

Planning Committee

1 February 2023

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. Ms Sally Dean

15 Shepherd's Hill, Guildford, GU2 9RY

22/P/00708 – The development proposed is the erection of a boundary fence.

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issue is the effect of the development on the character and appearance of its surroundings.
- The appeal property is a semi-detached dwelling set within a large residential estate. The pair is sited at the base of a triangle formed by the two branches of the highway that runs alongside them on either side. The timber fence is supported by concrete post and has been erected mainly along the flank highway frontage of the appeal property, but also along short stretches around the corners of the plot. A pedestrian access door has been inserted in the fence, coinciding with the main door of the house which is sited in the side elevation.
- I fully understand the need for a form of enclosure since otherwise, given the shape of the plot and its orientation, the dwelling and its garden would enjoy little or no privacy or security. I understand that the boundary was hedged in the past.
- The Council is concerned that the length of fence erected in what it considers to be a prominent position is such as to render it unduly dominant and incongruous, failing to respect the character of the surrounding area. The Council acknowledges that some timber fencing exists '*in sight of the appeal property*', albeit none is as sizeable as that subject of appeal.
- I explored more of the surrounding area and found a wide variety of means of enclosure throughout the estate, including significant stretches of timber fencing of different types. I could not therefore reasonably conclude that the fence erected was uncharacteristic of the area.
- I noted too that the fence was comprised of good quality materials, and that trees have been newly planted within the garden border inside the fence at the western end. Foliage can already be seen above the hedge and in time, as they grow, the trees will assist in softening the impact caused by the newness of the fence. I consider that a similar level of tree planting

within the garden of an appropriate species would assist in a like manner towards the eastern part of the site. This mitigation could be achieved by condition.

- On balance I conclude that, with appropriate mitigation, the retention of the fence would not harm the local street scene to the extent that permission should be withheld. Accordingly, no conflict arises with those provisions of policy D1 of the Guildford Borough Local Plan 2015 - 2034 saved policy G5 of the Guildford Borough Local Plan 2003 directed to ensuring that development reflects and reinforces the identity and character of an area.
- Since the development has taken place, the Council does not consider that any conditions are necessary, should permission be granted. However, for the reasons set out above, and in the interests of visual amenity, I shall impose conditions directed to the provision of additional planting designed to assist in acceptably mitigating the effects of the fence.
- All other matters referred to in the representations have been taken into consideration, including the references to the National Planning Policy Framework, but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

2. Mrs Karen McCarthy (It's The Dogs Ltd)

Land East of Ripley Lane, West Horsley, Leatherhead, KT24 6JT

20/P/01359 – The development proposed is the change of use of land from agriculture to a use for the walking, day care and training of dogs.

Officer Recommendation: To Approve

Planning Committee 6 October 2021 – Refused

Decision - ALLOWED

Summary of Inspector's Conclusions:

- The main issues are whether the development is inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
- the impact of the development on the character and appearance of the surrounding area; and
- the impact of the development on the living conditions of the occupiers of neighbouring dwellings with regards to noise.
- The appeal site, an open field which has been divided into two separate areas with access from Ripley Lane, is located in a rural area within the Green Belt. The development is for a change of use of the land from agricultural to the walking, day care and training of dogs. As part of this change of use fences have been erected to subdivide the site and the submitted plans show several allocated car parking spaces for those using the facilities. No other development has been included as part of this appeal.
- Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. Paragraph 150 of the Framework also indicates that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. In paragraph 150 (e) this includes material changes of use of land, which, as a change of use, the appeal development would fall under.
- Policy P2 of the Guildford borough Local Plan: strategy and sites 2015-2014 (the LP) 2019 similarly states that certain other forms of development are also considered not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Therefore, this policy is consistent with the Framework.
- In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in

itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.

- The appeal site is open and rural in appearance with no buildings and does not appear significantly different to its previous agricultural use. The fencing erected to subdivide the site is similar to what could be expected from an agricultural use, to contain livestock. Any equipment on the appeal site associated with the use, such as containers for drinking water, would also not be wholly out of keeping with the existing use.
- It is noted that the change of use may have resulted in an intensification in the use of the site, with more comings and goings by vehicles and more people visiting the site during the hours of operation. However, the vehicle parking on the appeal site is limited and the appellant and Council have stated that a maximum of 22 vehicles would be on the site over the course of the day. Due to its location, it is unlikely that the site is accessed in any other way. Therefore, the amount of people/dogs and vehicles on the site at any given time is minimal and could be considered similar to the existing agricultural use, which would have been typically occupied by much larger agricultural machinery.
- The appeal site is visible from Ripley Lane and a byway to the east of the site. However, views from these vantage points are partially blocked by existing trees along the boundaries. Nevertheless, as the change in the appearance of the appeal site is limited, the change of use does not have a visual impact on the openness of the Green Belt. Similarly, as there is no additional built form on the appeal site, above what would be expected from its current use, the change of use would also not have a spatial impact on the openness of the Green Belt.
- The Council do not contend that the change of use would conflict with the purposes of including land within the Green Belt. From the list stipulated within Paragraph 138 of the Framework, outlining the purposes of the Green Belt, I agree with this finding.
- Therefore, the change of use would not be inappropriate development in the Green Belt as it would fall under the exception listed in paragraph 150 (e) of the Framework. It would also accord with Policy P2 of the LP which seeks to protect the Green Belt.
- The West Horsley Neighbourhood Plan 2016-2033 (the NP) 2018 identifies 'Character Area 6 – Long Reach – West Side' as the farm-land to the west of Long Reach that lies wholly within the Green Belt and largely comprises open farm-land. The appeal site would fall within this character area, and I consider that the open and rural nature of the original use of the appeal site would have been in keeping with and contributed positively to this character area.
- As outlined previously, the nominal physical changes to the appeal site ensure that it retains its open and rural appearance, which would not be significantly impeded by the presence of additional fencing. Particularly as the fencing is similar in scale and appearance to that used in a typical agricultural setting. Any dog-related paraphernalia or vehicle parking on the appeal site, associated with the use, is temporary in nature and minimal in scale. As such, this would not significantly alter the character and appearance of the appeal site or the surrounding area from its previous agricultural use.
- The appeal site is bounded by trees to the south and east and, although localised views are possible from the adjacent road and byway, any wider views of the site are largely blocked by these natural boundaries. The NP states that Character Area 6 incorporates sweeping views to the north towards the North Downs Area of Outstanding Natural Beauty (AONB). I am not persuaded that the minimal changes to the appearance of the appeal site and its self-contained nature would detrimentally affect the views of or the setting of this AONB. The change of use also has a limited impact on the views east from Ripley Lane, as identified within Policy WH3 (iii) of the NP, which is largely blocked by trees and hedging adjacent to Ripley Lane.
- It is noted that a laurel hedge has been planted at the front of the appeal site as part of the development which, as a non-native species, appears out of keeping in this rural environment. However, due to its location, the hedge has limited visibility from the public

realm and therefore it would not have a significant impact on the character and appearance of the area. Furthermore, this could be planted on the appeal site regardless of the change of use. Any references made to a storage container or hardcore, and its impact upon the rural nature of the appeal site, do not form part of the development which is the subject of this appeal. Therefore, I have not taken these factors into consideration.

