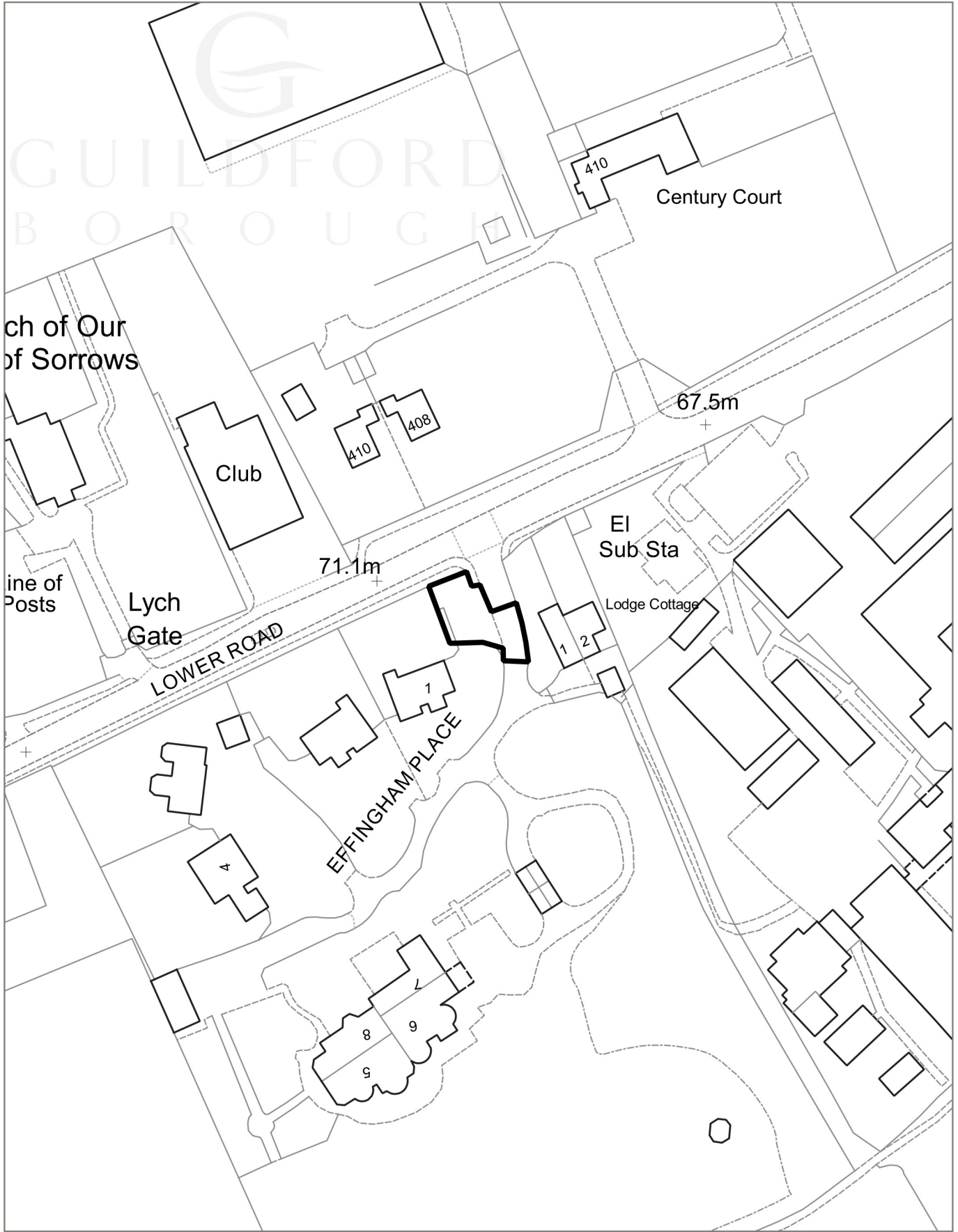


20/P/01174 - Land At The Entrance To Effingham Place, Effingham Place, Effingham, Guildford



