

Planning Committee

3 February 2021

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 (sophie.butcher@guildford.gov.uk)

1.	<p>Mr Jonathan Meeson Land north of Wayfarers, The Warren, East Horsley, Leatherhead, KT24 5RH</p> <p>19/P/02169 – The development proposed is described as erection of a detached house.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none">• The main issue in this appeal is the effect of the development on the character and appearance of the area.• The appeal site is within a predominantly residential area and sandwiched between large detached properties on a tree lined road.• The proposed development would introduce a built form into an undeveloped area which is currently overgrown. The proposed development would be visible from public vantage points, however the existing hedging to the boundaries and trees at the entrance to the site along with additional landscaping, which could be controlled through the imposition of a planning condition would soften the appearance of the proposed development.• Whilst the proposed development is large, the scale, massing, proportions and design would not be out of keeping with the surrounding properties and would sit comfortably within their setting. The development would not appear cramped on the plot nor incongruous when viewed from the street scene.• I conclude that the proposed development would respect the local context and would not harm the character and appearance of the area. There is no conflict with policies H1 and D1 of the Guildford Borough Local Plan: strategy and sites 2015 – 2034 (2019), policy G5 of the Guildford Borough Local Plan 2003 and policies Eh-H7 and EH-H8 of the East Horsley Neighbourhood Plan 2017-2033 which seek amongst other things to resist poor quality of design, by ensuring development respects its surroundings, distinctness and reinforcing patterns of development.• There is no conflict with the Guildford Residential Guide (2004) which amongst other things seeks to achieve high standards of housing design by encouraging locally distinctive designs which respect the character of an area.• The proposed development would not be contrary to the National Planning Policy Framework (2019) and the National Design Guide (2019) which	<p>*ALLOWED</p>
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	<p>seeks to secure good design which adds to the overall quality of an area.</p> <ul style="list-style-type: none"> • I conclude that this appeal should be allowed. 	
2.	<p>Mr Simon Kirkpatrick Greystones, Send Hill, Send, Woking, GU23 7HR</p> <p>Appeal against enforcement notice issued by Guildford Borough Council. The breach of planning control as alleged in the planning notice:</p> <ul style="list-style-type: none"> - Without planning permission, the erection of an extension. - The requirements of the notice are: <ul style="list-style-type: none"> - 1. Demolish in its entirety the unauthorised extension shown hatched red on the attached plan. - 2. Remove from the land all materials and debris resulting from Step 1 above. - The period for compliance with the requirements is 6 months. <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • Appeal on ground c – that the matters alleged do not constitute a breach of planning control. • The appellant argues that condition a has been satisfied. Condition a of Class A requires that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. • The extension is wholly finished in an off-white render. The dwelling house is finished in a variety of materials. • The guidance is just that and it is not a definitive interpretation of the law. Moreover, it provides no guidance on the use of materials on an extension of different design from the existing dwelling, where that dwelling has such a mix of materials. • Although the shade of render is not precisely the same colour and texture as that used on the house, it is nevertheless similar. I therefore conclude that the use of render over the whole of the extension has a similar appearance to the materials used on the exterior of the existing house, and thus condition (a) is not in breach. The appeal on ground (c) therefore succeeds. • The enforcement notice will be corrected and quashed. In these circumstances, the appeal on grounds (f) and (g) do not need to be considered. The planning obligation offered by the appellant is therefore unnecessary and I afford no weight to it. 	<p>*APPEAL ALLOWED/ ENFORCEMENT NOTICE QUASHED</p>
3.	<p>Mr and Mrs Littlewood Holmdale, Holmbury Hill Road, Holmbury St Mary, Dorking, RH5 6NR</p> <p>19/P/01646 – The application was refused by notice on 6 November 2019. The application sought planning permission for the construction of a chicken shed following demolition of the existing chicken shed without complying with a condition attached to planning permission 16/P/02012 dated 22 November 2016.</p> <p>The condition in dispute is No.2 which states that: the development hereby permitted shall be carried out in accordance with the approved plans. The reason given for the condition is to ensure that the approved development is carried out in accordance with the approved plans and in the interest of proper planning.</p>	<p>DISMISSED</p>

