

Planning Committee

3 March 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>Wimbledon Common Rifle Club Land to the rear of Hut 60, Queens Road, Bisley Camp, Brookwood, GU24 0NP</p> <p>20/P/00856 – The development proposed is the erection of a rifle clubhouse accommodation block.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none">• Although I conclude that overnight accommodation would be an appropriate facility for outdoor sport and recreation, in the case the building is not appropriate for its intended use. The proposal would therefore be inappropriate development in the Green Belt, in conflict with the Framework and Policy P2 of the LP.• The appeal site is on the boundary between the commercial and recreational area that comprises Bisley Camp, and the wooded, semi-rural residential area beyond this. The proposal would introduce built mass in a previously undeveloped area of the Green Belt, beyond the current lines of development on the camp and the immediate cluster of buildings.• The proposal would cause encroachment of built form into an undeveloped area and would therefore not preserve the openness of the Green Belt.• The distance between Hut 60 and the appeal site will be reduced to approximately 4 metres when permission for a rear extension is implemented. As the buildings are closely linked and in a small cluster, I do not consider this to result in harmful over development of the site.• I do not find harm to the character and appearance of the area and therefore no conflict with Policy D1 of the LP, nor Policy G5 of Guildford Borough Local Plan (2003) which together require that development reflects the distinct local character and takes account of good design.• Although I have not found harm to the character and appearance of the area from the proposal, the building would not be appropriate for its intended purpose and would not preserve the openness of the Green Belt. It would therefore be inappropriate development at this location, which is a matter that I afford substantial weight in the planning balance.• I conclude that the harm to the Green Belt by way of inappropriateness would not be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.	DISMISSED
----	---	------------------

<p>2.</p>	<p>Mr Curran 19 New Road, Gomshall, Surrey, GU5 9LZ</p> <p>20/P/00489 – The development proposed is a dwelling in the garden, with new access road and parking. New brick cladding to elevations of existing ‘Airey’ house.</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 development on the character and appearance of the area, and the effect on the living conditions of those at No.19 New Road and neighbours to the plot. • The site is a residential plot on the rural settlement of Gomshall. The plot is on the edge of the village, with fields to the south. The area is characterised by detached or semi-detached dwellings with most fronting the village roads. • Overall, I have not found harm with regards to the cladding of No.19 or the proposed dormer, from a visual impact perspective. However, due to the position of the proposed dwelling, which would be incongruous within the setting of the surrounding residential streets, the development would be harmful to the character and appearance of the area. The proposal is therefore in conflict with saved policy G5 of the Guildford Borough Local Plan 2003, and policies H1 and D1 of the Guildford Borough Local Plan 2015-2034. These policies require development to respond to distinctive local character, and to respond locally distinct patterns of development, amongst other things. • Although I have found that the proposal would be harmful to the character around Gomshall, given that the dwelling would be within the setting of this established village. As such, the proposal would have no harmful effect to the designated Area of Outstanding Natural Beauty or the Area of Great Landscape Value, with the visual impact to be more localised. • The proposal includes a driveway through to the proposed dwelling at the rear of No19. This would involve vehicles driving past the side boundary to the parking area proposed. This would introduce some additional noise to the rear gardens of neighbouring houses, which may disturb occupants. However, there is a single dwelling proposed and it is unlikely that there would be a significant amount of vehicle movements through to the new dwellings most days. • Amended plans have been received which omit the balcony from the proposed dwelling, this significantly addressing the potential overlooking from this feature. I conclude that it would not result in a significant adverse impact to neighbouring living conditions. • The proposed dwelling would accord with policy G1(3) of the Local Plan 2003, which requires development to protect the amenities currently enjoyed by occupants of buildings. • The appeal should therefore be dismissed. 	<p>DISMISSED</p>
<p>3.</p>	<p>Mr and Mrs Shaw Lakeside, Oak Grange Road, West Clandon, GU4 7UF</p> <p>20/P/00879 – The development proposed is the erection of extension and alterations.</p> <p>Delegated Decision – To Refuse</p>	<p>DISMISSED</p>

