

Planning Committee

4 November 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 decision letter, they should contact

Sophie Butcher (Tel: 01483 444056)

1.	<p>Mr and Mrs Mak 31 Millmead Terrace, Guildford, Surrey, GU2 4AU</p> <p>20/P/00230 – The development proposed is creation of a retaining wall to front to create driveway and dropped kerb.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none">• The main issue is the effect of the proposed development on the character and appearance of the surroundings of Millmead Terrace and the Millmead and Portsmouth Road Conservation Area.• Millmead Terrace is a residential street characterised by 2 storey, semi-detached, traditionally styled cottages with small front gardens enclosed by brick walls on the east side and modern semi-detached, 2-storey properties on the west side.• A small number of properties have paths widened to accommodate a vehicle off-street as currently permitted at No 31 (19/P/02039) but in the properties where this is the case, part of the garden has been retained adjacent to the drive and landscaped.• Therefore, the uniformity of the built form and character of the west side of the street where entranceways are interspersed with gardens and greenery is largely maintained creating an attractive streetscape.• The result of the appeal proposal would be to remove entirely the front retaining wall and excavate the front garden to the full width of the plot to accommodate up to two vehicles. This would remove the sense of enclosure along the street and remove garden space and the potential for green landscaping. It would therefore materially alter the character of the street.• It has been put to me that the removal of the remaining garden area would be a modest additional change over what is already permitted and the garden itself contributes little to the street scene.• However, the extant permission, which at the time of my site visit, was still to be implemented in full, would have left around 18m² of garden on the south side of the drive sufficient to be landscaped in an attractive manner and retaining some enclosure to the street. This would be removed completely in the appeal proposal and replaced with a large open expanse of sloping hardstanding across the whole of the front of the property.• Viewed along the street in either direction the removal of the retaining wall and front garden in its entirety and the insertion of extended hardstanding	DISMISSED
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	<p>would be harmful to the significance of this part of the Conservation Area and fail to preserve the established character of the street. Therefore, the proposal would be contrary to Paragraphs 193 and 194 in the NPPF.</p> <ul style="list-style-type: none"> • I acknowledge that policy D3 of the Guildford Local Plan Strategy and Sites (GLPSS) states that the historic environment will be conserved in a manner appropriate to its significance and that it has been put to me that the west side of Millmead Terrace is not as significant as the east side. • Nevertheless, the largely uniform and rhythmic pattern of drives and pathways and raised front gardens is an essential part of the character of the street and it would be disrupted by this proposal to remove all of the front garden and front retaining wall. Policy HE7 requires consideration to be given to retaining features such as walls which contribute to the character of an area. • As the proposal would result in the loss of the adjacent on-street parking bay, which currently remains in place, there would only be limited public benefit in terms of easing parking stress in the area. This would be insufficient to outweigh the harm to the significance of the Conservation Area from the proposal. • The appeal should be dismissed. 	
<p>2.</p>	<p>Mr and Mrs L N Grant Land off Vicarage Lane, Send, Woking, GU23 7JN</p> <p>19/P/01486 – The development is erection of 6-bed detached dwellinghouse with basement garaging and attached car port with residential accommodation above.</p> <p>Officer Recommendation: To Refuse Planning Committee: 4 December 2019 Decision: Refused</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issues are whether the proposed dwelling is inappropriate development for the purposes of the NPPF and development plan policy. • The effect of the proposal on the openness and the purposes of the Green Belt; and • If it 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 the development. • The appeal site is a large, open undeveloped area of land and comprises a large gap in a ribbon of development which extends along the southern side of Vicarage Lane, beyond which are open fields. These properties are of a variety of architectural styles but are all large detached dwellings, which sit within substantial plots. The northern side of Vicarage Lane is undeveloped, open agricultural land. • It is accepted by the parties that Send constitutes a village. However, there is disagreement as to whether the appeal site itself lies within the village. • Vicarage Lane is located beyond the development edge of Send and is separated from the southly ribbons of development by open countryside, where there are clear, open views. The existing development along Vicarage Lane is therefore not well related to the village of Send, and due to the substantial open breaks in development, it does not read as part of the village. • Whilst there is development along the southern side of Vicarage Lane, in 	<p>DISMISSED</p>

contrast to that within Send and along the radial routes, it is of a considerably lower grain. Dwellings are generally set in large spacious plots, with significant gaps between them. This gives the Lane a more rural feel, with properties being set within the countryside as opposed to being part of a village.