	<p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The building that has been constructed has very similar dimension to that which obtained planning approval and the materials it is constructed from are very similar. There is some use by chickens. • However, the building that has been constructed is different from that applied for. It has 5 bays rather than 4, there has been the introduction of two large windows, installation of a septic tank, the artist studio occupies 3 of the 5 bays, the chicken store has been removed, the chicken run and mesh have been reduced in size, the building is insulated, a wood burning stove has been inserted, there is a shower room and partially completed what appears to be a kitchen area. • The use of the building is substantially different, and the character of the building is substantially different. I conclude overall that it is not similar enough to the planning permission to be encompassed by it. • The description was not for ancillary uses but for a chicken house and this is not a chicken house. • I conclude that what has occurred is not considered to be a minor material amendment and there is no justification to amend condition 2 to planning permission 16/P/02012. 	
<p>4.</p>	<p>Mrs Elham Javaherizadeh Lot M4, Westwood Lane, Wanborough, Guildford, GU3 2JR</p> <p>19/P/02128 – The development proposed is erection of fencing around site and gate.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The appellant has indicated that the site could be used for a variety of uses, including chestnut and fruit trees, pasture and vegetable growing. I consider it reasonable to treat the land as ‘agricultural’ for the purposes of this decision. • The land is almost entirely unenclosed in the area, creating uninterrupted views and a sense of openness. Enclosure of a part of this area with wooden fencing in a central and highly visible location on the slope is uncharacteristic, incongruous and highly intrusive. • There will be harm to the scenic beauty of the AONB and AGLV. The development will therefore be in conflict with Policy P1 of the LP, which requires that the AONB is conserved and enhanced to maximise its special landscape qualities and scenic beauty, and that the character of the AGLV is not harmed. • Although I do not find that the proposal will be inappropriate development in the Green Belt, it will harm the scenic beauty of the AONB and AGLV to which I afford substantial weight. I therefore conclude that this appeal should be dismissed. 	<p>DISMISSED</p>
<p>5.</p>	<p>Miss Mason 1 Westwood Ho Cottages, Newark Lane, Ripley, GU23 6BZ</p> <p>20/P/01041 – The development proposed is loft conversion including installation of a crown roof dormer to the rear elevation, 1 No roof light to the rear elevation, and 3 No roof lights to the front elevation, to form additional</p>	<p>DISMISSED</p>

	<p>habitable space.</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 host property and the Ripley Conservation Area (RCA). • The site occupies a visually prominent position, being readily visible from the street, which is one of the key approaches into the village. It is also discernible in views from Ripley Green, which wraps around the side and rear of the site. • Although of relatively recent construction, the appeal property makes a positive contribution to the character and appearance of this part of the RCA. • The non-alignment of the dormer with the ground and first floor fenestration below, and with the proposed rear roof light, would be at odds with the existing regular fenestration positioning, which is a defining characteristic of the building. The crown roof design, incorporating a significant proportion of flat roof would be unsympathetic to the existing hipped roof form of the building. • The proposed roof lights on the front elevation would add a further incongruous element to the building by introducing visual clutter to the front-facing roof slope. • The proposal would therefore appear visually incongruous and discordant within the existing roof slopes, drawing the eye, and detracting from the character and appearance of the host property. As such, the appeal scheme would also fail to preserve or enhance the character or appearance of this part of the RCA due to the visual prominence of the building. • I therefore conclude that the appeal should be dismissed. 	
6.	<p>Mrs Kate Lenman 4 Heather Cottages, Frimley Road, Ash Vale, GU12 5NP</p> <p>20/P/00099 – The development proposed is a 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 highway safety, having particular regard to means of access and parking. • The appeal proposal would replace an existing raised kerb with a dropped kerb to create a vehicular access so a car could drive across the pavement and park in the front garden. • I note that the Highway Authority objected to the appeal proposal because it considers that the space available in the front garden would have substandard dimensions to safely park and manoeuvre a vehicle. • I saw at my site visit that the available space to park a car is reduced by a projecting bay window. Parked cars would therefore overhand the pavement and potentially part of the carriageway depending on the size of the car and obstruct pedestrians. • Having regard to the proposed means of access and parking, the appeal proposal would cause significant harm to the safe movement of pedestrians and vehicles on the public highway. It would not accord with Policy ID3 of 	DISMISSED

