

Planning Committee

25 March 2020

Planning Appeal Decisions

The following appeal decisions are submitted for the Committee's information and consideration. These decisions are helpful in understanding the manner in which the Planning Inspectorate views the implementation of local policies with regard to the Guildford Borough Local Plan: strategy and sites 2015 - 2034 and the National Planning Policy Framework (NPPF) March 2012 and other advice. They should be borne in mind in the determination of applications within the Borough. If Councillors wish to have a copy of a particular decision

letter, they should contact
Sophie Butcher (Tel: 01483 444056)

1.	<p>Mr James Gross 37 Stoke Fields, Guildford, GU1 4LT</p> <p>19/P/00868 – The development proposed is the construction of a ground floor single storey rear extension, the enlargement of the existing basement and the construction of new side and rear boundary walls. The enlargement of the front basement window, the construction of associated lightwell and associated railings.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none">• The main issues are the effect of the proposed development on the character and appearance of the existing building and the surrounding area, including the Stoke Fields Conservation Area; and• The effect of the proposed development on the living conditions of the occupants of No.39 Stoke Fields, with particular reference to outlook and light.• The appeal site is part of a terrace of 6 similarly-designed properties. The property has a two-storey projection to the rear and a single storey outhouse (used as a utility room) beyond this. A gap of approximately 2.4m is present between the two-storey projection and the party wall to No.39 Stoke Fields.• With a width of over 4m, the proposal would engulf the existing gap, and encompass a large part of the outhouse, extending significantly towards the boundary with No.35 Stoke Fields. It would extend as far back as the existing combination of the width, depth and height, would create a bulky addition that would not be sufficiently subservient to the host property.• Although the pitch angle of the proposed roof would be similar to that of the outhouse, it would be significantly at odds with the pitch angle of the roof of the main dwelling, resulting in an awkward relationship. This awkward relationship would be continued via the placement of the glazing, which would not sit well within the existing fenestration arrangements, with their pronounced vertical emphasis. Whilst the contemporary design ethos is recognised, the extension's poor integration with the host property would harm its appearance.• The appeal site is located within the Stoke Field's Conservation Area. The row of terraced dwellings which the appeal property is part of has a clear rhythm, with levels being a defining feature. In accordance with the Framework, I give great weight to the conservation of this heritage asset.	DISMISSED
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- The proposal would increase the height of the party wall to No.39 by over 1m, with the ridge height of the extension extending nearly 1m higher than this. At this height, the proposal would appear as an incongruous element in the street scene, due to being an isolated example of an extension at this scale, when viewed from Stoke Grove.
- A large proportion of the glazing would be visible above the rear alley wall, and would appear out-of-place when viewed from Stoke Grove, due to its relationship with the existing property and the lack of similar examples in the locality. The proposed materials (including the use of London type brick and black/graphite coloured metal doors and glazing) would not off-set the incongruous nature of the proposal and its negative effect on the character of the area.
- The proposal would markedly contrast with these nearby extensions, in that the proposal would extend noticeably further beyond the two-storey projection of the host property. I do not consider that those nearby extensions are comparable with the proposal.
- Given the harm that I have identified, it follows that the proposal would not preserve or enhance the character or appearance of the SFCA. Whilst the harm that would be caused to the significance of the conservation area would be less than substantial, because the proposal would only be visible from a small part of the SFCA, this harm needs to be weighed against the public benefits of the proposal.
- The proposal offers several public benefits impacting on the character of the area, including: the reconstruction of the party wall to No 39 (including a timber screen); the use of thin-framed steel 'Crittall' windows for the extension; the replacement of timber fencing with a rear garden wall (including the use of reclaimed bricks to create a period-specific finish); a new timber gate with vertical boarding; the removal of down and soil vent pipes from the façade of the property; the addition of a new basement window and lightwell; and a new plinth and metal railings.
- All of these public benefits taken together do not outweigh the harm that I have identified.
- Overall, I conclude that the proposal would have an unacceptable and harmful effect on the character and appearance of the existing building and the surrounding area, including the SFCA.
- The proposal is contrary to Policy D3 of the Guildford borough Local Plan: strategy and sites (2015 – 2034) (adopted 25 April 2019) which states that development of the highest design quality that will sustain and, where appropriate, enhance the special interest, character and significance of the borough's heritage assets and their settings and make a positive contribution to local character and distinctiveness will be supported.
- Due to its projection and proposed location, the proposed extension breaches the 45-degree guideline, specified in the Residential Extensions and Alterations Supplementary Planning Document (2018) ('SPD').
- The proposal would be likely to cause overshadowing to the rear of No.39, including a loss of light to the living room window.
- Considering the orientation of No 39 to the appeal property, and taking account of the height of the proposed extension and its roof pitch, any further overshadowing would not be significant. Accordingly, the proposal is acceptable with regards to light.
- The expanse of built form on the party boundary with no 39 would result in an imposing and overly-dominant structure close to the garden and living room window of No.39.
- Although single storey, the scale of the extension would result in an

