



Appeal Decision

Site visit made on 21 April 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 JUNE 2025

Appeal Ref: APP/R3650/W/25/3359088

Land rear of 11 Broomwood Way, Lower Bourne, Farnham, Surrey GU10 3LP

- 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 Paul McMillan against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/00531.
 - The development proposed is erection of a partially sunken two storey 3 bedroom dwelling house with associated parking and amenity space including raised terraces to the front.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposal would provide adequate living conditions for its occupiers with regard to private amenity space; and
 - the effect of the proposed development on the living conditions of the occupiers of 10a Broomwood Way and those of neighbouring properties with particular regard to outlook, light and amenity space.

Reasons

Character and Appearance of the Area

3. The proposed development is for a two-storey detached dwelling located on the rear gardens of 11 Broomwood Way and Broomwood Cottage. Broomwood Way joins Burnt Hill Road with Kiln Lane. The appeal site is located on the corner. The proposal would be located at the top of a steeply sloping site, close to the rear boundary and would be sunken into the site with the surrounding ground held back by stone retaining walls. There are protected trees on the site frontage. The proposed dwelling would be modern in appearance with a flat sedum roof, composite effect weather boarding and large glazed windows. Two terraces would protrude to the front of the dwelling with views over the site.

4. The properties running from Burnt Hill Road on Broomwood Way typically have pitched roofs, front the street scene and have a relatively uniform building line. Broomwood Way running towards Kiln Lane consists of the rear gardens of the properties fronting Stream Valley Road and No 10a Broomwood Way (No 10a) on the plot adjacent to the site.
5. The proposed dwelling would have a contemporary appearance which is uncharacteristic of Broomwood Way. The proposal would fill almost the full width of the plot giving the proposal a cramped appearance which is out of character with the surrounding properties which typically have greater spacing between dwellings. The front boundary screening is noted, however views into the site would be gained through the access road and the contemporary appearance and elevated position of the dwelling in a location you would expect to see rear garden would add to the prominence of the proposal on the plot which would appear over developed.
6. The appellant has drawn my attention to a recently approved scheme within the area (MMA/2022/01974) but no details of the scheme have been provided therefore I am unable to draw a comparison with the appeal. The appellant also refers to other properties with living space below ground but again, I have not been provided with any details for comparison.
7. In conclusion, the proposal would not respect the character and appearance of the neighbouring dwellings and the wider area and would be contrary to Policies TD1 of Waverley Borough Local Plan Part 1 (LP Part 1) 2018, DM4 of Waverley Borough Local Plan Part 2 (LP Part 2) 2023 and Policy FNP1 of the Farnham Neighbourhood Plan 2017 (reviewed 2019) which seek to protect the character of the Borough by requiring new development to respond to the distinctive local character of the area in which it is located.

Living conditions for the future occupants of the dwelling with regard to private amenity space

8. Policy DM5 of the LP Part 2 requires external amenity space for the proposed development to be private, useable, secure and defensible and appropriately located. The amenity space for the proposal would be largely to the front of the dwelling in the form of a first-floor balcony and terrace to the ground floor. The rest of the site comprises the access drive and parking, none of which would be private as all are to the front of the dwelling and therefore visible from the street scene. Overlooking and the perception of overlooking would also be possible from the first-floor windows of the host dwellings which would be exacerbated by the lower height of the proposal.
9. For the reasons given above, the proposal would be contrary to the requirements of Policy TD1 of the LP Part 1 and Policy DM5 of the LP Part 2 which seek to safeguard the amenity of future and existing occupants by way of providing an area of external amenity space that is private, useable, secure and defensible and appropriately located.

Living conditions of the occupiers of 10a Broomwood Way and those of neighbouring properties with particular regard to outlook, light and amenity space.

10. The proposal would be located in the rear gardens of 11 Broomwood Way and Broomwood Cottage leaving the host dwellings with rear gardens less than 10m deep. At the time of my site visit the site was divided up and the rear gardens of the aforementioned properties were terraced with the site boundary hard up against the terracing. The depth of the rear gardens of the host dwellings would not comply with Policy DM5 of the LP Part 2 which requires dwellings to have a rear garden depth of at least 10m. It has been brought to my attention the host dwellings were approved planning permission with the appeal site included within their rear gardens and therefore the development has not been built in accordance with the approved plans and the reduction in amenity space to the host dwellings below the required standards is a material consideration in determination of this appeal.
11. The appellant contends that the proposal would be sunken in the site to the extent that the roof would be lower than the fence and hedging, however, the plans clearly show the roof line protruding above the fencing to the host dwellings which in itself would have an oppressive view from their amenity space due to the overall height of the fencing and the shallow depth of the rear gardens. The fence height and the height of the proposal with a long blank elevation would have an overbearing impact on the occupiers of the host dwellings when using their outdoor amenity space. It is noted the existing fencing on the rear gardens of the host dwellings is low picket fencing rather than solid panel fencing which does not give a true representation of either the proposed fencing or of the impact of the proposed development.
12. No 10a has three windows on the side elevation facing the appeal site, two of which serve habitable rooms. The plans clearly show the proposed dwelling protrudes above the boundary fence which is currently part lattice fencing presumably to allow light to the windows behind. The proximity of the proposal to the site boundary and the depth of the building protruding further forward on the site than No 10a would have an overbearing impact on the occupiers of No 10a when viewed from the side and cause a loss of light to the habitable rooms.
13. In conclusion, the proposal would conflict with the requirements of Policy TD1 of the LP Part 1 and Policy DM5 of the LP Part 2 which seek to avoid harm to the amenity of future and existing occupants by way of overlooking, loss of daylight or sunlight or overbearing appearance and ensuring private gardens are at least 10m in depth.

Other Matters

14. The environmental credentials, lack of objection on ecological grounds, appropriate levels of parking and lack of harm to the properties in Stream Valley Road do not overcome the harm caused to the character and appearance of the area or the living conditions of the proposed occupiers and those of neighbouring properties at 11 Broomwood Way, Broomwood Cottage and No 10a by the proposal.

Planning Balance

15. The proposed development would conflict with the development plan due to its impact on the character and appearance of the area and the living conditions of neighbouring occupiers and those of the proposed dwelling. The development plan policies relevant to these issues are consistent with those of the National Planning Policy Framework (Framework) and therefore I have given the policy conflicts and harms significant weight.
16. The Council concedes that it is unable to demonstrate a five-year supply of deliverable housing sites. Paragraph 11(d) of the Framework indicates that in such circumstances permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
17. The benefits of the development are the provision of a single dwelling in an accessible location, which would make a small contribution to the supply of new homes. There would also be benefits to the local economy during construction and for the lifetime of the development through additional spending by occupants of the development in local shops and businesses. I have attached these benefits modest weight. Although there is some suggestion within the appellant's evidence that the proposal is for a self-build dwelling, no mechanism has been put forward to secure this, and this means that I have attached limited weight to the benefits of self-build.
18. In the overall planning balance, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. As a result, the proposal does not constitute sustainable development in terms of the Framework and the presumption in favour of sustainable development does not apply. The proposal conflicts with the development plan taken as a whole and the material considerations in this case do not indicate that the decision should be taken other than in accordance with the development plan.

Conclusion

19. For the reasons given above the appeal should be dismissed.

C Coles

INSPECTOR