



	<p>proposals would result in a materially bulkier building than that which presently exists and in this respect they would have a reducing effect on the openness of the Green Belt in spatial terms, albeit that effect would be limited. Consequently, the proposals would cause harm to the openness of the Green Belt.</p> <ul style="list-style-type: none"> <li>The proposals would be inappropriate development in the Green Belt and would result in a reduction in its openness. These matters carry substantial weight. For the above reasons I attach no more than moderate weight to the benefits of the proposed developments which make up the other considerations. Thus, taken together, I find that the other considerations in these cases do not clearly outweigh the totality of the harms that I have identified. Consequently, the very special circumstances necessary to justify the proposals does not exist. Therefore, the proposals would not comply with the Green Belt aims of Policy P2 of the Local Plan, or the Framework, and consequently would be unacceptable.</li> </ul>	
<p>2.</p>	<p><b>Brookworth Homes Ltd</b>  <b>20 The Street, West Horsley, Leatherhead, KT24 6AX</b></p> <p><b>21/P/00970</b> – The application sought planning permission for the erection of 23 dwellings (Use Class C3), modified vehicle and pedestrian access off The Street together with internal roads, car parking, areas of hardstanding, and associated landscaping – all existing buildings and structures including No 20 The Street to be demolished without complying with a condition attached to planning permission Ref 20/P/01273, dated 22 December 2020.</p> <p>Delegated Decision – To Refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>The main issue in this appeal is the effect of the proposed minor material amendment on the character and appearance of the area.</li> <li>Plot 12 is located towards the centre of a compact residential development that is currently under construction. It is located prominently within the scheme at a bend in the internal road and at the entrance to Phase 2, which has commenced. The garage at Plot 12 is simple in form and recessively placed back from the front of the house in a way that permits a clear hierarchy between structures. This arrangement is replicated at other plots within the development that have garages. As a result, there is a rhythm to the emerging street scene.</li> <li>The location of the planned landscaping area between Plots 12 and 13 appears carefully designed as it is positioned broadly in the centre of the site and would mirror a similar space across the road. As a result, the trees planted in this space would provide a pleasant focus point to the development as they mature. This needs to be considered in the context of the National Planning Policy Framework (the Framework), which now requires tree lined streets. The landscaping area is particularly important in this instance as it would provide a softening relief in an otherwise tightly formed development, especially as the drawings show that it would be delineated by a hedge in addition to the trees.</li> <li>Relocating the garage in the way proposed would leave no space for the planned hedge and would also split the landscaping area in two.</li> </ul>	<p><b>DISMISSED</b></p>

	<p>These factors would seriously diminish its ability to provide relief to the development. The garage would also have an unusual orientation and exhibit a form untypical of others elsewhere in the estate. It would therefore appear as a contrived and strident feature in a prominent location. This would be the case despite the material pallet proposed. This would harm the quality and rhythm of the emerging street scene and thus the character and appearance of the area.</p> <ul style="list-style-type: none"> <li>• In coming to this finding, I accept that the garage would not be prominent in views from land outside the development. However, the appeal scheme is creating a new section of town scape and proposals within it should be considered in this vein. The Framework states that all new development should be visually attractive, beautiful and establish a strong sense of place using the arrangement of streets buildings an effective landscaping. As a result, the internal street scene of a development should be of a high quality. The appeal scheme, however, would harmfully erode the quality of the development.</li> <li>• The amended scheme would still enable the provision of two trees, but these would be either side of the garage rather than within a clearly defined landscaped area and therefore would not have the same important and pleasing softening effect as the approved layout. Nor would they screen the repositioned garage. The Framework is clear that new development should not be materially diminished between permission and completion.</li> <li>• In conclusion, the proposed minor material amendment would harm the character and appearance of the area. The proposal would therefore be at odds with Policy G5 of the Guildford Local Plan 2003 and Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015 - 2034. These policies seek to secure high quality development that incorporates a high standard of landscape design within the town scape.</li> <li>• The appeal scheme would be contrary to the development plan and this is not outweighed by other considerations. Accordingly, the appeal is dismissed.</li> </ul>	
<p>3.</p>	<p><b>Mr Light</b>  <b>Lux Domus, Fort Road, Guildford, Surrey, GU1 3TE</b></p> <p><b>20/W/00135</b> – The development proposed is an application for prior approval for the enlargement of a dwellinghouse by construction of an additional storey.</p> <p>Delegated Decision – To Refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issue in this appeal is whether prior approval should be given, having particular regard to paragraph AA.2(3)(a)(ii) with reference to the external appearance of the dwellinghouse.</li> <li>• Lux Domus is a bold contemporary property located on the northern side of Fort Road where the street alignment curves slightly. As a result, the property stands forward of its easterly neighbour and is prominent in views along the street from the direction of Pewley Down, which is a local nature reserve with extensive views over the Surrey Hills. Properties in the locality tend to be large with those on the</li> </ul>	<p><b>DISMISSED</b></p>

northern side of Fort Road elevated above the street and those to the south below it.