- On this basis, I do not find that the appeal site forms part of the village of Send. Therefore, the proposal would not meet the criteria in paragraph 145(e) of the Framework.
- When assessed against relevant sections of the Framework and the adopted policies in the New Local Plan, the proposed development would represent inappropriate development within the Green Belt.
- The proposed development would reduce significantly the openness of the site. In addition, the overall presence of the development, in relation to the width of the site would be great. It would increase the spatial loss of openness. Whilst there are a number of existing buildings on the site, these are small when compared with the overall size of the proposed dwelling.
- The proposal would therefore have a considerably greater impact on the openness of the Green Belt when compared with the existing situation. This weighs against the proposal.
- I note the comments that have been submitted in support of the appeal. However, given the national importance to protect the Green Belt, this support, does not clearly outweigh the identified harm to the Green Belt, so as to amount to the very special circumstances necessary to justify the development.
- I conclude that the appeal should be dismissed.

COSTS DECISION

Guildford Borough Council for a full award of costs against Mr and Mrs L N Grant

- The Council consider that the appellant acted unreasonably in the submission of the appeal, on the grounds that the proposal was not in accordance with the development plan and that no new information had been submitted following a previous Inspector's decision on the same site for a similar proposal in 2018.
- Whilst the development plan has changed and policy numbers have changed, the overall purpose and aims of Green Belt policy has not. The site remains within the Green Belt and the presumption against inappropriate development from previous iterations of both the development plan and the Framework, remain predominantly unchanged.
- Furthermore, in the previous appeal it was common ground between the parties that the development which is broadly similar to the current proposal, was inappropriate development and did not meet any of the exceptions set out in the Framework at that time.
- Whilst additional information was submitted to support a case that the site fell within the village of Send, no evidence was submitted to explain what had physically changed in the intervening period to justify why a similar development would now meet the exceptions, as set out in both the Framework and the development plan.
- In this case, I find that circumstances have not materially changed since the previous appeal decision, which was for a similar development that was deemed to be unacceptable.
- I therefore find that unreasonable behaviour by the applicant, resulting in unnecessary and wasted expense as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

***ALLOWED**

<p>3.</p>	<p>Mr Yui Wan 13 Epsom Road, Guildford, GU1 3JT</p> <p>19/P/02103 – The development proposed is the demolition of the existing single storey extensions and the construction of new part two and part three storey extension to form 1x two bedroom flat and 2x one bedroom flats. The existing ground floor commercial use is to be reduced in size and changed from A3 to A1/A2 use.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issues are whether the proposal would preserve or enhance the character or appearance of the Waterden Road Conservation Area and; • The effect of the development upon the living conditions of the occupiers of No.15 Epsom Road in respect of outlook and daylight and sunlight. • The site is within the Waterden Road Conservation Area. The CA is a residential suburb located near to Guildford town centre that is characterised by large residential properties, which typically date from the Victorian period. The appeal property is a two-storey building situated with an established shopping parade at the corner of Epsom Road and London Road. • The traditional design and appearance of the shopping parade and the overall scale of the building, which is located on a prominent corner junction near to Guildford town centre, contributes positively to the character and appearance of the CA. • Despite the sympathetic design approach, the overall scale of the proposed extension, in particular the three-storey section of the extension with its dominant gable roof form, would be significant and disproportionate when compared to the proportions of the existing building. • When viewed from the service yard to the rear of the shopping parade, the proposal would appear as a dominant and incongruous form of development, which would be at odds with the scale of the host building and many of the other buildings within the shopping parade. Consequently, the proposed development would cause significant harm to the character and appearance of the area. • The Council explain that most of the other extensions to the rear of the shopping parade are historic and predate the designation of the CA, the development plan and the Framework, where different policies and material considerations applied. • I conclude that the proposed development would neither preserve or enhance the character or appearance of the CA and thus it would be harmful to the significance of the designated heritage asset. Nevertheless, I consider that the harm would be less than substantial and in accordance with paragraph 196 of the Framework that harm should be weighed against any public benefits of the proposal. • The proposed development would provide open market housing in a town centre location where there is likely to be a high level of demand for additional accommodation. Moreover, there would be some limited benefits to the construction industry and local services from the spend of future occupiers. However, given the quantum of development such benefits would be modest and would not outweigh the harm to the significance of the CA. 	<p>DISMISSED</p>