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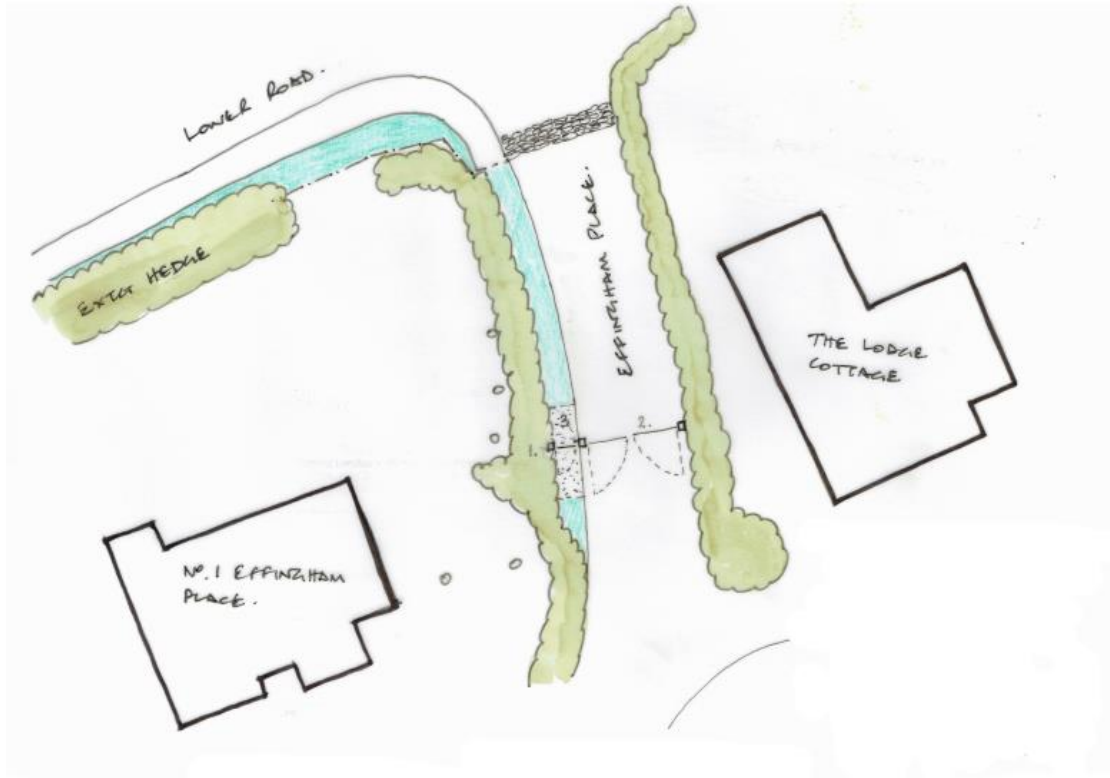


Not to Scale



GUILDFORD
BOROUGH

20/P/01174 – Land at the entrance of Effingham Place, Effingham



Not to scale

App No: 20/P/01174
Appn Type: Full Application
Case Officer: Chris Poad

8 Wk Deadline: 09/09/2020

Parish: Effingham
Agent : Mrs Grant
Harwood Savin Limited
Wyvols Court
Basingstoke Road
Swallowfield
Reading
RG7 1WY

Ward: Effingham
Applicant: Mr Baumann
On behalf of the Residents of
Effingham Place
c/o Harwood Savin
Wyvols Court
Basingstoke Road
Swallowfield, Reading
RG7 1WY

Location: Land at the entrance to Effingham Place, Effingham Place, Effingham, Guildford, KT24 5JT

Proposal: Erection of black painted, metal, automated vehicle access gates and separate side pedestrian access gate on Effingham Place, set back a minimum of 15 metres from Lower Road.

Executive Summary

Reason for referral

This application has been referred as Councillor Liz Hogger who considers that the proposals may not have a harmful effect of the heritage assets.

Key information

The application proposes the erection of a pair of black metal gates. Projecting up to a lower height of 1.8 metres and then curving up to over 2 metres in height.

Summary of considerations and constraints

The application site is part of the curtilage of a Grade II Listed Building and lies within the Effingham Conservation Area. It has been considered that the proposal would cause less than substantial harm to the significance of the heritage assets. Under Legislation any level of harm must carry great weight. The NPPF sets out that harm in this respect can only be balanced by considering any public benefits that result. Officers consider that there are no such public benefits and therefore the application is recommended for refusal in this respect. The applicant has set out that the site may suffer nuisance from vehicles turning and impacts on security. These are not a public benefit; at best they can be considered a private benefit which do not benefit in the NPPF assessment. Furthermore, the potential impact from a future development can only carry very limited weight in decision making as this has not been implemented.

There are also concerns over the impact of the development on the general character of the area.

RECOMMENDATION:

Refuse - for the following reason(s) :-

1. The entrance gates, by virtue of their prominent location, design and height would be an incongruous and urbanising feature which would have a detrimental impact to the character, appearance and significance of the setting of Grade II Listed Building Effingham Lodge and the Effingham Conservation Area. The proposal is, therefore, deemed to be contrary to; (1) chapter 16 of the NPPF; (2) policies D1 and D3 and saved policies, G1, G5, HE4 and HE7 of the Local Plan; (3) (3) policies ENP-G2 and ENP-G3 of the Effingham Neighbourhood Plan; and (4) Sections 66 and 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.
2. The entrance gates, by virtue of their prominent location, design and height would reduce the permeability of the surrounding area and would contribute to social divisiveness. The proposal would, therefore, fail to comply with; (1) chapters 8 and 12 of the NPPF; (2) policy D1 of the Local Plan; and (3) the *National Design Guide 2019* which, whilst not exclusively, encourages freedom of movement and inclusive, mixed communities.