- Consequently, the change of use does not harm the character and appearance of the area and does not conflict with Policy D1(4) of the LP or Policy WH3(i) of the NP. These policies seek to ensure that all new development is designed to reflect the distinct local character of the area and preserves the essential open field and woodland character. The change of use would also accord with the general design objectives of the Framework.
- The appeal site is surrounded by open fields to the north, trees and a byway to the east, a small, wooded area to the south and Ripley Lane to the west. The nearest residential properties are located on Ripley Lane and Silkmore Lane to the south of the appeal site. The Council have stated that the nearest dwelling, Hambledon Cottage, is approximately 285 metres from the appeal site. There are also dwellings located on Silkmore Lane and Long Reach, however these are further in distance from the appeal site. I noted on my site visit that due to the rural surrounds, the area is relatively quiet with low levels of ambient noise. However, some intermittent noise is generated from cars passing by on Ripley Lane, which is relatively busy with fast moving traffic. It is also noted there is a train line to the south of the appeal site which would also generate some noise from passing trains.
- A noise impact assessment was undertaken by the appellant, surveying noise levels in four locations around the appeal site. As the site is currently being used for dog walking and day care, the surveys were able to capture the noise from the site in its current use, for which planning permission is sought. The assessment, in accordance with BS 4142, found that the resultant rating level would be below the adopted background sound level. It also states that the sound of barking was found to be barely, and only occasionally, audible in the vicinity of the nearest residential properties.
- The current use would clearly generate noise, from barking dogs and vehicle movements, on more regular occasions than this existing use as agricultural land. However, the closest neighbouring properties are located some distance from the appeal site and already experience some noise activity from passing cars and trains. Furthermore, the well-established woodland to the south of the site, although not substantial in size, would assist in acting as a natural sound barrier between the appeal site and nearby dwellings. It is noted that the Parish Council have received noise complaints in relation to the development and that the noise generated from this use may, on occasion, be audible to the occupiers of nearby dwellings. However, from the evidence provided within the noise impact assessment and my observations during my site visit, I do not consider that this noise would be overly loud or constant from the nearby properties identified.
- The use of the site as a dog walking/day care facility would operate between 08:00 and 19:00. This could be secured by condition to ensure the appeal site is not used outside of these hours where the noise may be more perceptible to the occupiers of neighbouring dwellings. It has been highlighted that other facilities in the surrounding area have shorter opening hours. However, given the limited impact upon the occupiers of neighbouring dwellings, I do not consider that these operating hours are excessive.
- Information and photographs have been provided by the Parish Council in relation to a large number of dogs and people present at the appeal site on 27 February 2022. However, to prevent this from occurring, a condition could be implemented to restrict the number of dogs on the appeal site at any one time during operational hours. This would minimise the impact upon the occupiers of nearby dwellings from the increased noise levels which result from large groups using the appeal site.

- Although it is unlikely that the behaviour of dogs and the noise they make could be fully controlled when using the site, a noise management plan has been submitted by the appellant highlighting the actions that could be taken to manage noise on the appeal site. This includes ensuring that dogs are supervised at all times and ensuring external visitors are greeted on arrival. Whilst these measures would not prevent the noise generated from barking dogs, they would ensure that the appellant is mindful of the noise which the site is generating and help them to reduce it where possible. Therefore, a condition has been included to ensure compliance with this noise management plan.
- In conclusion, I find that the change of use does not harm the living conditions of the occupiers of nearby dwellings and does not conflict with Policy G1(3) of the Guildford Borough Local Plan 2003. This policy states that the amenities enjoyed by occupants of buildings are protected from unneighbourly development in terms of noise.
- It has been found that the change of use is not inappropriate development in the Green Belt, falling under the exception in paragraph 150 (e) of the Framework. It also preserves the visual and spatial openness of the Green Belt. Furthermore, the change of use does not harm the character and appearance of the surrounding area or the living conditions of the occupiers of nearby properties in relation to noise.
- For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

3. Watkins Jones Group and Gilitas Limited

Lantern House and Carriage House, Walnut Tree Close, Guildford, GU1 4TX

21/P/00956 – The development proposed is redevelopment for a mixed-use scheme comprising a part 5 and 6 storey building including purpose-built student accommodation bedrooms (use class sui generis) and 683.75m² of commercial office space (use class E) at the ground floor to be provided as incubator space. Alongside the provision of, a landscaped courtyard area, and provision of 4 no. disabled parking spaces and cycle parking for both the student and commercial use following demolition of the existing buildings (as amended by plans and information received on 05/08/2021, 25/10/2021 and 08/11/22).

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issues are whether the proposed development would result in the loss of employment floorspace on a designated strategic employment site in the Borough; and
- The effect of the proposed development on the area's character and appearance, including the neighbouring Compton House site.
- The appeal site comprises of 2no. two storey commercial office buildings located within a designated strategic employment site within the Guildford Local Plan 2019 (Local Plan).
- Policy E3 of the Local Plan seeks to protect the strategic employment sites within the Borough. Parts 10 and 11 of the Policy requires applications that involve the redevelopment or change of use to a non-employment use to submit evidence of active and comprehensive marketing of the site for its current use for a continuous period of at least two years for a strategic employment site. Evidence of active and comprehensive marketing of the site, as defined in Appendix 4 of the Local Plan, should also include alternative B class employment use and other employment generating uses, before change of use to residential or other use with no on-going employment use will be permitted.
- Whilst the proposed development shown on the amended plans would provide an element of commercial office space (use class E) at the ground floor level to provide as incubator space, it is common ground between the appellant and the Council that the proposed

development would result in the loss of employment space from the designated strategic employment site and that evidence of active and comprehensive marketing of the site for a continuous period of at least two years is required in accordance with the requirements of Policy E3 and Appendix 4 of the Local Plan.

