



Appeal Decision

Site visit made on 28 August 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2024

Appeal Ref: APP/R3650/W/23/3336021

Land Opposite 12 Old Park Lane, Farnham GU9 0AH

- 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 & Ms A & G de Silva & Tyrrell against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/02058.
 - The development proposed is described on the application form as the 'conversion of and extension to an ancillary building to create a new dwelling'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an extension and alterations to ancillary outbuilding to form a dwelling with associated garden and alterations to access at Land Opposite 12 Old Park Lane, Farnham GU9 0AH in accordance with the terms of the application Ref WA/2023/02058, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr & Ms A & G de Silva & Tyrrell against Waverley Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. I have used the site address set out in the Council's decision. This differs slightly from the address used in the original application form. However, it more accurately describes the location of the proposed development.
4. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the erection of an extension and alterations to ancillary outbuilding to form a dwelling with associated garden and alterations to access. The Council dealt with the proposal on this basis and so shall I. Moreover, the appellant has used this in their appeal form.

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the surrounding area; and
- the effect of the proposed development on parking provision.

Reasons

Character and appearance

6. The appeal site comprises a relatively large parcel of land, positioned to the south of Old Park Lane. It forms garden land associated with 12 Old Park Lane, opposite. The surrounding area has a semi-rural character, which features several residential properties. These vary in scale and position within their individual garden plots. Although largely historic, there is also some variation in the period of surrounding built form, with some more modern interventions present along Old Park Lane. The site is located within an Area of Strategic Visual Importance (ASVI).
7. Policies RE1, RE3 and TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (LPP1, 2018) seek, in summary and when taken as a whole, to ensure that new development safeguards, respects and where appropriate enhances the distinctive character of the landscape in which it is located.
8. I accept the Council's argument that this part of Old Park Lane retains a semi-rural, verdant character. I also accept that the majority of dwellings that form the residential enclave here are positioned to the north of the lane. Nevertheless, these are not the only properties, with dwellings and garden land positioned to the south side of the lane and surrounding the appeal site on all sides. The appeal site, too, is in use as an established domestic garden, featuring a series of small outbuildings and landscaping typical of a domestic setting. Several prominent vehicular accesses, gateways and parking areas exist along the south part of Old Park Lane, including at immediately adjacent sites. These physical interventions form part of the character of the area. Moreover, several large and relatively modern outbuildings exist within neighbouring plots which have a strong domestic character.
9. My attention has been drawn to a recent permission under reference WA/2023/01428. While I have only limited information before me in respect of this development, it allowed a new dwelling with associated landscaping on a nearby site, also to the south of Old Park Lane. Irrespective of its precise planning history, if implemented, this approved scheme would further compound the established residential character of this part of Old Park Lane.
10. The proposed development would undoubtedly change the appearance of the appeal site, introducing additional built form and hard landscaping. It would be visible from Old Park Lane insofar as the proposed hard landscaping is concerned. The extended building would also be visible from this public vantage point. However, views would be limited and fleeting. Both the hard landscaping and extended building would, as I witnessed on site, be visible

from some private vantage points. This includes from properties to the immediate north of the lane and through gaps in landscaping from the neighbouring garden plots. However, changes to the appearance of a site, or outlook from a nearby property do not automatically result in harm. The overall design of the proposed dwelling, an extension of the existing structure, together with its very modest scale relative to the plot and nearby properties, and its considerable setback from the lane, means that the proposed development would assimilate to an acceptable standard in this location.