- Lux Domus is arranged over three floors and exhibits a flat roofed form. As a result, it has a higher eaves line than the property to the west, which has a hipped roof. The bold white finish, flat roof and hard landscaping along the frontage set the building apart from the more traditional homes in the road. Nevertheless, the height of Lux Domus is similar to the properties either side as is the property's general massing and size. In this respect, it responds to the overriding scale and size of dwellings nearby and this allows for some harmony.
- The appeal scheme would see an additional floor added to the property that would echo the proportions, architectural style and detailing of the lower floors. The material pallet would also match. However, the building once extended would be considerably taller than those either side or in the locality. The principal and side elevations would also have a much greater overall massing. Accordingly, the building once extended would have a strident, discordant and overpowering appearance. I observed that it would be possible to discern this from Pewley Down and a long section of Fort Road. As a result, the proposal would dominate and significantly harm the street scene.
- The proposal would therefore be at odds with the aims of Policies H8 and G5 of the Guildford Local Plan 2003 and Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 as supported by the Residential Extensions and Alterations Supplementary Planning document 2018. Together, they seek to secure development that respects the character of the area. Prior approval applications are not subject to s38(6) of the Planning and Compulsory Purchase Act and therefore the conflict with the development plan does not carry the same force. It is however material to my assessment that the proposal would significantly harm the character and appearance of the area and thus be at odds with these policies.
- I accept that upward extensions will by their nature intrinsically increase the height of a dwelling and therefore an impact is to be expected. However, Class AA has been specifically drafted to ensure upward extensions are not an unqualified permitted development right. Consideration is required to be given to the broad impact of the subsequent external appearance of the dwelling. In this case the proposal would offend the street scene, which encompasses properties of a similar height and massing.
- For the reasons set out above, the external appearance of the building as a result of the appeal scheme would significantly harm the street scene and thus the character and appearance of the area. Accordingly, when having regard to Paragraph AA.3(12) of the GPDO, the proposed development would be at odds with Paragraphs 126 and 130 of the National Planning Policy Framework. This national policy expects development should be visually attractive, of good architecture and sympathetic to local character.
- For the reasons given above, prior approval is not granted, and the appeal is dismissed.

4.	<p><b>Mr A James</b>  <b>Land between Grafton and The Haven, Polesden Lane, Ripley, Surrey, GU23 6DX</b></p> <p><b>Appeal A</b>  Against an Enforcement notice issued on 18 February 2021. The breach of planning control alleged in the notice is without planning permission.</p> <p>Delegated Decision: To Refuse</p> <p><b>Appeal B</b>  The application Ref 20/P/00557, dated 27 March 2020, was refused by notice dated 7 August 2020. The development proposed is the siting of 1 mobile home and the erection of a day room.</p> <p>Delegated Decision: To Refuse</p> <p><b>Appeal C</b>  The application Ref 20/P/00558, dated 27 March 2020, was refused by notice, dated 7 July 2020. The development proposed is the erection of a detached dwelling.</p> <p>Delegated Decision: To Refuse</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issues are: <ul style="list-style-type: none"> <li>(a) Gypsy/Traveller status;</li> <li>(b) whether the development would be inappropriate development in the Green Belt;</li> <li>(c) the effect on the openness of the Green Belt;</li> <li>(d) the effect on character and appearance of the area;</li> <li>(e) the effect on the living conditions of neighbouring occupiers;</li> <li>(f) the effect on TBHSPA;</li> <li>(g) the effect on highway safety; and</li> <li>• (h) whether any harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.</li> </ul> </li> </ul> <p><b>Gypsy and Traveller Status</b></p> <ul style="list-style-type: none"> <li>• This matter relates to appeals A and B. During the hearing I heard that the appellant currently lives at the appeal site with his wife and two children, and with another child expected in January 2022. He was born in Bradford to parents of Romany descent and both he and his wife are ethnic Romany Gypsies. He and his wife have lived in southern England for most of their lives and he has travelled for work as a roofer for about the last 10 years. He mostly works in the southern counties travelling to and from work either daily or for longer periods away, dependent upon commuting distances and travel times. He and his family also attend traditional Traveller community events and fairs such as those at Appleby and Stow. Due to the Coronavirus pandemic their travelling for cultural and work related purposes has been very limited more recently. However, there was no suggestion that either he or his wife intended to give up travelling permanently. A more detailed description of his</li> </ul>	<p><b>DISMISSED</b></p> <p><b>DISMISSED</b></p> <p><b>DISMISSED</b></p>
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family's way of life and his travelling for economic purposes is set out in his submitted written statement.