	<p>overbearing structure that would be materially detrimental to the outlook from No.39's living room window.</p> <ul style="list-style-type: none"> • The proposals enclosing effect would also make the rear garden of No 39 much less pleasant to use. Accordingly, the single storey rear extension would be detrimental to the living conditions of the occupants of No 39. • The proposal would resolve the existing issue where overlooking is possible from the kitchen windows of No.37 to the windows opposite at No.39. However, this benefit would not offset the dominating and harmful effect caused by the overall mass of the proposal on the living conditions of the occupants of no.39. • Whilst any overshadowing would be minimal, I conclude that the proposed development would have an unacceptable and harmful effect on the living conditions of the occupants of No.39 Stoke Fields, with particular reference to outlook. • The proposal conflicts with saved policy G1(3) of the Guildford Borough Local Plan (adopted January 2003) which seeks to protect the amenities enjoyed by occupants of buildings from unneighbourly development. The proposal is also contrary to paragraph 127 f) of the Framework which seeks to create places that promote a high standard of amenity for existing and future users. The proposal also conflicts with the advice given in the SPD, regarding avoiding overbearing impacts. • The appeal should be dismissed. 	
2.	<p>Mr Stuart Freeman Vacant plot between Homecroft and High Steeps, Peaslake Lane, Peaslake, Guildford, GU5 9SY</p> <p>19/P/00780 – The development proposed is described as “a detached residence with 4 bedrooms and all usual ancillary facilities, on two levels, on an undeveloped plot. Provision of two car spaces at pavement level with storage facilities for waste bins are also part of the scheme”.</p> <p>Delegated Decision – To Refuse</p> <ul style="list-style-type: none"> • The main issues are the effect of the development on the character and appearance of the area, including the Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value. • The setting of the Peaslake Conservation Area; • Trees within and adjoining the site and any resulting visual effect, and • Any protected species. • The proposed dwelling would be sited on an elevated section of the hillside. The building would be stepped into the slope and to accommodate the length of the building it would be necessary to undertake a reasonably extensive amount of excavation. • The quite significant bulk of the building stretching back into the site would be conspicuous in some narrow-angled views from the road. • The height of the front elevation, the elevated position of the building on the slope and the overall bulk would, from the front of the site, appear as a harmful intrusion of built form on this open site section of land. • The works to excavate part of the frontage and provide a car parking area would be clearly visible and add to the combined impact of a significant and prominent change to the visual appearance of the site. • The site does not have the benefit of any sizeable and established trees towards the front of the site to help soften the impact of the proposed dwelling. In these circumstances the proposal would appear as a jarring 	DISMISSED

introduction of development and would not assimilate successfully into the landscape in the same way as those nearby dwellings which are positioned further up the slope.

