



Appeal Decision

Site visit made on 14 January 2025

by **C Carpenter BA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/R3650/W/24/3347423

10 Pine View Close, Badshot Lea, Farnham, Surrey GU9 9JS

- 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 Dr Sam Fry against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/02067.
 - The development proposed is erection of extensions and alterations to existing dwelling to create one additional dwelling following demolition of existing extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2024, during this appeal. I invited the parties to consider whether the revised Framework had relevance to this appeal and have taken account of their comments in my decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to external amenity space, outlook, and noise and disturbance; and
 - whether the development would provide adequate living conditions for future occupiers, with particular reference to external amenity space.

Reasons

Character and appearance

4. Pine View Close is a residential cul-de-sac comprising eight semi-detached pairs of houses of modest proportions and broadly similar design. Two of the pairs, Nos 7 and 8 and Nos 9 and 10, are sited at an oblique angle to either side of the turning area at the end of the Close. Nos 7 and 10 are corner plots with somewhat larger gardens than other houses in the cul-de-sac. Several of the houses in the Close have a two-storey side extension, including No 7. No 10 has a single-storey

- side extension, behind which are dwellings fronting Crown Lane. The dwellings in Pine View Close are visible from Crown Lane.
5. The Waverley Borough Council Residential Extensions Supplementary Planning Document (RESPD) states two-storey extensions at the side of a property should normally appear smaller in mass and scale or be subordinate to the main building and should be set down from the ridge of the existing house and set back from the front elevation.
 6. The proposed two-storey extension would be nearly as wide as the host dwelling, and there would be no set back from the front elevation or set down from the ridge of the roof. Consequently, the extension would not appear materially smaller in mass and scale than, or be subordinate to, No 10. It would therefore be contrary to RESPD guidance. Moreover, with the additional front door, the development would effectively change the semi-detached pair into a terrace of three houses of broadly comparable proportions, which would diverge from the semi-detached pattern of development in the rest of the Close.
 7. On the evidence before me, the other two-storey extensions in Pine View Close have enlarged existing dwellings rather than created new houses with their own front doors. In addition, in most cases those extensions include the set back and down form sought by the RESPD. Even at No 7, where the ridgeline and front elevation of the extension are not differentiated, the narrow relative width of the addition and its siting behind the front boundary treatment subordinate it to the main house. The visual impact of No 7's extension on the street scene is further mitigated by the visible size of the side garden and absence of buildings in the immediate backdrop.
 8. By contrast, the proposal at No 10 would be forwards of the garden boundary, there would be little mitigation through views of the side garden, and the development at 5 to 7 Crown Lane would appear very close in the backdrop seen from Pine View Close. The development would dominate this context and, for the reasons given, it would not mirror the side extension at No 7. The proposal would also be very prominent in the street scene visible through the gap from Crown Lane.
 9. The somewhat larger plot size at No 10 compared to others nearby does not overcome these concerns for the reasons given. Use of matching materials would also not be sufficient to mitigate the detrimental effect of the extension's scale, height and form.
 10. Appeal decisions for development of an attached dwelling at 5 Lea Close have been brought to my attention¹. Whilst I note the proposal in the later of the two decisions would have created a short terrace, there is no pertinent evidence to demonstrate the circumstances in those cases, or the character and appearance of the area surrounding that site, are directly comparable to those before me. I therefore ascribe little weight to these other decisions.
 11. For the above reasons, I conclude the proposed development would have a harmful effect on the character and appearance of the surrounding area. This is contrary to Policy TD1 of WLP1², Policy DM4 of WLP2³ and Policy FNP1 of the Farnham Neighbourhood Plan 2020 (FNP). Together, these Policies require high

¹ Refs APP/R3650/A/06/2014583 and APP/R3650/A/07/2057334

² Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018

³ Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies 2023

quality design that responds to distinctive local character and context taking account of design guidance and Neighbourhood Plans, and that is sympathetic and responsive to the prevailing pattern of development. It is also contrary to FNP Policy FNP16, which requires the scale, height and form of a building extension to fit unobtrusively with the existing building and character of the street scene.

12. Further, the proposal is contrary to paragraph 139 of the Framework, which states development that is not well designed should be refused, especially where it fails to reflect local design policies, taking into account local design guidance and supplementary planning documents.

Living conditions of neighbouring occupiers

13. The dwellings at 5 and 7 Crown Lane are bungalows with very shallow areas of private outdoor amenity space that face the appeal site. Thus, although the proposed development would be some five metres from the boundary with these properties at the closest point, its two-storey flank wall as high as No 10's existing roof would dominate the outlook from the bungalows' gardens and rear-facing windows. This would be particularly overbearing for the occupants of No 5. Guidance on separation distances in the RESPD does not preclude consideration of particular site circumstances, like those I have identified.
14. As there would be no windows in the new extension's flank wall, and the rear of the new house would be at an oblique angle, there would however be little material detriment to the occupiers of Nos 5 and 7 from overlooking and light pollution.
15. To the front, the host and new dwellings would share a driveway, which would be seen from front-facing windows of No 10. This arrangement would not be unusual for a relatively densely developed residential area. I find the outlook from this perspective would be acceptable given the house would also have private amenity space to the rear.
16. The area of rear amenity space proposed for No 10 would be as wide as the house and there is no suggestion it would be less than 10m in depth. Garden sizes in the surrounding area vary and the space, although modest, would not be wholly unusual by comparison, bearing in mind the house would have two bedrooms. The level of privacy would be comparable to that found in many smaller terraced dwellings in suburban areas. Appropriate boundary treatments could be secured by condition. I therefore find the proposed space would satisfy WLP1 Policy DM5, which specifies the minimum dimensions of external amenity space for each dwelling and requires it to be private, useable, secure, defensible, and appropriately located.
17. Noise and disturbance to the occupiers of 10 and 11 Pine View Close from additional comings and goings would not increase beyond a level that it would be reasonable to expect in suburban areas like that surrounding the appeal site.
18. Taking all this together, I conclude the proposed development would have a harmful effect on the living conditions of neighbouring occupiers, with particular reference to outlook from 5 and 7 Crown Lane. Although other aspects of neighbouring occupiers' living conditions would be acceptable, the detrimental effect I have found is contrary to WLP1 Policy DM5, where it states development should avoid harm to the amenity of occupants of nearby residences by way of overbearing appearance. It is also contrary to FNP Policy FNP16, which requires

