

Appeal Decision

Site visit made on 5 September 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2024

Appeal Ref: APP/R3650/W/24/3342443

Woodlands, 48A Echo Barn Lane, Wrecclesham, Farnham GU10 4NF

- 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 Mr Hall against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/00082.
 - The development proposed is conversion of an ancillary building to a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of an ancillary building to a dwelling at Woodlands, 48A Echo Barn Lane, Wrecclesham, Farnham GU10 4NF in accordance with the terms of the application, Ref WA/2024/00082, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. I interpret "conversion" in the description of development to mean change of use of the existing building plus physical alterations to the building to facilitate this change of use.
4. Concerns have been raised about information provided on the appeal form in relation to the need for a site visit. Clarification provided by the appellant satisfies me there has been no procedural error. I have visited the site. I also find no error in the address used on the original application form.
5. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. I invited the parties to consider whether the proposed reforms had relevance to this appeal and have taken account of their responses in my decision.

Main Issues

6. The main issues are the effect of the proposal on:

- the character and appearance of the surrounding area;
- the living conditions of neighbouring occupiers, with particular reference to outlook, privacy, and noise and disturbance; and
- the integrity of protected European sites.

Reasons

Character and appearance

7. The area surrounding the appeal site is suburban, comprising homes of varied but mainly traditional appearance. Houses along Echo Barn Lane are generally detached on deep frontage plots. However, denser clusters of dwellings have been introduced in cul-de-sacs behind this and other nearby roads. Consequently, the grain of development behind the plots fronting onto Echo Barn Lane, which includes the area immediately surrounding the appeal site, is relatively close-knit.
8. The proposed development would subdivide the site at No 48A, which is a relatively large backland plot set well back from Echo Barn Lane. The two new plots would be comparable in size to others nearby, such as in Greystead Park and Hollis Wood Drive. The distance between the new dwelling and its nearest neighbours would also be broadly comparable to, if not greater than, that between groups of dwellings nearby. Therefore, the development would not be out of place in its immediate context, notwithstanding the more spacious character along Echo Barn Lane itself, which would prevail.
9. There would be no change to the footprint, height or mass of the building to be converted. The proposed limited changes to its front elevation would have little effect on the character of the area given how far back from the road the building is situated and the diversity of architectural styles nearby. Complementary materials could be secured by condition were the appeal to be allowed, as could the appearance of hard and soft landscaping and boundary treatments and the use of external lighting.
10. There is already domestic paraphernalia and activity in the area surrounding the garage, whether or not this is currently used as a garden. Consequently, even if use as a dwelling would generate more domestic activity around the building, such as that associated with bins, cars, cycles, laundry and play, this would not fundamentally alter the character of the site.
11. Whilst Policy FNP15 of the Farnham Neighbourhood Plan (FNP) encourages the provision of one and two bed dwellings on smaller sites in built up areas, it does not preclude new three-bed homes. Moreover, the new dwelling would be created from an existing building, which would make efficient use of land.
12. Any proposal for future development affecting the host dwelling would need to be considered on its own merits through a separate application. I have determined this appeal on the evidence before me.

13. The Waverley Residential Extensions SPD (RESPD) primarily addresses the design of residential extensions and annexes rather than new dwellings. I therefore find it is not directly relevant to this main issue.
14. For the above reasons, I conclude the proposal would not have a harmful effect on the character and appearance of the surrounding area. Accordingly, I find no conflict with Policy TD1 of the Waverley Local Plan (WLP) Part 1 (WLP1), Policy DM4 of WLP Part 2 (WLP2) or FNP Policy FNP1, which together require new development to respond to local context and character and make the most efficient use of land, while being sympathetic to the prevailing pattern of development.
15. I also find no conflict with the Farnham Design Statement, which includes design guidelines for Wrecclesham that state new development should reflect the pattern and density of existing development. I also find no conflict with the Framework, where it requires decisions to ensure development is sympathetic to local character while not preventing appropriate change.

Living conditions

16. The siting, height and mass of the existing building would not change. The building is slightly closer to the site boundary on one side than recommended in the RESPD guidance, but it is positioned at an oblique angle to the affected house and at the bottom of that dwelling's garden. There would be no windows in this façade of the new dwelling, so the proposed change of use would have little effect on outlook towards it from next door.
17. Use of the building as a dwelling would result in more light from windows compared to the current situation. However, the windows at first and ground floor level on the front façade of the house would face away from neighbouring dwellings. The rear-facing rooflights would serve non habitable spaces where lights would be used only occasionally. At ground floor level, as noted above, there would be no windows on the elevation that is nearest to a neighbouring dwelling. Ground floor windows in the other elevations would be largely screened by existing trees or by boundary treatments that could be secured by condition were the appeal to be allowed. The use of external lighting could also be restricted by condition.
18. Taking all this together, I find no material harm to the outlook of neighbouring occupiers.
19. The rooflights to the rear of the dwelling would be positioned at high level and provide views primarily of the sky rather than direct overlooking of neighbouring premises. As noted, they would not serve primary habitable spaces. In addition, there would be a generous separation distance between the new house's rear elevation and the sole neighbouring dwelling directly facing it, so any perception of overlooking would be limited.
20. The one first floor side window would be a secondary window for a bedroom, for which obscured glazing and restricted opening could be secured by condition were the appeal to be allowed. A restriction on additional first floor windows or dormers could also be imposed by condition. Any scope for overlooking from ground floor windows could be mitigated by appropriate boundary treatments via condition, as noted above. Consequently, I find no

material harm to the privacy of neighbouring occupiers, including those of the host dwelling.