- The appellant in their submitted evidence considered that they have demonstrated that the site had been marketed for a continuous period of 20 months since April 2021 in accordance with the Policy requirements. The appellant in their evidence and at the hearing indicated that, during the marketing, they had received no genuine interest or offers for either the leasehold or freehold interest in the property for its continued use as offices or alternative suitable B class and other employment uses. They indicated that the main enquiries have been from residential developers, predominantly for the residential redevelopment of the site.
- The appellant questioned the suitability of the site for continued office and employment use. Given the surrounding residential uses, the current one-way traffic system in operation and its location, they considered it was unattractive to such uses and had insufficient critical mass as a key office location. The appellant also questioned the suitability of the appeal site on the basis that it formed part of designated Industrial (B1c, B2 and B8) strategic employment site as opposed to a strategic employment site designated for office and Research and Development use within the Local Plan.
- The Council, however, consider that insufficient marketing has been undertaken and that it has only been marketed for a period of nine months in accordance with the requirements of Policy E3 and Appendix 4 of the Local Plan. The Council also argued that the site provided a suitable location and opportunity for the continued commercial office use in this location.
- However, fundamentally these complications and the dispute between the parties over the difference in the scope and the time period for the marketing and the suitability of the site for continued commercial office use in this location are not crucial to my determination of the appeal. Both parties agreed that there is a partial breach of the Policy E3, relating to the policy requirement for active and comprehensive marketing of the site for a continuous period of at least two years and I have no reason to disagree with this assessment based on the evidence before me.
- Consequently, I conclude that the proposal would result in the loss of employment floorspace on a designated strategic employment site that has not been fully justified in this case. I find conflict with Policy E3 of the Local Plan as set out above, which includes the requirement for a comprehensive and active marketing exercise for a continuous period of at least two years for its current use and alternative suitable B class and other employment uses before the change of use to residential will be permitted for a strategic employment site.
- The appeal site comprises of 2no. vacant two storey commercial office buildings with associated surface car parking areas at the rear located on the north-western side of Walnut Tree Close. The immediate area is mixed use in character with a mixture of office accommodation, residential apartments and Purpose-Built Student Accommodation (PBSA) of varying heights and designs and does not have a clearly defined architectural character.
- The appeal site is bordered by Compton House a two storey commercial premises to the south-west and Riverview, 2/3 storey office buildings to the north-east. An elevated railway line is located to the north-west of the site. A number of the large scale 4/5/6 storey residential apartments and PBSA are located on the opposite side of the road and 4 to 8 storey PBSA located further to the south-west and south of the site. These buildings, that have been constructed in recent years, show an emerging character of taller residential and PBSA buildings being built in the surrounding area.
- The significance of the surrounding buildings are derived from their substantial scale and modern design covered in large expanses of brick, metal cladding and render, which contrasts with the lower, brick built commercial office buildings on the appeal site and

adjacent sites at Compton House and Riverview. This provides a varied context and palette of materials in the immediate surroundings.

- The proposal shown on the amended plans would involve the demolition of the existing buildings and the construction of 3no. part 5 and part 6 storey buildings built around an internal landscaped courtyard with an element of commercial office space at the ground floor level and PBSA above. The large-scale buildings would be set back from the road and constructed with a staggered built frontage with double height arched colonnades at ground floor within the buildings fronting onto Walnut Tree Close. The external finish of the buildings would be predominantly constructed from red/brown brick with high levels of vertical glazing with horizontal brick banding, top floor brick detailing and a series of valleyed pitched tiled gabled roofs.
- Whilst the proposed buildings would be taller than the adjacent buildings at Compton House and Riverview, the overall height and bulk of the building has been reduced during the pre-application and planning application process. The scale and massing of the proposed five and six storey buildings would be seen in the context of the current varied architectural styles around the proposed buildings and in the surrounding area, including the modern large scale residential apartments and PBSA on the opposite side of the road and further to the south-west and south of the site. Given this context, to my mind, the development would not be unsympathetic to the streetscene, nor would it appear out of place when taking into account the overall character of the area.
- Turning to the layout of the development. The layout of the development has been subject of a master planning process to look at the site and its relationship to the adjacent sites at Compton House and Riverview. Compton House is subject to a current planning application, that is yet to be determined, for a PBSA building of a similar scale to the appeal proposal. The appellant and landowners of the adjacent site, at Compton House presented in their evidence and at the hearing, that they worked constructively together through the master planning process to allow for the comprehensive redevelopment of the appeal site and the adjacent sites.
- The layout and design of the development shown on the amended plans, accords with the submitted master plan. Block A would be set back from the side western boundary of the adjacent Compton House and would be designed with oriel windows on the western elevation to mitigate overlooking. Blocks B and C would be separated, to reduce the massing of the buildings and built with a staggered built frontage to match the existing street pattern in the area.
- Against this backdrop, the scale, layout and design of the proposed development would not look out of place or excessive in relation to the existing and emerging built form of the adjacent properties. The design and layout of the proposed development, set back and staggered, together with the use of materials, fenestrations, landscaping and boundary treatment would ensure the proposal would sit relatively unobtrusively against the built form of the adjacent properties and would not have a significant impact on the character and appearance of the surrounding area.
- Consequently, I conclude that the proposed development would not have an unacceptable harmful effect on the character and appearance of the area, including the neighbouring Compton House site. It would not conflict with Policy D1 of the Local Plan and Policy G5 of the saved Guildford Local Plan 2003. These policies, amongst other things, seek to ensure that development proposals are of a high-quality design that respond to the distinctive local character, have regard to the local context and respect the scale, height, form, built layout, established street patterns and relationships with other buildings in the surrounding area. In addition, the proposal would accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design (paragraph 126) that are sympathetic to the local character (paragraph 130).

- For the reasons given above, I consider that collectively the scheme's benefits and other material considerations in this particular case, when set against the particular policy context, clearly outweigh the harm as result of the partial breach of Policy E3 of the Local Plan. There are no other policies within the development plan and Framework when read as a whole that indicate that the appeal proposal should be refused. Consequently, overall, in my view, the factors above provide the material considerations to grant planning permission other than in accordance with the development plan in this particular case.
- For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

4. Mr David Clarke (Merrow Lawn Tennis Club)

Merrow Lawn Tennis Club, Epsom Road, Guildford, GU4 7AA

21/P/00630 – The development proposed is described as the conversion of one outdoor grass tennis court to one outdoor porous asphalt tennis courts with the installation of LED floodlighting and associated works.