Informatives:

1. This decision relates expressly to drawings:

Site Location Plan - 001 (received 15/07/2020)
Site Plan (received 15/07/2020)
Existing and Proposed Block Plan - E.01 B (received 24/11/2020)
Proposed Gates - P.03 (received 15/07/2020)
2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
 - Offering a pre application advice service
 - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
 - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

In this case pre-application advice was not sought prior to submission and there are significant objections to the application that minor alterations would not overcome, it was not considered appropriate to seek amendments through the course of this application

Officer's Report

Site description:

'Land at Entrance to Effingham Place' serves as the entrance to the private access to Effingham Place which is located along the south-eastern edge of Lower Road. The application site is inset from the Metropolitan Green Belt and is within the designated Effingham Conservation Area. Among other more modern dwellings, the private access also serves Grade II listed building, 'Effingham Lodge' (Marlborough House) which is currently divided into two separate residential units.

Effingham Lodge Listing Description:

Large house, recently school and nursing home. The east wing was built between 1835 and 1841 by Captain William Manning. In 1897 the railway engineer George Saunders Pauling, who had made his fortune in South Africa and Rhodesia, added a massive porte-cochère and a few rooms to the east and a large galleried wing to the west. Italianate style. Original house stuccoed with incised lines to imitate masonry and wide wooden bracketed eaves cornice, rest stuccoed with bands of rustication. Slate roof and stuccoed chimney stacks. Original house of two storeys with 4 windows to north-east and 5 to south-east. Contemporary 3 storey service wing with 4 sashes to north-west.

Proposal:

Erection of black painted, metal, automated vehicle access gates and separate side pedestrian access gate on Effingham Place, set back a minimum of 15 metres from Lower Road.

Relevant planning history:

13/P/02201 Installation of new vehicular access gate and Refused
separate adjoining pedestrian gate 19/03/2014

Consultations:

Statutory consultees:

County Highway Authority: *The application site is accessed via a private road and does not form part of the public highway, therefore falling outside the County Highway Authority's jurisdiction. The County Highway Authority has considered the wider impact of the proposed development and considers that it would not have a material impact on the safety and operation of the adjoining highway.*

Third party comments:

No letters of representation received.

Planning policies:

National Planning Policy Framework (NPPF):

As far as this application is concerned the following chapters of the NPPF are considered to be relevant;

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision making
- Chapter 8 - Promoting healthy and safe communities
- Chapter 12 - Achieving well-designed places
- Chapter 16 - Conserving and enhancing the historic environment

Guildford Borough Local Plan: Strategy and Sites 2015-2034 (2019):

Policy D1 - Place Shaping

Policy D3 - Historic Environment

Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007):

Policy G1 - General Standards of Development

Policy G5 - Design Codes

Policy HE4 - New Development which affects the Setting of a Listed Building

Policy HE7 - New Development in Conservation Areas

Neighbourhood Plans:

Effingham Neighbourhood Plan (2018)

- *ENP-G2 - Landscape, Heritage, Character and Design*
- *ENP-G3 - Archaeology and the Historic Environment*

Other Material Planning Considerations:

- *The Planning (Listed Buildings and Conservation Areas) Act 1990*
- *Guildford Borough Council's Residential Extensions and Alterations SPD (2018)*
- *National Design Guide (2019)*
- *Draft Effingham Conservation Area Appraisal (2020)*

Planning considerations:

The main planning considerations in this case are:

- the impact on heritage assets
- the impact on access and highway safety
- impact on trees and vegetation
- other

The impact on heritage assets:

The application site forms part of the historic curtilage of Grade II listed building 'Effingham Lodge' and is situated within the Effingham Conservation Area. Having had regard to the Effingham Conservation Area, the significance of the historic environment is partly owing to the open nature of the land and built form which contribute to Effingham's historic character as a rural 'open village'.

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*".

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that "*in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*".

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner to their significance. Chapter 16 of the NPPF addresses proposals affecting heritage assets. Paragraph 193 of the framework reads "*great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*". The NPPF details that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of the proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

In terms of the proposal, the development proposes to erect a pair of electronically operated gates across the private road serving Effingham Place. The proposed gates would be constructed of metal and painted black. The proposed development follows a previous scheme which was refused in 2014 (application number 13/P/02201) which similarly sought permission to erect a pair of electronically operated gates across the vehicular access to Effingham Place. The previous application was refused on the grounds of the development's inappropriate design, height and location.