	<p>the Guildford Borough Local Plan: Strategy and Sites April 2019.</p> <ul style="list-style-type: none"> • The appeal is therefore dismissed. 	
7.	<p>Mr Toby Wells West Flexford Barn, West Flexford Lane, Wanborough, Guildford, Surrey, GU3 2JW</p> <p>20/P/00719 – The development proposed is new three bay store building, including enclosed boiler room and wood pellet store.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • West Flexford Barn is a dwelling converted from a former agricultural building. It has a substantial curtilage of some 4 acres including many fruit trees and open grounds which are maintained as meadow and young woodland. • The immediate area comprises a mixture of residential and agricultural buildings surrounded by open countryside and is within the Green Belt. • The appellant contends that the proposal would comply with exception 145(a) ‘buildings for agriculture and forestry’ in relation to ongoing uses of the grounds for forestry purposes. But the lawful use of the site is for residential purposes. • Whilst the three-bay building maybe used primarily for purposes akin to forestry there is no assurance that it necessarily would be so used in the future. • Moreover, the biomass boiler within the building and the wood pellet store alongside clearly relates to the heating of the dwelling rather than to forestry. • The proposal would thereby amount to inappropriate development in the Green Belt. • The proposal would result in a building approximately 10.5m long by 6.0m wide and 2.8m high. Although it would be partially screened from West Flexford Lane, it would be visible from other directions. Its mass would reduce the openness of the site and would be harmful to the Green Belt. • The site is not within the AONB and the proposal would not harm its setting. It would not be perceived from positions within the open countryside to the south and west towards the AONB as a small element within a cluster of mainly larger buildings characteristic of the countryside location, and so would not detract from its open rural character. It would not harm the distinctive character of the AGLV or be contrary to Policy P1. • The proposal would not have a detrimental effect on the rural character of the area. However, it would amount to inappropriate development in the Green Belt. It would not preserve the openness of the Green Belt. The proposals benefits would not clearly outweigh the substantial harm to the Green Belt. Very special circumstances would therefore not exist. The appeal is therefore dismissed. 	DISMISSED
8.	<p>Ms Anna Harper (Berkeley Homes (Southern) Ltd) 408 and 410 Lower Road, Effingham, Leatherhead, KT24 5JP</p> <p>20/P/00373 – The development proposed is demolition of existing buildings (2 x 4bed dwellings, C3 Use Class, plus outbuildings) and erection of 4 No.</p>	DISMISSED

	<p> dwellings (2x2 bed and 2x3 bed) with associated access, parking and landscaping.</p> <p> Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> Given the existing buildings to the west side of the appeal site, the small increase in the number of dwellings proposed on the appeal site, and the approved reserved matters layout of development on the remaining part of the policy SA2 site, comprising houses fronting onto Lower Road, the appeal scheme would amount to limited infilling outside the inset settlement boundary in accordance with the criteria contained within Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2019. Given these circumstances the proposal would not be inappropriate development within the Green Belt. I conclude it has not been satisfactorily demonstrated that the proposal is not required to make an appropriate financial contribution towards the provision of affordable housing. As such, the scheme would be in conflict with GBLPSS Policy H2 and the PCSPD, which seek to ensure that new developments make an appropriate affordable housing contribution in order to increase the number of affordable homes in the borough to contribute to meeting the identified needs. The appellant has made provisions for the required levels of contribution towards SAMM and SANG secured by a legal agreement to be provided as part of the appeal scheme. I am therefore satisfied that the proposal would provide adequate measures to avoid and mitigate its potential adverse impacts on the integrity of the TBHSPA. Whilst I have found that the proposal would not be inappropriate development in the Green Belt, the absence of a planning obligation to secure local infrastructure contributions does not weigh against the development, and the proposal would provide adequate measures to avoid and mitigate its potential adverse impacts on the integrity of the TBHSPA. This does not outweigh the harm I find in respect of the failure to satisfactorily demonstrate that the proposal is not required to make an appropriate financial contribution towards affordable housing provision. 	
<p>9.</p>	<p>Mrs Norman Lemon Bridge Cottage, 31 The Street, Shalford, GU4 8BU</p> <p>Appeal A 19/P/01813 – The development proposed is described as demolition of existing conservatory and erection of a garden room.</p> <p> Delegated Decision – To Refuse</p> <p>Appeal B 19/P/01814 – The development proposed is described as demolition of existing conservatory and erection of a garden room.</p> <p> Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> The main issue is whether the scheme would preserve a Grade II listed building, Lemon Bridge Cottage, its setting, or any of the features of special architectural or historic interest that it possesses. 	<p>DISMISSED</p> <p>DISMISSED</p>

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| | <ul style="list-style-type: none">• The scheme would see the existing modern conservatory attached to the east elevation of the main building, replaced.• The conservatory has no historic value. However, it is well-proportioned, and of broadly 'traditional' design.• The replacement structure would be timber framed and partly timber clad. It would extend further from the east elevation than the existing conservatory, and feature a tiled half-hipped roof. This would emphasise its projection from the east elevation and add height and bulk to the structure.• This would in turn be accentuated by the height and extent of the glazing installed in the gable end. The structure would as such appear as a substantial addition.• The external appearance of the structure would itself have little in common with that of the main building, which features neither visible timber framing nor tiling. Though both are seen on the laundry, they cannot be considered characteristic of the listed building as a whole. Moreover, timber cladding would be an alien feature.• The proposed structure would therefore greatly detract from the architectural character and appearance of the listed building. Consequently, the listed building would not be preserved, contrary to the expectations of the Act.• I conclude that the scheme would not preserve the special architectural or historic interest of the listed building and that both appeal A and B should be dismissed. | |
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