Officer Recommendation – To Refuse

Planning Committee 12 Jan 2022 – Refused

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issues are the character and appearances of the surrounding area, including the Area of Great Landscape Value (AGLV) in which it is located; and
- the living conditions of the occupiers of neighbouring dwellings with regard to noise and light spill.
- The appeal site is an area of land to the south of the existing tennis courts and club house at Merrow Lawn Tennis Club and adjacent to a large building used as a gym. The appeal site is located within an AGLV, specifically classified by the Council in the officer's report as the rural-urban fringe character area and is between housing development to the east and more open and rural land to the west. The land is open and undeveloped; however it is relatively self-contained between the existing tennis club, the gym and a large hedge separating it from the garden of a neighbouring property. Therefore, the appeal site currently has a neutral effect on the landscape character of the AGLV.
- The proposed tennis court, at ground level only, would not significantly alter the overall appearance of the appeal site and the proposed fencing surrounding it would be a modest structure with a limited bulk. This would have limited visibility from the public realm due to its height and the enclosed nature of the site. Therefore, the presence of a tennis court and the fencing surrounding it would not harm the open character of the site or alter the perceived visual separation between the existing tennis courts and the area to the south of the tennis club in the AGLV.
- The proposed floodlights would be greater in height than the existing hedge on the boundary of the appeal site. Therefore, they would be visible from surrounding properties and some other vantage points. However, set against the backdrop of the gym building, they would not appear as overly large or dominant additions to the site and would be in keeping with the existing floodlights currently used on the adjacent tennis courts. Their slender structure and limited bulk would ensure that the open nature of the site is retained.
- As such the proposed tennis court, fencing and floodlights would not conflict with the rural landscape character of the local environment or the distinctive open character of the AGLV.
- Due to the location of the appeal site on the edge of an urban area, adjacent to a number of residential properties and other lit tennis courts, I am not persuaded that the area currently benefits from dark skies which contribute positively to the character and appearance of the area. Particularly due to the close proximity of a large park and ride facility, which would be well lit during the evening. Therefore, the presence of a small amount of additional

floodlighting on the proposed tennis court would not fail to conserve any existing dark skies.

- Reference has been made by third parties to a boundary review of the Surrey Hills Area of Outstanding Natural Beauty (AONB), with recommendations that this designation should include the golf course adjacent to the appeal site. However, as the boundary review has not been finalised, I do not afford it any weight in my consideration of this appeal.
- In conclusion, I find that the proposed development would not harm the character and appearance of the surrounding area or the AGLV in which it is located. It would therefore comply with Policies P1 and D1 of the Guildford borough Local Plan: strategy and sites 2015-2034 (the 2019 LP) and Policies R6 and G1(8) of the Guildford Borough Local Plan (the 2003 LP). These policies collectively seek to ensure that development proposals would not harm the distinctive character of the AGLV and minimise the glare and spillage of light from external lighting, with planning permission granted for the increased use of recreational facilities where the visual impact is acceptable. The proposed development would also accord with the general design objectives of the National Planning Policy Framework.
- The proposed tennis court would be located adjacent to the rear garden of 3 Abbot's Way, separated by an existing hedge on the boundary. The proposed floodlights would be visible above this hedge. The lighting design document, submitted as part of the application, outlines the design of the proposed floodlights. This indicates that the proposed lighting scheme is acceptable against the guidance set by the Institution of Lighting Professionals (ILP) when assessing nuisance.
- The lighting design document also shows that light spill would occur in the garden of No.3. However, I consider that the level of luminance would be minimal on the edge of an urban area in which the neighbouring property is located. Particularly when viewed against other sources of light in the area, such as the lighting from neighbouring properties and the floodlights on the existing tennis courts. It is also noted that the lighting design document includes details of a deflector to reduce the level of light spill experienced by neighbouring properties. This has been secured by a condition requiring compliance with the lighting design document.
- Furthermore, due to the position of the proposed tennis court, this light spill would only effect parts of the rear garden of No.3 and would not extend to the dwelling itself during the hours of darkness. Therefore, it would have little impact on the occupiers of this property when inside their dwelling during the evening. A condition has been included to ensure that the floodlights are turned off at a suitable time to ensure any light spill would not impact the occupiers of No.3 during the night, when additional lighting may be more perceptible and disturbing. Due to their distances from the appeal site, no other residential properties in the surrounding area would be unacceptably effected by light spill from the proposed floodlights.
- Reference is made by the Council in relation to ongoing issues at the tennis club, highlighted a complaint concerning the compliance of conditions and mitigation measures associated with the flood lighting scheme approved in 2011 for the adjacent tennis courts. No evidence has been provided to demonstrate this. Nevertheless, concerns in relation to the conduct of the tennis club and the impact of other developments are a matter for the Council outside of this appeal.
- The proposed tennis court would clearly result in some additional noise from people using the court and the tennis ball hitting the racket and the surface of the court during play. However, the increased intensity from a single tennis court would be limited and the proposed artificial grass surface would help to reduce the levels of noise experienced when compared to an asphalt court. Any noise generated would not be significantly greater than the noise generated from the existing tennis courts, people using the club house or people using the other sport facilities within this area, including the noise of vehicles travelling to

and from the site. Furthermore, there is no compelling evidence that the reflection of noise from the wall of the gym building would significantly exacerbate the issue.

- The use of the tennis court would be restricted to daytime hours, in line with the existing opening hours of the tennis club, and the hours where the floodlights are permitted to be illuminated. Therefore, any noise generated from the proposed development would not be during restricted hours when any noise may be less permissible.
- Consequently, the proposed development would not harm the living conditions of the occupiers of neighbouring dwellings and would accord with Policy G1(3) of the 2003 LP. This policy seeks to ensure that the amenities enjoyed by occupants of buildings are protected from neighbourly development, including noise. The proposed would also accord with the National Planning Policy Framework insofar as it seeks to protect the living conditions of the occupiers of neighbouring dwellings.
- The proposed development would not harm the character and appearance of the surrounding area, including the AGLV, or the living conditions of the occupiers of neighbouring dwellings in relation to light spill and noise. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

5. Mr Richard Rivers

St Martha's Prior, Halfpenny Lane, Chilworth, Guildford, GU4 8PZ

21/P/00887 – The development for which a certificate of lawful use or development is sought is described as “two sheds are lawful having been substantially completed more than four years before the date of this application”.