Having had regard to the current proposal it is considered that there has been no significant alteration in terms of the design or location of the proposed gates when comparing the current proposal with the previously refused scheme. Furthermore, whilst the arguments for the development within the submitted Heritage Statement (as prepared by Axford Heritage Planning) are acknowledged, it is considered there has been no material change in circumstances that would now warrant approval of the proposed development. It is stated within the submitted heritage statement that the insertion of the gates would reinforce the historic layout of Effingham Lodge's (Marlborough House) historic curtilage, thus contributing to the character of the listed building and consequently enhancing or better revealing its significance. However, in response to this, there is no surviving evidence of the treatment to this entrance such as gate piers and/or boundary walls remaining. Additionally, the proposed position of the gates would not reflect their true historic position. Furthermore, there is no evidence provided to justify the design or appearance of the gates. Lastly, from a historic narrative, the proposed addition would confuse the legibility of the site when taking into account the presence of the relatively new gated entrance to Effingham Lodge.

It is, therefore, considered that the proposed development would continue to be an alien and detrimental feature which would further urbanise this section of Lower Road at odds with the rural character of the Effingham Conservation Area. Furthermore, given that the current private road which serves Effingham Place is not the historic entrance to the site and now also serves neighbouring residential properties 1 Lodge Cottage and 1-4 Effingham Place, it is considered the erection of the proposed gates would result in the appearance of a gated modern development which would be unwelcome within the setting of Effingham Lodge. It is, therefore, considered the proposal would fail to conserve or enhance the significance of the character and setting of either heritage asset. As such, the proposed development would result in less than substantial harm to the significance of the Effingham Conservation Area and Grade II Listed Building 'Effingham Lodge'. In line with paragraph 196 of the NPPF it is necessary to weigh this harm against any public benefit. Whilst it is appreciated the proposed fencing would aid in improving security and would overcome the nuisance of unauthorised vehicles turning in the entrance, these are considered to be private benefits to occupiers of Effingham Place. This consideration would, therefore, not attract any weight in favour of the proposal and subsequently the harm to the heritage asset would not be outweighed.

In light of the above, the harm to the significance of the designated heritage asset is not outweighed by the public benefit identified and, therefore, permission should be refused. This conclusion has been reached having due regard to; (1) section 16 of the NPPF; (2) policies D3 and saved policies HE4 and HE7 of the Local Plan; and (3) Sections 66 and 72 of *The Planning (Listed Buildings and Conservation Areas) Act 1990*.

The impact on the character and appearance of the site and surrounding area:

The development proposes to erect a pair of 1.8 metre high ornamental metal gates at the entrance to Effingham Place. By virtue of the gates height and metal construction, as highlighted above, it is considered the proposal would be an overly urban addition within the streetscene and thus be out of keeping with the rural character of the area. Furthermore, it is considered the formation of this gated entrance would create a distinct sense of enclosure to Effingham Place which would act as a physical and visual departure from the prevailing open character and appearance of the area. Paragraph 119 of the National Design Guide (2019) states that "*Good design promotes social inclusion by (...) avoiding features that could create actual or perceived barriers, or contribute to segregation, both within the development and with its surroundings*". In terms of the current proposal, the development would introduce a barrier between Effingham Place and the surrounding exhibiting the appearance of a gated community which is shut off from the surrounding area. Gated communities are recognised as inhibiting social integration and, therefore, the proposal would have an unacceptable impact on social cohesion; undermining community cohesion contrary to paragraph 91 of the NPPF.

In light of the above, the proposed development would reduce the permeability of the surrounding area and would contribute to social divisiveness. The installation of a gated entrance to Effingham Place would, thus, have an adverse impact on the character and appearance of the site and surrounding area contrary to; (1) chapter 8 of the NPPF; policy D1 and saved policy G1 of the Local Plan; and (3) the National Design Guide 2019 which, whilst not exclusively, encourages freedom of movement and inclusive, mixed communities.

The impact on access and highway safety:

The proposed gates would be set back 15 metres from the edge of the public highway 'Lower Road'. This distance is considered to be sufficient to ensure the development would not present a risk to highway safety.

Impact on trees and vegetation:

Having had regard to the consultation response received from the Tree Officer, it is considered the proposed development would not have an adverse impact on protected trees or the amenity value trees and vegetation provide.

Other:

Whilst the points made within paragraphs 6.1 and 6.5 of the submitted heritage statement are appreciated, the development of the land to the north and east of the application site is yet to commence. Equally, given that the development for the housing has only been considered at Outline stage, the development may never be implemented. Thus, it is considered that the development of the land to the north and east, with its design and character yet to be determined, can only carry very limited weight in this respect.

Conclusion.

The proposal would result in less than substantial harm to the heritage assets and would have an adverse impact on the character of the area. Officers do not considers that there are public benefits to outweigh the heritage harm identified. The potential impact of future developments carries only very limited weight in this respect.