	<ul style="list-style-type: none"> • The proposal would fail to preserve or enhance the significance of the Waterden Road Conservation Area. As such the proposal would not accord with policies H4, G5 and HE7 of the Guildford Borough Local Plan and Policy D1 of the Guildford Borough Council Local Plan: Strategy and Sites 2015-2034, which requires development proposals to be of a high standard of design, which responds to the distinctive local character of the area; and to preserve or enhance the character or appearance of the Borough's conservation areas. • Given the scale and siting of the proposed extension, which would protrude a significant distance beyond the rear elevation of the existing building, I consider that the development would have a dominating effect when viewed by the neighbouring occupiers from the rearward facing windows. Consequently, the development would have an oppressive and overbearing impact upon the outlook of the occupiers of No 15 Epsom Road. • The proposal would cause significant harm to the living conditions of the neighbouring occupiers of No.15 Epsom Road in respect of outlook and daylight and sunlight. • As such, the proposal does not accord with policies H4, and G1(3) of the LP, which requires development to avoid unacceptable harm to the amenity of the occupants of neighbouring properties. • I conclude that the appeal should be dismissed. 	
4.	<p>Mr Hay 16 Waterden Road, Guildford, GU1 2AW</p> <p>19/P/01670 – The development proposed is the erection of a pair of four-bedroom semi-detached dwellinghouses and associated works following demolition of the existing garage, on land to the rear of 12-16 Waterden Road, Guildford, accessed from West Road.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issues are whether the proposal would preserve or enhance the character or appearance of the Waterden Road Conservation Area; • The effect of the proposal on existing trees; • The effect of the development upon the living conditions of the occupiers of Lincoln House, West Road in respect of daylight and sunlight. • The CA is a residential suburb located near to Guildford town centre, which is characterised by large townhouses and villas set within substantial plots that typically date from the Victorian period. Nos 12-16 Waterden Road are large detached townhouses that are set within spacious plots, which is characteristic of other properties on this road. • There are a mix of residential properties from a variety of architectural periods present within the street. However, the consistent use of external brick finishes creates a design balance and symmetry between the properties. • Due to the topography of the street, the substantial depth of the existing rear gardens of Nos 12-16 is noticeable from West Road. Given the depth of the rear gardens and the topography of the road, townscape views of the imposing rear elevations of the properties along Waterden Road are readily visible from West Road. These factors contribute positively to the spacious character and appearance of the CA. • The proposed development would result in the sub-division of the existing rear gardens of nos 12-16. However, large rear gardens would remain for 	DISMISSED

the three existing properties.

- In addition, the proposed dwellings would be cited centrally within the plot, which would create further separation distance between the rear elevations of nos 12-16 and the side elevation of the development, which would retain a perception of substantial gardens to the rear of Nos 12-16 when viewed from West Road.
- Given the separation distance, townscape views of the rear elevations of the properties along Waterden Road would remain from West Road. For these reasons, the proposal would preserve the spacious character of the CA.
- The layout of the proposed development would respond to the pattern of development on West Road. In particular, the layout of the proposal would be in keeping with the existing properties that are situated immediately opposite the appeal site and contribute to the local distinctiveness of the area.
- Despite the use of external brickwork and the inclusion of traditional Victorian design features, such as bay windows and chimney stacks, the proposed design incorporates a bulky flat roof that would be out of keeping with the neighbouring properties and the local vernacular, which typically features pitched and hipped roof forms.
- The proposal would be an incongruous and prominent form of development, which would cause significant harm to the character and appearance of the area.
- In conclusion, the proposal would fail to preserve or enhance the significance of the Waterden Road Conservation Area. As such, the proposal would not accord with Policy HE7 of the Guildford Borough Local Plan and Policy D3 of the Guildford Local Plan: Strategy and Sites 2015-2034 which requires development proposals to preserve or enhance the Borough's heritage assets.
- There are a number of existing trees situated to the rear and either side of the appeal site, all of which are protected by virtue of their location within the CA and contribute positively to the character and appearance of the area.
- The appellant asserts that the proposed dwellings would be located outside of the Root Protection Areas of the existing trees and therefore the proposal would not have an adverse impact upon the health and longevity of the existing trees. He also explains that suitable protection measures would be in place to protect the trees during the construction phase.
- These assertions are based upon the findings of an arboricultural report, which dates from February 2016 which is out of date.
- I am therefore unable to conclude that the proposal would have an acceptable effect on existing trees.
- I am unable to conclude that the proposal would have any acceptable effect upon the living conditions of the occupiers of Lincoln House, West Road in respect of daylight and sunlight.
- I conclude that the appeal should be dismissed.