	<p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The appeal site is located in the Green Belt. The original building had a floorspace of approximately 92m sq. and the proposed development would increase that to around 470m sq. This would clearly result in a disproportionate sized building compared to the original. • The appellant contends that the existing building should be considered as the original building given it has been extended several times in the past. That the building is already significantly larger than it originally was does not make further additions acceptable. • Therefore, the proposed development would not represent a limited extension or alteration of the original dwelling and would be contrary to policy P2. • Notwithstanding existing boundary treatments, visually the building would appear more conspicuous in its plot than the existing, largely due to the proposed mansard roof arrangement introducing an incongruous addition to the roof space. • The effect upon openness in the context of the wider Green Belt would therefore be small. However small I consider the proposal would not preserve the openness of the Green Belt either spatially or visually and would have a greater impact on the openness of the Green Belt than the building in its current form. Therefore, I consider the reduction in openness would constitute moderate harm and would not accord with policy P2. • The proposal as a whole would result in a small amount of harm to the character and appearance of the area. I accept that the harm would be reduced by planting at the front boundary, however, the effect would not be wholly offset without the introduction of tall planting which would take time to establish. • The proposed development would therefore not accord with policy D1 of the LP and saved policy G5 of the Guildford Borough Council Local Plan 2003 which seek to ensure that development proposals are of high-quality design, respecting and reflecting existing character. • The appeal is therefore dismissed. 	
<p>4.</p>	<p>Mr Hendrik van der Spuy 25 Walden Cottages, Westwood Lane, Normandy, Guildford, GU3 2JB</p> <p>20/P/00872 – The development proposed is demolition of existing single storey extension to construct new attached dwelling, with associated access; alterations to donor house, including provision of new car parking spaces.</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 proposals scale and design on the character and appearance of the area and the proposals impact on the integrity of a Special Protected Area. • The appeal relates to a two-storey semi-detached house in a road characterised by similar pairs of semi-detached houses with gable end roofs. The locality retains a spacious character, a coherent rhythm of building blocks and spaces and a uniformity of appearance, notwithstanding the construction of single and two storey extensions to some dwellings. • The proposal would result in a terrace of three houses with the new dwelling having a noticeably greater width than the retained house. Its mass would 	<p>DISMISSED</p>

	<p>be extenuated by the stepping forward of the building line, provision of a large front facing gable and a two-storey rear projection.</p> <ul style="list-style-type: none"> • Whilst there would be satisfactory separation to the adjacent dwelling, 24 Walden Cottage, to not result in a cramped appearance, the proposal would nonetheless be an overly dominant and incongruous development. • The proposal would be detrimental to the character of the area and appearance of the street scene. It would thereby conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) (LPSS) and with saved policy G5 of the Guildford Borough Local Plan (2003) (GLP) which require new development to achieve high quality design that responds to distinctive local character including in relation to scale and roof treatments. • It would also conflict with paragraph 127 of the NPPF which requires proposals to be sympathetic to local character including the built environment. • The site is within the 400m to 5km buffer zone of the Thames Valley Basin Heaths Special Protection Area (SPA). Whilst the Council appears to be open to the making of contributions to secure mitigation, there is insufficient information before me to conduct an Appropriate Assessment in accordance with the Habitat Regulations (2017) in relation to the reasonableness of this approach. Neither is there a completed legal agreement before me. • As such, the proposal would be contrary to Policy P5 of the LPSS, with Saved Policy NE4 of the GLP and with Saved Policy NRM6 of the South East Plan (2009) all of which seek to protect habitats within and the ecological integrity of the SPA. • The appeal is therefore dismissed. 	
<p>5.</p>	<p>Mr Antony Tilney (Tilney Property Ltd) Land to the rear and side of 85 & 87, Applegarth Avenue, Guildford. GU2 8LX</p> <p>20/P/00826 – The development proposed is the erection of a new 3-bedroom house with parking.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The layout of the surrounding estate is of a highly regular rhythm and grain, with strong building lines. The proposal would introduce development behind the building lines disrupting the rhythm of housing. The resulting plot sizes are small relative to those on the estate, to the extent that the development would appear cramped in comparison. The gap between the houses would be lost, reducing the sense of openness when viewed from the public domain. • I find that the proposal would appear cramped and inconsistent with the prevailing character of the estate, and I consider that this is to a harmful extent. • The continuation of hardstanding between the houses to form an access drive would result in an extensive area of hardstanding to the side and rear, exacerbated by the provision of several parking spaces for greenery and extent of hardstanding detrimental to the character and appearance of the area. • The extent of landscaping has increased since the previous appeal, to include a small front garden, larger back garden and landscaping around 	<p>DISMISSED</p>