Delegated Decision – To Refuse

Decision – APPROVED

Summary of Inspector's Conclusions:

- The main issue is whether the Council's decision not to grant an LDC was well founded.
- Section 55(1) to the 1990 Act says that the word '*development*' means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. The concept of a material change of use is not defined in statute or statutory instrument. The basic approach is that, for a material change of use to have occurred, there must be some significant difference in the character of the activities from what has gone on previously as a matter of fact and degree. In cases where there is a dispute as to whether a material change of use has occurred, it is first necessary to establish the correct planning unit and the present and previous primary use. The planning unit is usually the unit of occupation, unless a smaller area can be identified which is physically separate and distinct and occupied for different and unrelated purposes.
- The planning unit in this case equates to the house, St Martha's Priory, and its associated grounds. The sheds have been erected within the grounds and are used for domestic storage. There is no evidence that their use is unconnected with the residential occupation of the premises, which would indicate a separate planning unit had been created, nor that a different primary use has been introduced into the same planning unit resulting in a mixed use. The Council argues that the sheds are sited outside of the curtilage, but curtilage must not be confused with the planning unit or with a use of land. The two will sometimes cover the same area but that will not always be the case.
- On the other hand, the appellant maintains that the sheds should be considered to be operational development. Section 55(1A) says that for the purposes of the Act '*building operations*' includes (a) demolition of buildings (b) rebuilding (c) structural alterations of or

additions to buildings and (d) other operations normally undertaken by a person carrying on business as a builder. The erection of an entirely new building is not specifically mentioned; however, it falls within the definition as work normally undertaken by a person carrying on business as a builder.

- I saw the sheds are solid and sound structures of a rectangular form with pitches roofs. They are constructed from timber, with felt roofs, and appear to be sited on compacted earth. One shed has a tap attached to it, which is connected to a water supply. Given the manner and nature of the work involved in the erection of the structures, and their physical construction and size, their siting required an element of pre-planning and necessitated erection in accordance with a specific end use in mind. I consider that the sheds amounted to operational development because the works involved the carrying out of building operations, which resulted in entirely new buildings.
- For completeness, I have also considered whether the sheds should be considered to be buildings. Section 336(1) of the 1990 Act includes in the definition of the word *'building'* any structure or erection, and any part of a building, as so defined. This description has been interpreted by the Courts to include structures which would not ordinarily be described as buildings. In *Cardiff Rating Authority*¹, which was endorsed by the Court of Appeal in *Skerritts*, three primary factors were identified as decisive of what was a *'building'* and these are as follows: (a) that it was of a size to be constructed on site, as opposed to being brought on to the site, (b) permanence, (c) physical attachment. No one factor is decisive.
- Although the sheds are sizeable, it is possible that they were brought on to site fully constructed. Nonetheless, there is no evidence that the sheds have moved since they were first sited, and they seem to be permanently located. Although there is no physical attachment to the ground, other than the water supply, the structures are immobile by their own weight. On the particular circumstances of this case, they can reasonably be described as structures that fall within the definition of the word *'building'* in s336(1).
- I have found that the sheds are operational development for the purposes of Section 55(1) of the 1990 Act. Therefore, the relevant time period to gain immunity is four years beginning with the date on which the operations were substantially completed. There is no dispute that the sheds have been substantially completed for more than four years. They are, thus, lawful according to Section 191(2) since no enforcement action may be taken in respect of them due to the passage of time.
- For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of two sheds was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

6. Mr A Schaale

Meadow Platt, Ranmore Common, Dorking, RH5 6SX

21/P/00864 – The development proposed is a replacement ancillary outbuilding.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
- the effect on the openness of the Green Belt; and

- would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other consideration so as to amount to the very special circumstances required to justify the proposal.
- The appeal site, containing a single storey dwelling with a number of outbuildings, is located in a rural area within the Green Belt. The proposed outbuilding would replace the three existing outbuildings to the front of the dwelling and would be used as a garage and for storage.
- Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy P2 of the Guildford Borough Local Plan: strategy and sites 2015-2034 (the LP) 2019 also indicates that development within the Green Belt will not be permitted subject to the list of exceptions identified by the Framework. The policy is therefore generally consistent with the Framework's approach.
- Whilst the proposed building would be in the same use as the buildings it would replace, the figures provided by the Council indicate that the replacement building would be larger in both height and depth than any of the existing buildings to be demolished. The proposed building would also have a larger floor area and volume than the existing buildings combined. The appellant does not contest these figures.
- Whilst the Framework does not specifically define the term 'materially larger', from the figures provided it is evident that the replacement building would be larger in scale and massing than the buildings it would replace. The proposed building would have a smaller width when compared to the existing stable building and would consolidate three separate outbuildings into one. However, this would not sufficiently offset the increase in height, depth, floorspace and volume and the replacement building as a whole would still be larger.
- Consequently, as the proposed building would be materially larger than the one it replaces, it would not fall under the exception in paragraph 149 (d) of the Framework relating to replacement buildings. The appellant contends that the proposal would not contravene the purposes of designating land as Green Belt as defined in paragraph 138 of the Framework. Nevertheless, this does not negate the requirements within paragraph 149 of the Framework relating to the construction of new buildings.
- The proposal would therefore be inappropriate development within the Green Belt. This would be harmful to the Green Belt, which in accordance with paragraph 148 of the Framework, should be given substantial weight.
- In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
- Due to the location of the appeal site, the proposed development would have limited views from the public realm. It would also be set further back into the appeal site than the existing buildings with any views from the driveway largely blocked by the existing chalk bank and the well-established trees surrounding it. Therefore, the proposed development would not impact the visual openness of the Green Belt.
- Although consolidating three buildings into one would reduce the sprawl of development on the appeal site, the proposed building would be materially larger than the buildings to be replaced. This would result in an increase of built form on the appeal site with a greater floorspace and volume than the existing buildings combined. As such, there would be a spatial impact on the openness of the Green Belt, in that it would be reduced.
- The Framework makes it clear in paragraph 148 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the

Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

- The proposal would be inappropriate development in the Green Belt in that it would result in a replacement building materially larger than the existing buildings to be replaced. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
- I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy P2 of the LP which seeks to protect the Green Belt, along with paragraphs 147, 148 and 149 of the Framework.
- Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

7. Ms Nicky Kumar

Tamney, Wonham Way, Peaslake, GU5 9PA

21/P/02481 – The development proposed is demolition of single storey rear and side extensions and erection of rear extension.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
- the effect on the openness of the Green Belt; and
- would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other consideration so as to amount to the very special circumstances required to justify the proposal.
- The appeal site, containing a two-storey detached dwelling, is located in a residential area within the Green Belt. The existing dwelling has undergone a number of previous extensions to enlarge the original building. The proposed development would replace existing single storey side and rear projections with a new single storey rear extension.
- Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy P2 of the Guildford borough Local Plan: strategy and sites 2015-2034 (the LP) 2019 also indicates that development within the Green Belt will not be permitted subject to the list of exceptions identified by the Framework. The policy is therefore generally consistent with the Framework's approach.
- The Council has provided figures showing that the proposed development would result in an increase in the original floorspace of the dwelling by 52.75%, when combined with previous extensions. A plan provided by the appellant similarly shows that the floorspace would be increased by 51.5% from the original dwelling as it was in 1948. Although Policy P2 of the LP or the Framework does not specifically define what would constitute a proportionate extension, these figures demonstrate that the cumulative size of the existing extensions and the proposed development would be significantly larger than that of the original dwelling.
- Not only would the proposal and the existing extensions result in a building which has a substantially larger floorspace than the original dwelling, it would result in significantly more built form on the appeal site when compared to the original building. Furthermore, although

only single storey in nature, the proposal would give rise to a substantial increase in the bulk and massing of built form to the side and rear of the property, which could not be considered proportionate in size to the original building.