building extensions to safeguard the outlook of adjoining residents. It is also contrary to the Framework, where it seeks a high standard of amenity.

Living conditions for future occupiers

19. As the larger of the two proposed areas of external amenity space, that assigned to the new dwelling would be sufficient for the day to day needs of a one-bedroom household. As noted for the host dwelling above, privacy and noise levels would be acceptable for the area.
20. I therefore conclude the development would provide adequate living conditions for future occupiers, with particular reference to external amenity space, in accordance with WLP1 Policy DM5 and FNP Policy FNP16.

Other Matters

21. The appeal site is near the Grade II listed building known as 'Premises occupied by Vick and Squires' in Crown Lane, also known as Knights Cottage. The building's significance as a heritage asset is historic, owing to its former use as a kiln range in the 18th century; and architectural, derived from features including its half-hipped roof, brick cladding, dentil brick eaves, and casement and bay windows. The setting of the listed building includes its grounds, as part of the building's former functional environment, and Crown Lane from which the building's architectural significance can be appreciated. There would be little inter-visibility between the proposed development and the grounds of the Cottage. From Crown Lane, glimpses of the new dwelling would not to be seen in the same views as the listed building. I therefore find the setting of the listed building would be preserved and there would be no harm to its significance as a heritage asset.
22. The site is within the Zone of Influence of a protected European site. I note the appellant's willingness to provide mitigation. However, as I am dismissing the appeal for other reasons it has not been necessary for me to address this matter further.
23. There is an extant permission to create a two-storey side extension at the appeal site⁴, for use as part of the host dwelling. This permitted scheme would be subordinate to the main house because it would be narrower than and set back from the front elevation, and its ridge-height would be below that of the principal roof. It would therefore be less obtrusive in the street scene than the appeal proposal. In addition, its smaller scale and greater distance from the boundary with 5 and 7 Crown Lane would provide a more acceptable outlook for neighbouring occupiers. I therefore find the effects of the permitted extension on character and appearance and neighbours' living conditions would be less onerous than those of the appeal scheme described above. Consequently, this fallback position does not outweigh the harms I have identified.
24. The development would provide one additional dwelling, which could be built out relatively quickly. This would support the Framework's objective to boost the supply of homes on small sites. The proposal would also make a small contribution to meeting local housing need, in an area with a substantial shortfall in housing supply and an identified need for smaller homes. That said, FNP Policy FNP15's encouragement for one- and two-bedroom dwellings on smaller sites is subject to

⁴ Application Ref WA/2022/01444

the proposal fitting well with the character of the area, which would not be the case. The Framework's support for making effective use of land would also add little weight in favour of the development, because that also requires the desirability of maintaining an area's prevailing character to be taken into account. Taking all this together, I give the proposal's contribution to housing provision limited weight.

25. The benefit to the local economy from construction and future occupiers' use of local services and facilities would be small in scale so would contribute only limited positive weight.
26. The Council has raised no concern with the choice of transport modes, biodiversity, internal space provision or the effect of the proposal on light. On the evidence before me, I see no reason to disagree. In addition, the layout of parking spaces could be secured by condition. However, an absence of harm in these regards is a neutral factor. The fact that neighbours have not objected does not in itself render the proposal acceptable.

Planning Balance

27. Irrespective of the development plan's position on infill development in Badshot Lea, the conflict I have identified with WLP1 Policy TD1, WLP2 Policies DM1, DM4 and DM5 and FNP Policies FNP1, FNP15 and FNP16 results in a conflict with the development plan read as a whole.
28. The parties agree the housing land supply for the area is substantially below five years, which means Framework paragraph 11d) is engaged. However, according to Framework paragraph 14, in situations where the presumption at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan (NP) is likely to significantly and demonstrably outweigh the benefits. This is provided a) the NP became part of the development plan five or less years ago; and b) the NP contains policies and allocations to meet its identified housing requirement.
29. The FNP was made in April 2020, so it is less than five years old. Section 5 of the FNP sets out the identified housing requirement for Farnham and the policies and allocations to meet this. Therefore, both criteria a) and b) are satisfied and Framework paragraph 14 is engaged.
30. I have found conflict with the FNP arising from the harms to both character and appearance and the living conditions of neighbouring occupiers. There is also conflict in these respects with the rest of the development plan and the Framework. I therefore ascribe significant weight to the conflict with the FNP, such that it significantly and demonstrably outweighs the limited weight of the benefits of the proposal identified under other matters.

Conclusion

31. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

C Carpenter

INSPECTOR