	<p>the car parking area. The proposed building is reduced in scale from the refused schemes and would complement the form of the host properties.</p> <ul style="list-style-type: none"> • While I consider these changes to be an improvement, I do not find that they would overcome the overall harm to the character and appearance of the area. • I therefore find the proposal is contrary to policy D1, G5 and H4. • I consider that the occupants of the proposed house would easily be able to see the rear patio and garden area behind No 89 from the first-floor bedroom windows, at a short distance. On that basis, I find that there would be a significant loss of privacy to the occupants of the rear garden of No 89. • The proposal therefore conflicts with policies G1(3) and H4 of the LP which require that the amenities enjoyed by occupants of buildings are protected. • The site is located within the 5km for the TBH SPA. The appellant has indicated an intention to work with the Council to complete a Section 106 Agreement to secure those contributions, but this has not yet been submitted. There is no mechanism before me to ensure the necessary avoidance measures would be delivered. In the absence of these, I cannot be satisfied that the development would not adversely affect the integrity of the SPA. • I have identified harm to the character of the area, the living conditions of neighbouring occupiers and the TBH SPA, which I find to be significant. This harm is not outweighed by the minor benefits of the scheme. • I conclude the appeal should be dismissed. 	
<p>6.</p>	<p>Cupid Green Ltd Berry Farm, Westwood Lane, Wanborough, Guildford, Surrey</p> <p>19/P/01980 – The development proposed is erection of agricultural (horticultural) barn and shed.</p> <p>Planning Committee: 17 June 2020 Officers recommendation: To Approve Committee Decision: To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issue is whether the proposal would detract from the landscape character of the area in relation to the scale of the buildings and likely intensity of the use. • The appeal relates to a small part of a large agricultural field located close to a vehicular access to the field by a bend on Westwood Lane. There is a tree belt between the site’s eastern boundary and Westwood Lane and a large hedgerow to the field edge adjacent to the site’s southern boundary. • The site and surrounding area are within the Green Belt and AGLV. • Several buildings are proposed. The barn would be the highest structure indicated to be 4.34m to its ridge. The shade tunnel is indicated to have a curved roof with a maximum height of 2.92m. • The structures would be more open to view from the north and west across open agricultural fields, but in long views towards the AONB, they would be seen against the higher adjacent vegetative backdrop. • My findings are that the scale of the building and extent of hard surfaced areas in relation to the limited size of the site would detract from the distinctive character of the AGLV. • Notwithstanding the presence of the adjacent vegetative screening to the 	<p>DISMISSED</p>

	<p>site that any erosion of that screening in the long term would result in limited harm to the setting of the AONB.</p> <ul style="list-style-type: none"> • Whilst the prevalence of screening would limit harm to the AONB in the short term, the Framework and Policy P1 state that great weight should be applied to any harm to the AONB which the proposal would therefore conflict with. • Although I have found no harm in respect of the likely intensity of the proposed use, the proposal would detract from the designated landscape character of the area in relation to the scale of the buildings and the extent of the sites coverage by hard surfaces. • The appeal is therefore dismissed. • COSTS DECISION • Cupid Green Ltd against Guildford Borough Council • The first claim is that the Council have made vague, generalised, or inaccurate assertions about the proposals impact, unsupported by any objective analysis. • Secondly, the applicant contends Council Committee Members were striving to find reasons to refuse the application against the advice of their own planning officer, rather than assessing it on its own merits. • Members of a Council Committee are not obligated to accept an officer recommendation to grant permission, but any refusal reason should clearly indicate the harm that would arise from a proposal and link to adopted development plan policies when relevant. • My findings are that the Council has not made vague, generalised, or inaccurate assertions about the proposals impact and that the refusal reason followed lengthy Committee deliberations and was clearly formatted. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated. 	REFUSED
7.	<p>Mr Alexander Stewart Clark Valentines Farm, Rose Lane, Ripley, Woking, GU23 6NE</p> <p>19/P/01881 – The development proposed is enclosure of Barn B and change of use of the whole barn building (comprising Barn A and Barn B) from light industrial use (B1(c)) to a mix of general industrial (B2) and storage and distribution (B8) uses, the sub-division of the barns into 8 No. separate units (4No. units in Barn A and 4No. units in Barn B) and the installation of “No. extractor fan chimneys on the south-west facing roof of Barn A.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The enclosure of Barn B with cladding and the subdivision of both barns would be alterations to the building. They would not increase the internal floor area of the building or its mass. They would not therefore result in a disproportionate addition over and above the size of the original building. • My findings are that the full enclosure of Barn B and the likely increased presence of parked and service vehicles outside the building associated with its enclosure and with the subdivision of both barns would have an impact on openness. The openness of the Green Belt would not therefore be preserved and the tests for exemptions in Paragraph 146 of the Framework not satisfied. The proposal would therefore amount to inappropriate development. • The enclosure of Barn B, the subdivision of both barns and the likely 	DISMISSED