- The Old Surgery is a prominent building and its siting is not in general accordance with the pattern and form of the surrounding buildings on this side of the road. Nevertheless, I do not consider that because this building is prominent it justifies a further and in this case sizeable building that would be prominent and bulky, and unduly detract from the appearance of the appeal site.
- In mid-distance views from along the road the side boundary trees would screen the proposed dwelling and the parking area would have less of an impact. There are limited views of the site from the other side of the valley. However, in the area in front of the site the impact would be pronounced and cause harm to the character and appearance of the area. This harm could not be satisfactorily ameliorated by a landscaping scheme for the reasons explained above.
- The site is also located with the Area of Great Landscape Value (AGLV) and for the same reasons the site would not preserve the distinctive character and appearance of this part of the AGLV.
- I conclude that the proposal would harm the character and appearance of the area, including the AONB and AGLV. Consequently, the proposal would not comply with saved policy G5 of the Guildford Borough Local Plan 2003 (the Local Plan 2003), policies P1 and D1 of the Guildford Borough Local Plan ; Strategy and Sites 2015 – 2034 (the Local Plan 2019) and the Framework which seek, amongst other things, that all new development will be required to achieve high quality design that responds to distinctive local character, including landscape character, of the area in which it is set.
- The Peaslake Conservation Area (CA) is in part significant because it consists of a range of traditional and vernacular buildings, including some more modest cottages as well as the public house and church, often with stone or hedged front boundaries, in a generally verdant village setting.
- The scheme would replace part of the front boundary bank with an excavated area for the parking of cars, steps and front boundary walls. While the plans show areas of planting, the proposals would nevertheless, diminish the undeveloped character of the frontage area and replace it with one with a more developed feel with car parking and related hard surfacing. This would erode some of the positive contribution that the site makes to the street scene and the views towards the CA. In this way, the scheme would detract from the setting of the CA.
- The effect of the proposal would be to cause minor harm to the setting of this part of the CA and therefore detract from the significance of this heritage asset. The harm to the CA as a whole would be less than substantial within the meaning of paragraph 196 of the Framework.
- The benefits of the scheme would be the provision of an additional unit of accommodation, built to high environmental standards, in a location that appears to have reasonable access to services, facilities and public transport.
- There would be social and economic benefits to the local area both during construction and in subsequent occupation. However, as a single unit of accommodation would be provided these public benefits would be minor and afford no more than limited weight.
- I conclude that the proposal would harm the setting of the CA and that this would not be outweighed by the public benefits.
- It is explained that there is every intention to maintain and protect the trees

	<p>alongside the boundaries and that indeed there would be supplementary planting.</p> <ul style="list-style-type: none"> • Nevertheless, the scheme proposes reasonably extensive excavations of sections of the hillside, some form of foundation to assist with the construction of the dwelling and terrace areas formed to the rear of the property. • In the absence of comprehensive and technical evidence to demonstrate that the trees would not be adversely affected during the build process and subsequently, I consider it necessary to take a precautionary approach. • The trees are an important and valuable feature of the local area and I am not satisfied that they would not be adversely affected by the proposal. • I conclude that I need to take a precautionary approach because the development has the potential to adversely effect protected species. The scheme has not been demonstrated to comply with saved Policy NE4 of the Local Plan 2003 and the Framework which concerns, species protection. • I conclude that the appeal is dismissed. 	
<p>3.</p>	<p>Mr and Mrs D Rickwood Rogate, Seale Lane, Seale, GU10 1LF</p> <p>19/P/00945 – The development proposed is single storey rear extension.</p> <p>Delegated Decision – To Refuse</p> <ul style="list-style-type: none"> • The appeal site is within the Green Belt and so the main issues are: • Whether the appeal development is inappropriate development for the purposes of the NPPF. • The effect of the proposal on the openness of the Green Belt; and • If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it. • The appeal property comprises a detached, chalet-style dwelling which forms part of a loose-knit line of dwellings on the north side of Seale Lane. It lies within the AONB and AGLV. The proposal is a single-storey, flat-roofed rear extension to the kitchen/breakfast room. • By referencing the site planning history, the Council has determined that the original dwelling was a single storey property with a total floor area of approximately 88sqm. On this basis, given that the current dwelling has a floor area of around 155sqm and the floor area of the proposed extension is approximately 20.3sqm, the resulting total size of the appeal property would be about 175.3sqm. This would represent an uplift over and above the original dwelling floorspace of around 99.2%. • I find that such a large increase in total floorspace means that the appeal development would result in an addition to the original building that would be disproportionate in the terms of Paragraph 145 of the Framework. • The appeal scheme would be inappropriate development in the Green Belt, having regard to policy P2 of the GBLP and the Framework. • Openness has a spatial as well as a visual aspect. In terms of the former, the proposal would add bulk, mass and volume to the existing building, having a footprint of around 3.5m by 5.8m and a height of about 3.1m, plus a roof lantern. I find that the proposal would result in a moderate reduction in the openness of the Green Belt. • The proposal would be sited to the rear of the dwelling and would effectively 	<p>DISMISSED</p>