11. Moreover, whilst change is acknowledged to a site that has historically formed garden land, I do not consider that this would harm the tranquil, verdant and semi-rural character of the immediately surrounding area, including Old Park Lane itself. The surrounding garden land would be retained and views of landscaping features beyond, such as mature trees in neighbouring plots, would still be visible from Old Park Lane and neighbouring properties.
12. Ultimately, the openness, tranquillity and mature landscaping experienced along the lane, and the ASVI more widely, would be maintained. Furthermore, the open countryside which surrounds the residential enclave along Old Park Lane, including between the site and the urban area of Farnham, would be retained and unharmed by the proposed development. From that perspective, it could not reasonably be argued that there would be any coalescence of settlements as a result of the proposal. These matters are further illustrated in the submitted Landscape and Visual Assessment (July 2023).
13. Overall, I conclude that the proposed development would be appropriate in its location. It would accord with the relevant provisions of LPP1 Policies TD1, RE1 and RE3 and Policies DM1, DM4 and DM15 of the Local Plan Part 2: Site Allocations and Development Management Policies (2023). These policies, in summary and when taken as a whole, seek to ensure that new development safeguards, respects and, where appropriate, enhances the distinctive character of the landscape in which it is located. This is in a similar vein to the relevant provisions of the National Planning Policy Framework (the Framework), Farnham Neighbourhood Plan and the Residential Extensions Supplementary Planning Document, insofar as good design and the protection of landscapes is concerned.

Parking provision

14. While the appeal site is undoubtedly located within the countryside, it is positioned close to the settlement boundary of Farnham. It is acknowledged that the footpaths to the town centre, while good, could not always be relied on, particularly during inclement weather and after dusk. From that perspective, future occupants would, in all likelihood, rely on private car travel for many day-to-day activities. Nevertheless, access to Farnham from the new dwelling would be similar to that of the established dwellings in Old Park Lane, and the recently approved scheme on a nearby site.
15. The Council refers to Waverley Parking Guidelines (2013) in its second reason for refusal. This document sets out recommended guidance for residential development, requiring 2 parking spaces per 2 bed dwelling where these are

located out of town centre locations. This rises to 2.5 spaces for a 3+ bed dwelling. There is no dispute between the main parties in respect of parking provision for the proposed dwelling, which would provide two off-street parking spaces.

16. However, the Council set out concerns in respect of the existing No 12 if it were severed from the appeal site. The existing property currently makes use of parking to the rear of No 12, with a garage and off-street parking available for 2 cars. While this may fall short of the Council's guidance, No 12 is an established property that falls outside of the appeal site. The severance of the appeal site, which in any case does not provide parking facilities at present, would make no difference to parking provision for the users of No 12. The Council's assertion that the appeal site could be used for the parking of vehicles associated with No 12 in the future is based on a hypothetical eventuality. Fundamentally, there is no objection from the highway authority in respect of parking provision or matters of highway safety, subject to the addition of conditions in respect of the visibility splay and parking provision. I have no reason to disagree with those findings.
17. For the reasons given above, I conclude that the proposed development would meet the requirements of Waverley Parking Guidelines (2013) and the relevant provisions of LPP1 Policy ST1. These, in summary, seek to ensure that appropriate levels of parking are provided in development.

Other Matters

18. I note the comments raised by neighbours and others on a range of matters, including in respect of character and appearance, overlooking, noise, light pollution, precedent, the extension and alteration of No 12 Old Park Lane, that the proposed dwelling would be further increased in the future and the effect on heritage assets. Highways safety issues have also been raised.
19. Matters of character and appearance are set out above under the main issues. The position, separation distances and scale of the proposed dwelling are such that there would be no harmful loss of privacy to neighbouring occupiers as a result of the development. Moreover, there is no dispute between the Council and appellant on this matter.
20. A certain level of noise would be generated by vehicles accessing and occupiers using the site. However, this noise would likely be low level given the small-scale nature of the dwelling proposed and would not be uncommon in the surrounding area given the proximity to established residential properties. Similarly, the level of light produced by the proposed development is likely to be limited.
21. In respect of precedent, there is no substantive evidence before me of any proposed development of a similar nature and therefore there is no indication that there is a reasonable likelihood that this would occur. Nevertheless, I have found the principle of development on this site to be acceptable for the reasons given above. This is based on the scheme's own individual circumstances.
22. I acknowledge that the existing outbuilding was granted permission retrospectively in the past and was subject to conditions restricting its use.

