

Planning Committee

31 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

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1.	<p>Crownhall Estates Ltd Land off of Send Hill, Send, Woking, GU23 7HR</p> <p>19/P/00721 – The development proposed, as described on the planning application form, is the erection of 9 no. residential dwellings with the associated vehicular and pedestrian access via Send Hill, car parking, secure cycle storage and landscaping on land off Send Hill, Send.</p> <p>Planning Committee: 8 January 2020 Officers recommendation: To Approve Committee Decision: To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none">• The appellant has provided a legal undertaking to address the impact of the proposal on the Thames Basin Heaths Special Protection Area (TBHSPA), so the Council is no longer pursuing the third reason for refusal. The main issue for this appeal is therefore the effect of the proposed development on the character and appearance of the area.• The appeal site is about halfway along Send Hill between the junction with the A247 Send Road, where the main focus of the village is, and Winds Ridge, to the south of which Send Hill becomes increasingly rural.• The density of the proposed development would be higher than existing.• The proposed houses would be separated by parking spaces and/or gardens creating a wider gap between them than between many houses.• Although in views from the mouth of the public footpath and in glimpsed views along Send Hill the proposed buildings may appear to merge. I do not find this to be significantly different to the overall character of Send Hill. I find that, in principle, the mix of two houses addressing, but set back from, Send Hill with others arranged around an access leading off it, would not appear out of character.• The proposed scale, form, design, and materials would not be out of character with other buildings on Send Hill. The Council have confirmed that two, three- and four-bedroom houses would be an acceptable mix for local needs.• The assessment of the Site ETH_086 indicates that partial development could retain and potentially improve amenity value. The appeal proposal would occupy only part of Site ETH_086. The substantial trees and hedges on the boundaries would not be affected and would remain as a corridor of biodiversity value as well as providing a backdrop to the proposed houses. Open space would be provided.	<p>*ALLOWED</p>
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	<ul style="list-style-type: none"> • I consider that some degree of green openness would be preserved as well as openness along the proposed shared access, which could be sensitively surfaced. • I conclude that the proposed development, although it would mean the loss of open grassland, would not significantly contradict the principles of Site ETH_068 and in due course would add mature trees and hedges aiding the green and rural character of the Send Hill Character Area E as described in the NP. It would not be so detrimental to visual amenity as to justify refusal. • I conclude that the effect of the proposal on the character and appearance of the area would not be harmful to planning policy terms. I find no significant conflict with policies D1 and ID4(8) of the LP, Policy G5 of the 2003 LP, policies Send 1 and Send 4 of the NP or those principles of the Framework that seek to protect open space and to ensure developments respect the character of the local area. • I have found that the proposal would not be harmful to the area and would not set a precedent for proposals that were harmful. • I conclude that the appeal should be allowed. 	
2.	<p>Mr D Fernie of Bryden Homes Ltd Buren, Surrey Gardens, Effingham Junction, Leatherhead, KT24 5HF</p> <p>19/P/02222 – The development proposed is erection of one 3-bedroom house and detached car port and workshop.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The footprint of the proposed dwelling would be generally similar to those of the surrounding properties and, whilst the proposed dwelling would extend across the majority of the width of the plot, this would not be uncharacteristic. • The layout, siting and design of the proposed dwelling would ensure that the proposal reflects the overall grain of surrounding development and would therefore, not represent a cramped or overly contrived form of development. • The proposed development would not harm the character or appearance of the area, and in this respect accords with policy G5 of the GBLP, Policy D1 of the LP, Policy EH-H8(c) of the EHNP and Paragraph 127 of the National Planning Policy Framework (the Framework). • In terms of the impact upon the host property, the proposed dwelling would be orientated in such a way as to ensure any views towards the property are at an angle, thereby minimising any direct overlooking. Furthermore, the only window proposed in the side elevation is on the ground floor and would be screened from view by existing and proposed boundary treatment. • The proposed dwelling would lie to the south of Croftdown and would be located in close proximity to the shared boundary. Due to its location and height, the proposed dwelling would be a prominent form of development that would be visible from within the garden of Croftdown. • Furthermore, the side elevation would include a bedroom window that would face directly onto the rear garden of Croftdown. As a result, part of the garden of Croftdown, would be directly overlooked from the proposed dwelling. Moreover, due to the position, size, and bulk of the proposed 	DISMISSED