	<p>'square off' the rear part of the building, with a flatted-roof addition that would have a lower and less bulky roof form than that of the existing rear building projection.</p> <ul style="list-style-type: none"> • The size of the proposal would be subservient to that of the existing building and the extension would respect the scale of the main house. The development would be sited at the back of the dwelling and would not be visually prominent within the prevailing built context of the group of residential properties within which the appeal site sits. I find that in visual terms, there would be no harm to the openness of the Green Belt. • The absence of visual intrusion does not mean that there is no impact on the openness of the Green Belt as a result, and this does not affect the above findings on the spatial aspects of the development. • The appeal property would be inappropriate development in accordance with the terms set out in the Framework and Policy P2 of the GBLP. • I conclude that the appeal should be dismissed. 	
<p>4.</p>	<p>Mr R Hunt Highlands Farm, Portsmouth Road, Ripley, GU23 6EY</p> <p>19/P/00580 – The development proposed is erection of two buildings, laying of hardstanding, associated engineering operations and change of use to mixed use agricultural and equestrian following demolition of agricultural buildings.</p> <p>Delegated Decision – To Refuse</p> <ul style="list-style-type: none"> • The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies. • The effect of the proposal on the openness of the Green Belt; • The effect of the proposal on the character and appearance of the area; and • If the proposal would be inappropriate development, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. • Highlands Farm comprises around 9.3 ha of land, located in the countryside between the villages of Ripley and Send Marsh. • The appeal proposal comprises the aforementioned two pitched roof, box profile metal clad Buildings A and B, the laying of concrete hardstanding around the buildings within the farmyard, the construction of a track to the north of the farmyard, a retaining wall close to east side of the farmyard and the construction of raised planters to the side of Buildings A and B. • The appellant contends that the proposed equestrian use, whether commercial or not, falls within the definition of outdoor sport and recreation. • The appellant has submitted an Equestrian Appraisal and Business Plan as part of the Appeal Statement, confirming that the equestrian stock would be the focus of the business operation, and that the horses to be reared are intended to be of racing quality. • The appellant's submitted information confirms that the equestrian use would be a commercial business for the rearing and breeding of horses for sale, irrespective of whether they are sold for racing purposes or personal recreational use. • I acknowledge the appellant's assertion that the proposal would contribute more widely to the outdoor sport of horse racing, but the proposal would not involve sporting or recreational activities taking place on the appeal site. • I do not find the proposed mixed use of the site for agriculture and 	<p>DISMISSED</p>

equestrian use to comprise an exception to inappropriate development within the Green Belt when assessed against Paragraphs 146 e) of the Framework.

- Given my findings on the proposed equestrian use not falling within a sport or recreation use, Buildings A and B would therefore not accord with the exceptions to inappropriate development in the Green Belt within paragraphs 145 a) and 145 b) of the Framework.
- Following my visit, I find the new buildings to have a visually intrusive impact on the surrounding countryside, due to a combination of their large footprints, height and massing, green metallic material, pitched roof design and proximity to each other. They appear visible above the height of the site perimeter fencing when viewed from public viewpoints outside the site.
- Taking into account the likely reduction in overall floor space based on the submitted valuation report, and the visually prominent nature of the new buildings, as witnessed on my site visit, I conclude that Buildings A and B have resulted in a moderate impact on the openness of the Green Belt.
- The appellant contends that the level of unbuilt on land has not been increased by the formation of the access track and hardstanding. I find that the evidence before me is inconclusive with respect to the previous amount of hardstanding within the farmyard, the land levels within the area of the retaining wall and amount of previous built development on the site of the raised planters. Therefore, I am unable to assess with any certainty whether these elements of the scheme have had a greater impact on the openness of the Green Belt and the purpose of including land within it than the previous development that existed on the site.
- I conclude that the access tracks have a greater impact on the openness of the Green Belt than the previous development on this part of the site.
- I therefore conclude that the development as a whole would not comprise an exception to inappropriate development when assessed against paragraphs 145 a) and b) and paragraphs 146 b) and e) of the Framework.
- It would also fail to safeguard the countryside from encroachment, and would therefore not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.
- The proposal would harm the intrinsic rural character and appearance of the countryside. It would be contrary to Policy D1 of the Guildford Borough Local Plan 2019 which requires new development to achieve a high quality design that responds to the distinctive local character, including landscape character of the area in which it is set.
- I conclude that the appeal should be dismissed.