21. Cars would make some noise when driving up and down the gravel driveway. However, speeds would be low because of the width of the route. Cars belonging to the host dwelling already use this access, so neighbouring occupiers are already used to some noise from the driveway, as well as from car doors closing and voices around the current garage. The level of additional car movements generated by one additional dwelling would be relatively modest, such that noise and disturbance from the driveway and parking area would not materially worsen. Even if the new dwelling were used as a small house in multiple occupation, vehicular movements would be limited by the number of parking spaces available to occupants so would not be likely to increase significantly.
22. During my visit I observed that there is ample space for cars to park and turn adjacent to the host dwelling, and that they already do so, whether or not there are defined parking spaces for this purpose. I see no reason why this area could not continue to be used for parking and I am not persuaded on the evidence before me that levels of noise and disturbance for adjoining occupiers would materially worsen from this source.
23. In addition to car movements, there would be other day to day activity around the new dwelling, including in the garden areas and pathways. I acknowledge that noise from this activity could be somewhat greater compared to activity associated with the building's use as a garage. Nevertheless, it would be comparable to activity and noise already generated by other dwellings in this suburban area. Details of hard surface finishes could be agreed via condition. Consequently, I do not find that levels of additional disturbance to neighbouring occupiers would be so great as to be unacceptable.
24. Any noise and disturbance associated with construction would be for a temporary period only.
25. For the above reasons, I conclude the proposal would not have a harmful effect on the living conditions of neighbouring occupiers, with particular reference to outlook, privacy, and noise and disturbance. Accordingly, I find no conflict with WLP1 Policy TD1 or WLP2 Policy DM5, which protect quality of life and require development to avoid harm to the amenity of existing occupants of nearby residences. I also find no conflict with the Framework, where it seeks a high standard of amenity for existing users.

Integrity of protected European sites

26. The appeal site lies within the 5km Zone of Influence/Buffer Zone of the Wealden Heaths (WH) and Thames Basin Heaths (TBH) Special Protection Areas (SPAs). The SPAs are European sites protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).
27. The SPAs are part of a complex of heathlands in southern England that together support a significant proportion of the global breeding populations of the Dartford Warbler, European Nightjar and Woodlark. They also provide an important recreational and economic resource.

28. The conservation objectives of the SPAs aim to ensure the integrity of the sites is maintained or restored and that they contribute to achieving the aims of the Wild Birds Directive. This includes maintaining or restoring the extent and distribution, structure, function and supporting processes of the habitats, and the population and distribution of each of the qualifying features within the sites. There is a threat to the sites' integrity from public access and disturbance, including from recreational activities such as walking and dog walking.
29. It is likely the occupants of the proposed dwelling would visit the SPAs, resulting in increased recreational activity that could disturb the protected habitats and birds within the site. Under the Habitats Regulations, an appropriate assessment is required in relation to the effect of the development on the integrity of the SPAs. This responsibility falls to me as competent authority in the context of this appeal.
30. In relation to the WH SPA, Natural England (NE) has confirmed the development threshold required for recreational disturbance mitigation would not be triggered as only one dwelling is proposed. Accordingly, I find there would be no adverse effect from the proposed development on the integrity of the WH SPA.
31. However, on the evidence before me, the proposal, alone and in combination with other development, would be likely to have a significant adverse effect on the integrity and conservation objectives of the TBH SPA.
32. The parties have agreed a financial sum in accordance with the TBH SPA Delivery Framework (DF) and associated calculator. This sum would be put towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). In response to consultation as part of this appropriate assessment, NE has confirmed that an adverse impact on the TBH SPA could be avoided through contributions to both SANG and SAMM.
33. I am satisfied on the evidence before me that the agreed sum would be paid to the Council prior to commencement of the development were the appeal to be allowed; and that this would be used for the purposes of contributing to SANG and SAMM in accordance with the TBH SPA DF. I therefore find there would be no adverse effect from the proposed development on the integrity of the TBH SPA.
34. For the reasons set out above, I conclude the proposed development would not have an adverse effect on the integrity of protected European sites. I therefore find no conflict with WLP1 Policies NE1 and NE3 and FNP Policy FNP12, which set out the requirements for mitigation of significant effects on the SPAs in accordance with the Habitats Regulations. I also find no conflict with the Framework, which requires adequate mitigation if significant harm to sites protected under the Habitats Regulations cannot be avoided.