- Consequently, the proposed extension along with previous extensions would result in a level of built form on the site which is disproportionate in size to the original building. It would therefore not fall under the exception in paragraph 149 (c) of the Framework, relating to the extension or alteration of a building. The proposal would therefore be inappropriate development within the Green Belt. This would be harmful to the Green Belt, which in accordance with paragraph 148 of the Framework, should be given substantial weight.
- In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
- The proposed extension would be located to the rear of the dwelling. Although the appeal site is located on a corner plot, due to its single storey nature, it would have limited visibility from the road. As such, the proposal would not erode the visual openness of the site. However, the proposed extension would be larger than what it is replacing and would introduce additional built form on the appeal site, with a greater floorspace and overall massing than the current dwelling. Due to this, the proposal would have a spatial impact on the openness of the Green Belt. Therefore, although there is no visual impact, the proposed development would have a spatial impact on the openness of the Green Belt, in that it would be reduced.
- The Framework makes it clear in paragraph 148 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, or any other harm, is clearly outweighed by other considerations, which will be considered below.
- The proposal would be inappropriate development in the Green Belt in that it would result in disproportionate additions over and above the size of the original building. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
- I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy P2 of the LP which seeks to protect the Green Belt, along with paragraphs 147, 148 and 149 of the Framework.
- Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

8. Ms Clare Dyer

Cheynes Cottage, Brook Lane, Albury, GU5 9DH

21/P/01288 – The development proposed is the erection of car port/store.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies; and

- would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
- The appeal site, occupied by a detached dwelling with a large front garden that includes a driveway at the entrance, is located within a rural location in the Green Belt. It is surrounded by a number of other residential properties.
- Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. In paragraph 149 (g) these exceptions include limited infilling or the partial or complete redevelopment of previously development land, which would not have a greater impact on the openness of the Green Belt than the existing development. The appellant has stated that the proposal would partially infill a gap between neighbouring garages and a small corner of the front garden, and the appeal site is previously developed land. Therefore, they contend that the proposal would fall under this exception.
- Policy P2 of the Guildford borough Local Plan: strategy and sites 2015-2034 (the LP) 2019 similarly states that the construction of new buildings in the Green Belt will constitute inappropriate development, unless the buildings fall within the list of exceptions identified by the Framework. This Policy is therefore generally consistent with the Framework's approach.
- In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
- Although there are a number of similarly sized outbuildings within the neighbouring sites, there are no existing buildings within the front garden of the appeal site at present. Therefore, the addition of a new building would have a significant spatial impact on the openness of the Green Belt due to the increase in built form. In addition, although partially obscured by the existing hedging, the proposal would be highly visible from Brook Lane via the access to the appeal site. As such, the proposed building would also visually reduce the openness of the Green Belt. Therefore, there would be both a greater spatial and visual impact on the openness of the Green Belt from the proposed development when compared to the existing development on the appeal site.
- Previously developed land is described in the Framework as land which is or was occupied by a permanent structure including the curtilage of the development land and any associated fixed surface infrastructure. There is no definition of limited infilling within the Framework, however Policy P2 of the LP identifies settlements and villages where limited infilling may be appropriate. Nevertheless, even if the land is previously developed as defined by the Framework and could be considered as limited infilling, the proposal could not be an exception under paragraph 149 (g) due to the scheme's greater impact on the openness of the Green Belt.
- Similarly, due to greater impact on the openness of the Green Belt, the proposal would also not accord with Policy P2(3) of the LP. This states that certain other forms of development are also considered not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- The proposal would therefore be inappropriate development within the Green Belt. This would be harmful to the Green Belt which, in accordance with paragraph 148 of the Framework, should be given substantial weight. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

- The proposal would be inappropriate development in the Green Belt, in that it would not fall under any of the exceptions listed within paragraph 149 of the Framework. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
- I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy P2 of the LP and paragraphs 147, 148 and 149 of the Framework.
- Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

9. Mr and Mrs Lonie

Woodlands, The Warren, East Horsley, KT24 5RH

21/P/00646 – The development proposed is the erection of a replacement dwelling together with alterations to parking and vehicular access arrangements (revision of 20/P/00952)

Officer's Recommendation – To Refuse

Planning Committee 12 January 2022 - Refused

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
- the effect on the openness of the Green Belt; and
- would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other consideration so as to amount to the very special circumstances required to justify the proposal.
- The appeal site, containing a two-storey detached dwelling, is located in a residential area within the Green Belt. The proposed development is for a replacement dwelling in a similar position on the appeal site to the existing building.
- Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy P2 of the Guildford Borough Local Plan: strategy and sites 2015-2034 (the LP) 2019 also indicates that development within the Green Belt will not be permitted subject to the list of exceptions identified by the Framework. The policy is therefore generally consistent with the Framework's approach.
- The proposed building would be in the same use as the building it would replace, as a residential dwelling. However, the figures provided by both the Council and the appellant indicate that the replacement dwelling would have a greater height, floor area and volume than the existing dwelling. The Framework and Policy P2 of the LP do not specifically define the term 'materially larger'. Nevertheless, from the figures provided it is evident that the replacement dwelling would be larger in scale than the building it would replace.
- It is noted that single storey additions have recently been added to the existing property, under permitted development rights, in the form of two open sided wood framed structures to the rear and the side of the dwelling. The Council considers these should be given limited weight due to their open nature. However, even if these structures were to be taken into account as part of the existing dwelling, the proposed dwelling would still be larger in scale.