	<p>building, it would have an overbearing and overshadowing effect upon part of the rear garden of Croftdown.</p> <ul style="list-style-type: none"> • I therefore conclude that the proposed development would have an adverse effect upon the living conditions of surrounding residents, in particular those of Croftdown and, in this respect, would be contrary to Policy G1(3) of GBLP and Paragraph 127 of the Framework. These policies seek to ensure that development respects the living conditions of surrounding residents. • There are two buildings which have potential to support bats and the report recommends further survey work to confirm their absence. No evidence has been provided to show the conclusions of these additional surveys. • Without this additional survey work, I am unable to conclude that the proposed development would not result in an adverse impact upon protected species. • I therefore conclude that the proposed development would have an adverse impact upon protected species and is contrary to policy NE4 of the GBLP and the Framework. • I conclude that the appeal should be dismissed. 	
3.	<p>Mrs N Moutih Hillrise, Orestan Lane, Effingham, Leatherhead, KT24 5SN</p> <p>20/P/00605 – The development proposed is described as “Single Storey Rear Extension and insertion of roof lights”.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The planning history indicates that prior to 1977 a bungalow of timber and asbestos construction was present on site (‘Building A’). That bungalow was demolished and replaced with a chalet bungalow (‘Building B’). Building B was subsequently demolished and replaced with a two-bedroom bungalow (‘Building C’) which is the dwelling currently onsite. Building C has since been extended. • Building A is the ‘original building’ for the purposes of the Local Plan Policy P2. • I find the Council’s figure of 60sqm for the size of the original building to be the most persuasive. • On this basis, the Council has calculated that the proposal would result in a property that would have a 125% larger external floor area than the original dwelling. As such, the increase in external floor area would be very substantial, over and above the size of the original building. • I consider that the proposal would result in a disproportionate addition over and above the size of the original building. The proposal therefore constitutes inappropriate development in the Green Belt for the purposes of the Framework and Policy P2 of the Local Plan. Inappropriate development is, by definition, harmful to the Green Belt. • The proposed extension is single-storey and would not extend across the full width of the property currently onsite. Nevertheless, its mass would reduce the openness of the Green Belt in both visual and spatial terms. This impact would be modest and confined to the local area, but harm would be caused to the Green Belt. • I conclude that the appeal should be dismissed. • COSTS • Mrs N Moutih for a full award of costs against Guildford Borough Council 	<p>DISMISSED</p> <p>REFUSED</p>

	<ul style="list-style-type: none"> • The Council were correct to put forward figures relating to the bungalow of timber and asbestos construction which was present on site prior to 1977, as the 'original building'. The figure referred to in the 1995 planning permission related to a different (later) building, not to the original building as per Policy P2 of the Local Plan. I find that the Council's approach was reasonable. • I am satisfied that the Council acted in a reasonable manner. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated. 	
4.	<p>Mr and Mrs Christian The Lodge at Barn End, The Street, West Clandon, GU4 7TG</p> <p>Appeal A 20/P/01166 – The development proposed is erection of rear extension to provide a second bedroom with en-suite shower room.</p> <p>Planning Committee: 7 October 2020 Officers recommendation: To Approve Committee Decision: To Refuse</p> <p>Appeal B 20/P/02064 – The development proposed is erection of rear extension to provide a second bedroom with en-suite shower room.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • Both Appeals A and B propose a single-storey ground floor extension. They differ only in that Appeal B is reduced in size. I have dealt with both schemes together. • The Lodge is a modestly sized, single-storey outbuilding within a domestic garden. The proposed extension in both Appeal A and Appeal B would be single storey with an overall height of 3.3 metres. In Appeal A, it would be nearly 10 metres long and a little longer than the original building. In Appeal B it would be a little shorter and narrower but a similar length to the existing building. • Based on the appellant's figures, the proposed extension in Appeal A would add approximately 33 sqm and in Appeal B, 25smq. These would increase the floorspace of the building by approximately 62% and 47% respectively. • Based on the Council's calculations, this would be approximately 60% and 46%. In both appeals, this increase would be significant, with the existing buildings floorspace increased by almost half in Appeal B and more than half in Appeal A. • In both appeals, the proposals would at least double the length of the existing building. Despite the modest height, the additional volume and bulk of the proposed extensions, taken in combination with the increased floorspace and length of the building, would amount to a disproportionate addition to the original building. The proposals would therefore not meet the exception set out in paragraph 145(c). • As such, the proposed extension in both Appeals A and B would be inappropriate development in the Green Belt. Such development would be, by definition, harmful and would be contrary to the Framework and Policy P2 of the Guildford Borough Local Plan: strategy and sites 2019 (Local Plan). 	<p>DISMISSED</p> <p>DISMISSED</p>