	<p>associated greater activity outside the building would not result in a material change to the character and appearance of the site or to a material adverse impact on the rural surroundings.</p> <ul style="list-style-type: none"> • The third reason for refusal refers to 'insufficient information' to fully assess traffic impacts. The number and nature of trips could change, particularly with more B8 occupiers, but given the relatively small size of the subdivided units this would be unlikely to result in materially different traffic flows. • The proposal would not be contrary to section 9 of the Framework, to the objectives of Policy ID3 of the LPSS or to the third Surrey Local Transport Plan (2011) in relation to highway safety. • The barns are sited are considerable distance from the nearest residences. Traffic noise from the adjacent busy A3 would to some degree mask any noise arising from activities within the barns, even with the doors to individual units open. • The B2 general industrial activities proposed have the potential to result in a greater level of noise and disturbance than the lawful B1(c) light industrial use which by definition would be compatible with location within a residential area. But the site is not located within a residential area and the distance to the nearest residences is such that some increase in noise at the barns would be most unlikely to significantly impact on living conditions within these residences. • The proposal would not thereby be contrary to policy G1(3) of the GBLP. • I have not found harm in relation to the effect on the character and appearance of the area, for highway safety or on the living conditions of neighbouring occupiers. But the proposal would amount to inappropriate development in the Green Belt. It would not preserve the openness of the Green Belt. I have attributed moderate weight in favour of the proposal to its economic benefits. These benefits do not clearly outweigh the substantial weight given for harm to the Green Belt. Very special circumstances therefore do not exist and is therefore contrary to the Green Belt provisions of the Framework and also conflict with Policy P2 of the LPSS and should therefore be dismissed. • COSTS DECISION • Guildford Borough Council against Mr Alexander Stewart Clark • My findings are that the applicant has not acted unreasonably in contesting the appeal in relation to matters raised by the Council. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated. 	REFUSED
8.	<p>Mr Roy Fieldus 16B Martyr Road, Guildford, Surrey, GU1 1LE</p> <p>20/P/00528 – The development proposed is replacement windows.</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 proposed development would preserve or enhance the character or appearance of the Guildford Town Centre Conservation Area (CA), including its effect on the locally listed building. • The significance of the CA lies in its character as an area comprising a mix of historic, commercial, and residential land use at the heart of the town, with an attractive public realm. • By virtue of the appeal property directly fronting the footway, the windows are clearly apparent when seen from Martyr Road. The appearance of the 	DISMISSED

	<p>installed windows are at odds with others in the locally listed terrace, that which prevails appear as of traditional timber construction, incorporating narrow frames whereas the installed windows frames appear thicker and incongruous in their setting.</p> <ul style="list-style-type: none">• The installed frames also incorporate conspicuous trickle vents which amplify the departure from the uniform appearance of the terrace.• Consequently, the alterations harm the appearance of the locally listed building, resulting in it detracting from that which surrounds it and not preserving the significance of the setting of the CA.• The replacement windows do not therefore accord with policies D1 and D3, G5, H8 and HE7.• The development would not be sympathetic to local character and the surrounding historic built environment setting and would not accord with the NPPF.• Having considered the Development Plan and Framework as a whole, the development fails to preserve or enhance the character or appearance of the Guildford Town Centre Conservation Area and the appeal is therefore dismissed.	
--	---	--