- The width and depth of the proposed replacement dwelling would be smaller than the existing dwelling, resulting in a smaller overall footprint. However, due to the increase in height and volume, the building would appear greater in bulk and massing than the existing dwelling, particularly at first floor level.
- Consequently, as the proposed building would be materially larger than the one it replaces, it would not fall under the exception in paragraph 149 (d) of the Framework relating to replacement buildings. The proposal would therefore be inappropriate development within the Green Belt.
- In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
- As the replacement building would be larger in scale and mass than the one it replaces, it would introduce additional built form to the appeal site. Therefore, the proposal would have some spatial impact on the openness of the Green Belt. In addition, although the replacement dwelling would be set well back from the road, it would still be highly visible from the public realm. As such, the proposed increase in height and mass of the dwelling would further erode the visual openness of the site when compared to the existing dwelling. Therefore, the proposed development would have both an adverse spatial and visual impact on the openness of the Green Belt, in that it would be reduced.
- The Framework makes it clear in paragraph 148 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.
- The proposal would be inappropriate development in the Green Belt in that it would result in a replacement building materially larger than the existing building to be replaced. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
- I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy P2 of the LP which seeks to protect the Green Belt, along with paragraphs 147, 148 and 149 of the Framework.
- Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

10. Mr G Ahmad

54 Poyle Road, Tongham, GU10 1DU

21/P/01967 – The development proposed is the construction of 2x semi-detached dwellings.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issues are the character and appearance of the area;
- the living conditions of future occupants, with particular regard to the amount of internal space, outlook and light; and
- the integrity of the Thames Basin Heaths Special Protection Area.
- The appeal site appears to have previously been part of the garden space relating to 54 Poyle Road, which forms part of the section of Poyle Road at the entrance of The Cardinals. Given this, and that the road begins to bend at this point, the appeal site reads as forming

part of the houses relating to the entrance of The Cardinals. The proposed semi-detached dwellings would also have a similar scale, form and design and would use similar materials to these houses, which would strengthen their connection with this section of Poyle Road.

- Most of the houses relating to the entrance of the Cardinals do not have any formal on-plot parking areas. Where there is on-plot parking to the front of these houses, the arrangements consist of single or tandem spaces that serve individual properties and maintain an open area of lawn. The houses are set back relatively far from the highway and there is very limited landscaping or upright boundary treatments in the front gardens. This creates an open and green character. The proposed shared parking area would therefore appear incongruous in the street-scene. With up to 6 vehicles parked in a group, it would be vehicle dominant, which would harm the open character of this section of Poyle Road. While the proposed trees and vegetation would help screen the vehicles, it would also exacerbate the harm to the open character.
- I appreciate that the proposed parking arrangement, specifically the landscaping, seeks to overcome the reasons for refusal relating to a previous application. However, while it may address previous concerns and provide a safe parking layout and access, I have found it would harm the character and appearance of the area.
- For the reasons above, the proposal would harm the character and appearance of the area. It would therefore conflict with Policies D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) (The Local Plan), Policies G5 and H4 of the saved Local Plan (2003) and the Residential Design Guide (2004). These seek to ensure all new development achieves high quality design that responds to local character. It would also conflict with the aims of the National Planning Policy Framework (the Framework) and the advice set out in the National Design Guide to create high quality, beautiful and sustainable buildings and places that are sympathetic to local character.
- Whether or not the bonus room would be used as a bedroom, the proposed semi-detached dwellings would fail to meet the technical housing standards – nationally described space standard (2015) (referred hereon as the space standards). I understand that the bedroom labelled as Bed 3 on the submitted plans, would only have a width of 2 metres, whereas the technical requirements of the space standards require that in order to provide one bedspace, a single bedroom is at least 2.75m wide. The space standard also requires built-in storage space to be provided yet none is shown on the submitted plans. The space standards have been put in place to ensure adequate living space, including storage space, is provided for future occupants. The failure of the proposal to meet these standards would therefore result in an unacceptable living environment for future occupants.
- It may be possible to address the lack of built-in storage concerns by amending the internal layout without impacting on the size, bulk, and appearance of the proposal. However, there are no plans before me demonstrating how this would be achieved. I must determine the appeal based on the proposal before me and have found that the absence of any built-in storage would result in an unacceptable living environment for future occupants.
- The site plan shows that there would be some planting close to the front of the proposed dwellings and the elevations show this planting to frame the ground floor window serving the living room. There are no details before me that set out the size and species of the plants proposed. Locating planting close to the front elevation of a dwelling, including under windows, is a fairly typical arrangement, and an outlook of planting and parked cars is not uncommon from the ground floor of a residential property. There would also be sufficient space between the proposed dwellings and the parking area that the parked cars would not be overbearing. A condition could be imposed to secure a landscaping scheme comprising plants of a size and species that would limit any encroachment of the living room windows and therefore maintain the light received. For these reasons, I do not consider that the

proposal would result in an unacceptable living environment for future occupants in this regard.

- Although I have found the proposed parking arrangement and landscaping would not detrimentally effect outlook or light, the shortcomings of the proposal to meet the space standards would result in an unacceptable living environment for future occupants. It would conflict with Policies H1 and D1 of the Local Plan, which seek, amongst other things, to ensure that all new residential development conforms to the space standards. It would also conflict with the aims of the Framework to create places with a high standard of amenity for future users.
- The appeal site is located within 5kms of the Thames Basin Heath Special Protection Area (TBHSPA), and the Council have advised that the proposed development may adversely impact the TBHSPA due to the net increase in residential units on the site. To avoid any adverse impact, I understand that the Council's adopted TBHSPA Avoidance Strategy 2017 requires a SANG contribution and an Access Management (SAMM) contribution in line with the tariff within its annual updating of off-site contributions document.
- There is no S106 Legal Agreement before me to secure these required contributions. Nevertheless, given I am dismissing the appeal due to the harm of the proposal on the character and appearance of the area and living conditions of future occupants, no pathways to significant likely effects on the TBHSPA would arise from my decision. I, therefore, do not need to consider this issue any further.
- The proposal would conflict with the development plan, read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

11. Mr Thomas Bruder

81 Lime Grove, Guildford, GU1 1PQ

21/P/02328 – The development proposed is described as the erection of timber framed lean-to with semi-transparent polycarbonate side panel and roofing, erected on existing driveway to provide protection and for accessing mobility scooter (retrospective application).

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue in this appeal is the effect of the development on the character and appearance of this property and the area.
- The appeal relates to this semi-detached house, which is located in a residential area of similar houses. The houses are set behind front gardens and most have an area for car parking within the frontage.
- The house has a single-storey element at the side, which is set back from the frontage of the house and this is matched by a similar feature on the neighbouring property. The majority of the houses in the area also have a similar feature although some have evidently been modified.
- The development which is the subject of this appeal has been erected in front of this recessed side part of the house and is set back from the main, 2 storey front elevation of the house. The structure has a timber frame and consists of plastic sheeting to the side and for the roof. It provides shelter for a mobility scooter.
- Although it is set within this recessed area between the 2 houses, the structure appears as an obvious addition to the area. The use of non-matching materials and its rather makeshift

appearance mean that it fails to harmonise with the existing house and add to its unacceptable visual effects. In my judgement, it is a prominent and obtrusive feature, which has a negative effect on the house and the area.

