run in close proximity to the boundary with no. 7 Frensham Vale, the likely level of additional vehicle movements associated with the proposed dwellinghouse is not deemed to give

rise to an unacceptable impact on the living conditions of neighbouring residents.

13. Similarly, subject to a condition requiring the approval of (and adherence to) a construction method statement, I am also satisfied that there would not be any unacceptable impacts on the living condition of neighbouring residents or to highway safety during the construction period.
14. The provision of any future access from the appeal site onto the private road of Vale Wood Drive, is a private matter between the parties involved and does not have a bearing on my consideration of the planning merits of the proposal.
15. I have also considered the various other concerns raised by interested parties, including the accuracy of comments raised in the appellant's statement, that the proposal is not sustainable development and would set a precedent for similar proposals, potential impacts on ecology, concerns about the appellant's previous conduct, as well as perceived impacts on property prices. However, the appeal has been determined on its own merits and none of the other matters raised outweigh or alter my conclusion on the main issue.

Conditions

16. The Council has provided draft conditions, in the event that the appeal was to be allowed. I have undertaken some minor editing and reordering of the conditions proposed by the Council in the interests of precision and clarity. Whilst I have also included additional conditions that I felt were necessary, which the appellant has commented on.
17. In addition to the standard timeframe for commencement of development, a condition specifying the approved plans is necessary to provide clarity and certainty. A condition that the development is undertaken in accordance with the materials specified is necessary in the interest of the appearance of the development.
18. A pre-commencement condition relating to the implementation of a construction method statement is required in the interest of neighbouring living conditions and on highway safety grounds.
19. Conditions in relation to an ecological enhancement strategy, a precautionary method of working for amphibians and reptiles, as well as compliance with measures set out in the submitted Preliminary Ecological Appraisal are each needed in the interests of biodiversity.
20. A requirement to comply with the submitted Arboriculture Method Statement and Tree Protection Plan is reasonable and necessary to protect trees on the site, in the interests of the character and appearance of the area. Likewise, a landscaping condition is also reasonable and necessary in the interests of the character and appearance of the development and surrounding area.
21. Conditions relating to the provision of parking and turning spaces are necessary on highway safety grounds. While a condition requiring the provision of secure storage for bicycles and an electric charging point for e-bikes is reasonable and necessary to promote the use of sustainable transport.

22. A condition restricting the nature of the window opening to the first-floor windows on the western and northern side elevations of the proposed dwelling is needed to protect the living condition of neighbouring residents.
23. Finally, I have not found it necessary to attach a condition requiring the provision of maximum achievable visibility splays to the existing vehicular access on to Frensham Vale. The condition is imprecise as it does not indicate what an acceptable level of visibility would be, nor has it been suitably demonstrated to be necessary on highway safety grounds. Particularly, as the proposed development is unlikely to give rise to a substantial number of additional vehicle movements and would utilise an existing access arrangement that already serves a large dwelling. Furthermore, similar vehicular access arrangements are already in existence along much of the length of the highway.

Conclusion

24. For the reasons set out above, I find that the appeal scheme would comply with the development plan. The appeal is therefore allowed.

Lewis Condé

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings:
 - Location Plan, Reference: LBF2301/PL10
 - Site Plan as Proposed, Reference: LBF2301/PL11
 - Plans and Elevations as Proposed, Reference: LBF2301/PL12;
 - Biodiversity Enhancements and Landscaping, Reference: LBF2301/PL13
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the submitted External Materials Schedule (reference no. LBF2301 / PL14).
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) measures to control the emission of dust and dirt during construction;
 - iv) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) No development shall commence until details of an amphibian and reptile precautionary method of working, in line with comments set out in Section 5 of the Preliminary Ecological Appraisal (CA Ecology, 27th June 2023) have been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 6) No development shall commence until an Ecology Enhancement Strategy and a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. The Enhancement Strategy shall demonstrate how the proposed development will provide space for nature, and gains for biodiversity. The development shall be implemented in accordance with the approved details and enhancement features shall be retained thereafter.
- 7) The development hereby permitted shall be completed at all times in accordance with the impact avoidance, mitigation, compensation and enhancement measures set out in the (Preliminary Ecological Appraisal, CA Ecology, 27th June 2023). This includes eradicating the invasive Schedule 9 plant species mentioned within the report.
- 8) The development hereby permitted shall be carried out strictly in accordance with the Arboriculture Method Statement and scaled Tree

Protection Plan (submitted by RMTTree Consultancy Ltd dated 9th May 2023).

- 9) All planting, seeding or turfing comprised in the approved details of landscaping (drawing ref: LBF2301/PL13) shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) The development shall not be occupied until vehicle parking and turning space (so that vehicles may enter and leave the site in forward gear) have been implemented in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter the parking and turning area shall be retained and maintained for its designated purpose.
- 11) The development shall not be occupied until secure, covered parking for of bicycles and the provision of a charging point with timer for e-bikes have been installed at the site in accordance with details approved in writing by the Local Planning Authority. The facilities shall be retained and maintained at site for such purposes thereafter.
- 12) The proposed first-floor windows on the western rear elevation and northern side elevation (currently both shown as serving en-suites) shall be glazed to Pilkington Textured Glass Privacy Level 5 or standard equivalent and be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed. These windows shall be retained at such a privacy level for the lifetime of the development and shall not at any time be replaced with clear glazing.