However, I am assessing the appeal scheme before me and not that previous scheme. Similarly, alterations and extensions to No 12 are not before me.

23. The appeal site is located within the wider surroundings of several listed buildings. This includes The Grange (Grade I), Barn to the north west of The Grange (Grade II), Garden walls to gardens east and north of The Grange (Grade II*), Boundary walls to the kitchen garden, and garden to the east and north of The Grange and wall to the south east of Grange Corner (Grade II), Outer curtain wall and gatehouse at Farnham Castle (Grade I), Stable block at Farnham Castle (Grade II) and Farnham Castle (Grade I and Scheduled Monument). Bishops Square is regarded as a non-designated heritage asset.
24. Mindful of the statutory duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving their settings. The historic built backdrop and verdant surroundings of these buildings, of which the appeal site forms part, positively contribute to their significance. Nevertheless, given the location and extent of the proposed development, I consider that it would preserve the settings of these listed buildings and the contribution they make to their significance. I note the Council had no concerns in this regard either.
25. The appeal property is also located near to the boundary of Farnham Town Centre Conservation Area (the CA). In line with section 72(1) of the Act, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. Bearing in mind the position, nature and extent of the proposal, I consider that it would have a neutral effect on, and would therefore preserve, the character and appearance of the CA as a whole. As such, the proposal would not harm the significance of this designated heritage asset. I note that the Council had no concerns in these respects either.

Unilateral Undertaking

26. A signed unilateral undertaking (UU) has been submitted by the appellant. This would secure the payment of £2,497.07 as an SPA contribution and £846.10 as a SAMM contribution. The Council has confirmed that these figures are correct and correspond with the most up-to-date version of the Council's contributions calculation sheet.
27. Paragraph 57 of the Framework and Regulation 122 of the CIL Regulations sets out three tests that planning obligations must meet. Firstly, they must be necessary to make the development acceptable in planning terms. Secondly, they must be directly related to the development. Thirdly, they must be fairly and reasonably related in scale and kind to the development. I am satisfied that the planning obligations would meet the requirements of the Framework and the CIL Regulations.

Conditions

28. The Council has provided a list of conditions that it suggests should be applied in the eventuality that the appeal is allowed, with others suggested by statutory consultees. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance, and have amended the

wording of some, and combined provisions of others, without altering their fundamental aims.

29. In addition to the standard time limit condition, I have imposed a condition requiring adherence to the relevant plans for certainty. A further condition is necessary in respect of materials, in the interests of character and appearance. A condition requiring the laying out of parking and turning space has been imposed in order that it is made available prior to occupation.
30. I have imposed further conditions relating to cycle parking space and a vehicle charging point. This is necessary in the interest of the provision of adequate parking provision and sustainability. Conditions relating to the vehicular access are necessary in the interest of highway safety.
31. In imposing conditions, I have had regard to the tests within the Framework, the Planning Practice Guidance, and relevant statute, and have accordingly amended the wording of certain conditions proposed by the Council without altering their aim.

Conclusion

32. For the reasons given above, having had regard to all other relevant material considerations, I conclude that the appeal should be allowed.

A Price

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 numbers 1748/OS-01A (Site Location Plan); 1748/P-01 (Proposed Site Plan, Street Scene, Plans and Elevation); 1748/P-02 (Proposed Elevations); 1748/P-03 (Proposed Site Plan - Visibility Splay).
- 3) Aside from the plain clay tile roof described in the application form, the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. 1748/P-01 for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. That space shall thereafter be kept available at all times for those purposes.
- 5) Prior to the occupation of the development hereby permitted, details of the storage of bicycles shall be submitted to and approved in writing by the Local Planning Authority. Such provisions shall be implemented prior to the first occupation of the development and thereafter retained.
- 6) Prior to the occupation of the development hereby permitted, details of a vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. Such provisions shall be implemented prior to the first occupation of the development and thereafter retained.
- 7) The visibility splays shown on plan no. 1748/P-03 shall be free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter.
- 8) The vehicular access hereby permitted shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.