- Policy H8 of the Guildford Borough Local Plan 2003 (LP) states, amongst other things, that planning permission to extend dwellings in the urban areas will be granted provided that the development: 1. Has no adverse effect on the scale and character of the dwelling; 2. Has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to sunlight and daylight; 3. Has no unacceptable effect on the existing context and character of the adjacent buildings and immediate surroundings. Policy G5 includes a requirement that new buildings should respect the scale, height and proportions and materials of the surrounding environment. Policy D1 of the Local Plan Strategy and Sites (adopted 2019) refers to the need for new development to achieve a high quality of design. Having taken account of these requirements, I consider that the development which has been undertaken, fails to perform positively and has a harmful, negative effect on the surrounding area.
- I have taken account of the fact that the development has been constructed to shelter a mobility scooter at the property. However, the need for such provision is outweighed by the negative effects of the proposal, that I have set out above. As a consequence, the appeal is dismissed.

12. Mr and Mrs Colin and Kathy Dry

Anchusa Cottage, Lawbrook Lane, Peaslake, GU5 9QW

21/P/02390 – The development proposed is single storey rear extension and alterations to side extension roof to form front and back porches.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt;
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
- The National Planning Policy Framework July 2021 (the Framework) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 of the Framework.
- Of relevance to this appeal is that 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building' is listed as an exception at paragraph 149c.
- The original building had a floorspace of 91sqm and was a two-storey cottage. Subsequent extensions including a single storey side extension and two storey rear extension have been added. This results in existing floorspace of around 145sqm.

- It is put to me that the proposed single storey rear addition would increase the floorspace by a further 11sqm and the covered porches to the front and rear would have a 6sqm footprint. Even excluding the covered porches, this represents an approximate 70% increase from the original floor area. Furthermore, although it does not add floorspace the increase in height of the single storey side extension through the introduction of a pitched roof would also increase the size of the property.
- There is no policy to define the extent of what should be considered to be disproportionate. Nevertheless, the extensions would result in a considerable increase in the size of the original building with the proposed development introducing notable additional massing at ground floor. Therefore, the proposed development would result in a disproportionate addition over and above the size of the original building.
- Consequently, for the reasons described above, the appeal scheme is inappropriate development in the Green Belt both in the terms of the Framework, the aims of which are set out above and Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (2019) (Local Plan) which broadly echoes these requirements. Openness has both spatial and visual dimensions. Together the increased height to the existing side extension and the single storey rear extension would introduce development where currently there is none, and therefore there would be harm to spatial openness. The extensions are likely to be visible from the adjoining properties and nearby public bridleway. Therefore, in terms of visual intrusion, the proposed development would have a greater impact on the openness of the Green Belt than existing.
- Consequently, for the reasons above, the proposed development would be harmful to the openness of the Green Belt. Therefore, it would be contrary to the Framework and Policy P2 of the Local Plan.
- The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and effect on openness.
- The considerations advanced by the appellant include an improvement to character and appearance and I afford great weight to conserving and enhancing landscape and scenic beauty in the AONB. Nevertheless, due to the scale of the development the benefits in this regard are limited. Therefore, the other considerations in this case, even when considered together, do not clearly outweigh the harm that I have identified.
- The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with paragraph 148 of the Framework and Policy P2 of the Local Plan, the aims of which are set out above.
- The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

13. Mr and Mrs Paul Mills

1 Poyle Corner Cottages, White Lane, Tongham, Surrey, GU10 1BT

22/P/00581 – The development proposed is for the demolition of existing concrete flat roof double garage and adjacent greenhouse, and construction of new pitched roof double carport structure incorporating accommodation in pitched roof space.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue is the effect of the appeal proposal upon the character and

appearance of the surrounding countryside and its impact upon the setting of the pair of locally listed buildings.

- The appeal site comprises one half of a pair of striking two and a half storey, ornate red brick, semi-detached houses in a prominent location at the junction of White Lane with Poyle Road.
- The Council's Conservation Officer stipulates that, along with no 2, 1 Poyles Corner Cottage is a locally listed building due to their historic construction date, vernacular materials, characterful decorative appearance and largely unaltered traditional form; consequently they are considered to be non-designated heritage assets to which I agree.
- The proposal seeks planning permission to replace the existing concrete panel double garage. The replacement would comprise a rather top-heavy one and a half storey cartlodge building, with a pair of dormer windows that would create an uncomfortable visual duality. I therefore consider that the design of the subject building would render it as bulky in its appearance and would have a detrimental impact upon the setting of the locally listed buildings, as well as the surrounding countryside which is also designated as an Area of Great Landscape Value (AGLV). This latter element has not been included within the Council's reasons for refusal, however.
- I understand the appellants' frustration at the manner at which the Council determined the planning application; although these do not affect the substance of the case before me. I note that the appellants were willing to try a re-design and it is unfortunate that there has not until recently been a pre-application advice service offered by the Council.
- The proposal constitutes a revision to an earlier planning application that was refused, and a number of changes were made, including a reduction of the footprint of the proposed building from that previously proposed: the removal of a large dormer on the western elevation and a reduction in the roof pitch. Nonetheless whilst I acknowledge that materials were retained as appropriate for a 'barn-like' outbuilding, the dormers in particular give it an unduly domestic appearance. Furthermore, by virtue of its overall scale and design in such a prominent location, the scheme would appear as an unduly dominant, unsympathetic and incongruous form of development, out of keeping with the setting of the non-designated heritage assets and the surrounding countryside.
- I note references to new infill dwellings and large extensions that have been permitted locally, however I have been provided with no information on these, nor on new housing estates being proposed, but ultimately each case must be assessed on its own merits. I also have to acknowledge that Permitted Development rights could allow other outbuildings to be constructed within the relevant parameters, however that is not a determining factor in this appeal.
- Therefore I consider that the proposal would give rise to demonstrable harm to the setting of non-designated heritage assets and to the character of the surrounding countryside, contrary to Policies D1, D3 and P3 of the Guildford Borough Local Plan: Strategy and Sites (2019) and Policy G5 of the Guildford Borough Local Plan 2003, which together require all new developments to achieve high quality design that responds to distinctive local character (including landscape character) of the area in which it is set, having regard to the Council's Design Code which, amongst other things, relates to scale, proportion and form of new buildings and architectural detailing, whilst stipulating that the historic environment will be conserved and enhanced in a manner appropriate to its significance.
- Having regard to the above and all other matters raised by the appellants, I conclude that the appeal be dismissed.