Other Matters

35. Several concerns about highway safety have been raised, including but not limited to the proximity of the site entrance to a mini-roundabout, shared use of the single-track driveway, the angle of the left turn from the highway

into the driveway taking account of street furniture and fences, visibility, parking spaces for the host dwelling, and pedestrian safety. Such concerns were brought to the attention of Surrey County Council (SCC) Highways Officers during the planning application. After visiting the site, SCC Officers were satisfied there would be no unacceptable impact on highway safety from the proposal, subject to conditions securing visibility splays and turning space for delivery vans. On the evidence before me, I see no reason to disagree with this assessment. Questions of land ownership are outside my remit in considering this appeal.

36. Even allowing for vehicle parking and manoeuvring space, I am satisfied both the host dwelling and the proposed new home would have adequate external amenity space for the usual day-to-day activities of a household, such as sitting out, hanging washing and children's play.
37. Risks of harm to existing trees during construction could be mitigated by the tree protection measures set out in the appellant's Arboricultural Impact Assessment, secured by condition. There is no compelling evidence that future pruning of trees near the new dwelling would adversely affect them, and those subject to Tree Preservation Orders would require the local planning authority's written consent prior to any future lopping or topping.
38. There is no pertinent evidence of protected wildlife on the appeal site. There is also little to substantiate the suggestion that the proposal would cause water to accumulate in neighbouring gardens. In any event, details of hard and soft landscaping, including arrangements for surface water drainage, could be controlled by condition.
39. I have considered the argument that the grant of planning permission would set a precedent for other similar developments. However, no directly comparable sites to which this might apply have been put forward. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.
40. I note the planning history of the site, including condition 9 attached to the permission for the garage¹. However, the appeal does not seek to vary the existing permission but instead arises from a new planning application for development at the site. I have considered the appeal proposal on its individual planning merits. Little weight can be attached to the appellant's personal circumstances, whether or not they have changed since the garage application.

Conditions

41. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. I sought comments from the main parties on the conditions and have taken account of their responses.
42. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.

¹ Reference WA/2018/1671

43. The condition requiring tree protection measures is necessary to protect existing trees during construction.
44. The conditions securing approval of external materials and landscaping are necessary to integrate the development into the surrounding area. The landscaping condition is also necessary to protect the living conditions of neighbouring occupiers, in relation to hard surface finishes, boundaries and external lighting.
45. The conditions securing obscured glazing/restricted opening and removing permitted development rights for new windows/openings at first floor level are necessary to safeguard the living conditions of neighbouring occupiers.
46. The conditions relating to vehicle parking/turning, including for delivery vehicles, and visibility splays are necessary in the interests of highway safety. The condition securing details of bicycle parking is necessary to promote cycling as an alternative to private car use.

Conclusion

47. For the above reasons the proposal accords with the development plan, read as a whole. Material considerations, including the Framework, do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude the appeal should be allowed.

C Carpenter

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 drawing Nos: 1422.1/OS-101 Site Location Plan; 1422.1/S-01 Existing Site Plan; 1422.1/S-02 Existing Plans and Elevations; 1422.1/P-01A Proposed Site Plan; 1422.1/P-02 Proposed Plans and Elevations; 1422.1/SCC-01 Proposed Site Plan - Visibility Splay Plan.
- 3) The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) in the Arboricultural Impact Assessment report by Mark Welby Consulting Arborists, Ref MW.2310.EBL.AIA, dated 10 January 2024. The local planning authority shall be provided with a minimum of two weeks' written notice of the expected commencement date of construction activities. This notification shall include photographs of all protective fencing and temporary ground protection and information showing how these protection measures correspond to the requirements of the AMS and TPP.

- 4) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The samples shall include brick, mortar, bonding, pointing, roof tiles, windows and doors. The development shall be carried out in accordance with the approved sample details.
- 5) Notwithstanding condition 2, no development above ground shall commence until details of space for 2 cars to be parked, for the loading and unloading of delivery vehicles, and for vehicles to turn so that they may enter and leave the site in forward gear have been submitted to and approved in writing by the local planning authority. The space shall be laid out in accordance with the approved details prior to first occupation of the dwelling and shall thereafter be kept available at all times for those purposes.
- 6) Notwithstanding condition 2, no development above ground shall commence until details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. These details shall include:
 - boundary treatments, including type, position, design, dimensions, and materials;
 - hard surfacing materials;
 - arrangements for surface water drainage;
 - a schedule of all proposed trees and plants including location, species and sizes; and
 - external lighting.

The landscaping works shall be carried out in accordance with the approved details in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. 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.
- 7) Notwithstanding condition 2, the dwelling hereby permitted shall not be occupied until details of secure bicycle storage for both occupants of and visitors to the dwelling have been submitted to and approved in writing by the local planning authority. The bicycle storage shall be provided in accordance with the approved details prior to first occupation of the dwelling and shall thereafter be kept available for the storage of bicycles.
- 8) The dwelling hereby permitted shall not be occupied until the first-floor window on the south-west elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or other openings other than those expressly authorised by this permission shall be constructed at first floor level or above.
- 10) The visibility splays shown on plan No. 1422.1/SCC-01 shall be free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter.

End of schedule