	<ul style="list-style-type: none"> The appeal proposals would result in a small loss of openness thereby causing limited harm to the Green Belt. Therefore, it would be contrary to the objectives of the Framework. I conclude that both Appeals A and B should be dismissed. 	
5.	<p>Mr White Land at Burpham Cottage, Clay Lane, Jacobs Well, GU4 7NZ</p> <p>20/P/00443 – The development proposed is the erection of a single detached dwelling together with alterations to parking and vehicular access arrangements.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> The appeal site is located on the edge of Jacobs Well, identified as an 'inset' village which is not washed over by the Green Belt. The appeal site, due to its location outside the main settlement area and on the outskirts of the village, falls within the Green Belt. In order to be infilling, to my mind a proposal must fill a space or gap between two other buildings or structures whether within a continuous built-up frontage or within built development. The appeal site would not be predominantly surrounded by development with only the host dwelling and the coach depot adjoining it. With development to just one side, the proposed development would not fill a gap or space between buildings or structures. The proposed development would result in a denser form of development along Clay Lane which would be out of keeping with the more spacious pattern of development characteristic of the village edges. For these reasons, the proposed development, would not represent limited infilling within a village. I conclude that the proposal would be inappropriate development in the Green Belt. It would conflict with both Policy P2 of the Local Plan and national policy to protect Green Belt. I attach substantial weight to this harm. The submitted drawings show the layout of the proposal would have a frontage to Clay Lane, therefore extending the built form along the road. With a separate dwelling, additional hardstanding for car parking and new residential curtilage, the proposed development would result in a more substantial and urbanised form of development on the site to that which is there now. This would cause moderate harm to the spatial openness of the area. The proposal would result in moderate harm to the openness of the Green Belt. The appellant has accepted the need to provide a contribution towards both SANGS and SAMM. The Council has confirmed that the submitted S106 agreement would secure this. I conclude that the appeal should be dismissed. 	DISMISSED
6.	<p>Mr & Mrs S & L Hall Great Down, Hogs Back, Seale, GU10 1HD</p> <p>19/P/02117 – The development proposed is erection 1 x 3 bed detached dwelling and associated forecourt parking following removal of existing garaging and garden storage sheds.</p>	DISMISSED

Delegated Decision – To Refuse

Summary of Inspector's Conclusions:

- The proposed dwelling would be materially larger than the existing single storey buildings. Its redevelopment would have a greater impact on the openness of the Green Belt than the existing development on the site due to its increased size. It would therefore not meet the exception test set out in paragraph 145(g) of the framework.
- The proposal would be inappropriate development in the Green Belt. It would conflict with both Policy P2 of the Local Plan and national policy to protect the Green Belt. I attach substantial weight to this harm.
- The proposed house would be a large structure which would additionally require an area of hard surfacing providing a driveway and vehicle parking space. This would amount to a more substantial and urbanising form of development on the site. The proposed house would significantly reduce the spatial openness of the area.
- From the accessway the proposed house would have the appearance of a single-storey building. This would reduce its prominence when viewed from this direction. Nevertheless, the proposed infill would close a significant gap between built development within the rows of houses, resulting in a continuous and prominent strip of domestic development. This would have an urbanising effect on the area which would be widely visible from the south and from the accessway off the A31. As such, the proposal would significantly reduce the visual openness of the area.
- I conclude that the development would result in significant harm to the openness of the Green Belt.
- The appellant has accepted the need to provide contribution towards both SANGS and SAMM. However, the submitted section 106 agreement being in draft form, unsigned and undated would not secure this.
- I conclude that the appeal should be dismissed.