- Based on all that I heard and have read I am satisfied that the appellant and his family have a way of life that is nomadic in character and that the appellant's travelling is predominantly for economic purposes. As such, I consider that he has Gypsy status as defined in the PPTS. Accordingly, the PPTS and Framework4 are relevant material considerations, in addition to the Council's Development Plan policies against which the development should be assessed.

**Whether inappropriate development in the Green Belt Appeals A and B**

- It is common ground between the main parties, and I agree, that the proposed development, either as a permanent or a temporary traveller site, constitutes 'inappropriate development' within the Green Belt as set out at PPTS paragraph 16. Inappropriate development by definition is harmful to the Green Belt.

**Appeal C**

- Taking account of all these factors I find overall that the appeal site is not within a village and hence does not constitute a Green Belt policy exception as outlined previously. The proposed dwelling would therefore be inappropriate development and harmful to the Green Belt in conflict with LP Policy P2 and LNP Policy LNPH1.

**Effect on openness of the Green Belt**

**Appeals A and B**

- The development comprises the smallest scale (single pitch) of Gypsy and Traveller site accommodation. The site is level and so not prominent in the context of open land beyond, and planning conditions could ensure the planting/retention of natural boundaries to limit its visibility (insofar as affecting openness). Even so, in comparison to what was previously open land the introduction of a twin unit caravan, single touring caravan, and together with the day room and hard surfaced areas on site, I find that there would be a continuing reduction in openness in both visual and spatial terms, albeit resulting in a limited level of harm to the Green Belt.

**Appeal C**

- Other than for access details the proposal for the dwellinghouse is in outline form, hence the submitted drawings relating to the development within the site are indicative only. Nonetheless, the proposed dwellinghouse is capable of being restricted in height by planning condition. Additionally, its positioning within the site and other layout and boundary details could be secured at reserved matters stage. However, even a modest single storey dwelling anywhere within the site would likely result in a similar reduction in openness to that described above in respect of Appeals A and B, albeit with a similar limited level of harm to the Green Belt.

**Character and Appearance of the Area**

**Appeals A and B**

- The nature of the appeal development as a residential Gypsy and Traveller site does not of itself confer an adverse effect on the character and appearance of the area. Indeed, PPTS acknowledges that such sites can be located in the countryside. Additionally, in terms of its scale and finished appearance the twin unit caravan on site is similar to many brick-built bungalows, and the day room comparable with a typical residential outbuilding. A touring caravan kept on site would also be

comparable in visual terms to those commonly kept by house occupiers. Given these factors, together with the location of the site between two existing dwellings, all within a wider cluster of residential properties on this part of Polesden Lane, I find there would be no adverse effect on the prevailing residential character and appearance of this rural area.

### **Appeal C**

- The Council's reasons for refusal of the application do not include that there would be harm to the character and appearance of the area, although it was raised in some third party submissions. Similar to appeals A and B above, I find that the construction of an appropriately designed and suitably sized dwellinghouse would accord with the residential character and appearance of the street scene and the wider area I have described. As such, there would be no harm in this regard.

### **Living conditions of neighbouring occupiers**

- The garden play structure subject of the enforcement notice (Appeal A) was said to have resulted in overlooking and loss of privacy to the occupiers of the neighbouring property. However, it had been removed prior to the hearing and the appellant confirmed it does not form part of the deemed application.

### **Thames Basin Heaths Special Protection Area (TBHSPA)**

- The TBHSPA is designated for its internationally important habitat which supports breeding populations of three rare species of birds (the Nightjar, Woodlark and Dartford Warbler). The birds are vulnerable to disturbance from recreational activities including those associated with new residential development. The conservation objectives for the TBHSPA seek to protect or restore the habitat in order to protect the birds that depend on its integrity.
- However, notwithstanding the appellant's completed UUs which would provide the mitigating financial contributions required by the Council, I have found the proposed development to be unacceptable for other reasons. Consequently, there is no need for me to consider the implications of the development on the integrity of the TBHSPA or the provisions of the Conservation and Habitats and Species Regulations 2017 (as amended).

### **Highway safety**

#### **Appeals A, B and C**

- The vehicular access at the appeal site is located on Polesden Lane where it is a single carriageway, with no pavements either side, and with other vehicular accesses to properties in close proximity.
- The lane is subject to a 60mph speed limit for which the Highway Authority (HA) requirement for visibility splays would normally be 2.4m x 225m in both directions. However, visibility splay requirements can be reduced in circumstances where it can be demonstrated that vehicular speeds are lower.
- Appeal A – subject to corrections and variation of the enforcement notice, the appeal is dismissed.
- Appeals B and C – dismissed.