

PLANNING COMMITTEE

13 SEPTEMBER 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)

<p>1.</p>	<p>Mr & Mrs Arvind & Deepika Bawa 9 Longmead, Guildford, GU1 2HN</p> <p>22/P/02128 – The development proposed is a single storey front extension, garage conversion, first floor side extension, part single and part two storey rear extension & fenestration changes to the external appearance.</p> <p>Delegated Decision: To Refuse</p> <p>Inspector’s Main Issues: The main issue is the effect of the proposal on the character and appearance of the host property and the locality.</p> <p>Please view the decision letter on the planning portal for further info.</p>	<p>*ALLOWED</p>
<p>2.</p>	<p>Mr M Hawksworth 30 The Street, Tongham, Surrey, GU10 1DH</p> <p>22/P/01913 – The development proposed is first and second floor side extension over car port.</p> <p>Delegated Decision: To Refuse</p> <p>Inspector’s Main Issues: The main issue is the effect of the proposal on the living conditions of the occupiers of No.28 The Street, with particular</p>	<p>*ALLOWED</p>

	<p>regard to outlook and light.</p> <p>Please view the decision letter on the planning portal for further info.</p>	
3.	<p>Bellway Homes (South London) Ltd Orchard Farm, Harpers Road, Ash, Surrey, GU12 6DB</p> <p>22/P/01083 – The development proposed is the erection of 51 dwellings with associated open space, landscaping and parking.</p> <p>Planning Committee – 26 April 2023 Decision – To Refuse Officer’s Recommendation – To Approve</p> <p>Inspector’s Main Issues: The appeal was made against the failure of the Local Planning Authority (LPA) to give notice of its decision on the planning application within the prescribed period. The LPA subsequently resolved that planning permission would have been refused because the proposal would reduce highway safety on Harpers Road, would not be in keeping with the character of the area, and in the absence of planning obligations there would be a likely significant effect on the Thames Basin Heaths Special Protection Area (SPA) and a failure to provide affordable housing and mitigate the effect on infrastructure.</p> <p>The planning agreement subsequently submitted contains obligations which address concerns relating to the SPA, affordable housing and infrastructure. Having regard to the submitted documentation and the representations received, I consider that the main issues in this appeal are:</p> <p>i) The effect of the proposed development on highway safety on Harpers Road. ii) The effect of the proposed development on the character and appearance of this part of Ash.</p> <p>Please view the decision letter on the planning portal for further info.</p>	*ALLOWED
4.	<p>Mr Daniel Jordan 67 Agraria Road, Guildford, GU2 4LG</p> <p>22/P/01511 – The development for which a certificate of lawful use or development is sought is a single storey rear extension.</p>	*ALLOWED

	<p>Delegated Decision: To Refuse</p> <p>Inspector’s Main Issues: Section 192(2) of the Town and Country Planning Act 1990 (1990 Act) indicates that if, on an application under that section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operation or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case shall refuse the application. My decision is therefore based on the facts of the case and judicial authority. For the avoidance of doubt, this means that the planning merits of the proposed development are not relevant to this appeal and the main issue is whether the Council’s decision to refuse to grant a Certificate of Lawful Use or Development (LDC) was well founded. In this respect, the burden of proof is on the appellant to show that, on the balance of probability, the development proposed would have been lawful on the date on which the application was made.</p> <p>Please view the decision letter on the planning portal for further info.</p>	
<p>5.</p>	<p>Mr Casper Koorts 26 Daryngton Drive, Guildford, Surrey, GU1 2QD</p> <p>22/P/01088 – The development proposed is demolish existing single storey rear extension, proposed part single, part two storey side and rear extensions, proposed loft conversion including side dormers.</p> <p>Delegated Decision: To Refuse</p> <p>Inspector’s Main Issues: I consider that the main issue in this case is its effect on the living conditions of neighbouring residents.</p> <p>Please view the decision letter on the planning portal for further info.</p>	<p>*ALLOWED</p>

<p>6.</p>	<p>Mr Graham Lee (TCPP Ltd) Summer Place, Pirbright Road, Normandy, GU3 2AQ</p> <p>Application for Costs: I am directed by the Secretary of State for Levelling Up, Housing and Communities (“the Secretary of State”) to decide your application for an award of costs, on behalf of the appellant, made on 28 April 2023 against Guildford Borough Council (“the Council”). The appeal was against the Council’s decision of 11 October 2022 to refuse a certificate of lawfulness (“LDC”) for the siting of an additional caravan. The appeal was withdrawn on 20 April 2023. The Council has not commented on the costs application.</p> <p>Please view the decision letter on the planning portal for further info.</p>	<p>*ALLOWED</p>
<p>7.</p>	<p>Mr James Gross (Orthodox Foundation of St. Michael) 86 The Mount, Guildford, GU2 4JB</p> <p>21/P/01496 – The development proposed is demolition of existing bungalow and garage, and the construction of a new 2 storey dwelling (with room in the roof) with basement level and associated external works.</p> <p>Planning Committee – 13 July 2022 Decision – To Refuse Officer’s Recommendation – To Refuse</p> <p>Inspector’s Main Issues: The main issues are the effect of the proposal on the living conditions of the occupiers of 84a The Mount with particular reference to outlook; and the effect of the proposal on the character and appearance of the area.</p> <p>Please view the decision letter on the planning portal for further info.</p>	<p>DISMISSED</p>
<p>8.</p>	<p>Mr Mark Woods Green Mead, Silkmore Lane, West Horsley, Leatherhead, KT24 6JQ</p> <p>23/P/00468– The development proposed is front and rear</p>	<p>DISMISSED</p>

	<p>extension, raising of the second storey to facilitate rooms in roof with front and rear dormers, new double storey feature entrance, small recessed balcony to the rear and change to fenestrations and elevation material.</p> <p>Delegated Decision: To Refuse</p> <p>Inspector's Main Issues: The main issue is the effect of the proposal on the character and appearance of the host property and the locality.</p> <p>Please view the decision letter on the planning portal for further info.</p>	
<p>9.</p>	<p>Mr B Hurst Bowline Cottage, Rad Lane, Peaslake GU5 9PB</p> <p>22/P/00191 – The development proposed is to demolish garage and car port and replace with a double garage and store.</p> <p>Delegated Decision: To Refuse</p> <p>Inspector's Main Issues: Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (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.</p> <p>Please view the decision letter on the planning portal for further info.</p>	<p>DISMISSED</p>
<p>10.</p>	<p>Mr Jon Wood Shepherds Hill Broadfield Road, Peaslake GU5 9TB</p> <p>22/P/00046 – The development proposed is a replacement external storage building.</p> <p>Delegated Decision: To Refuse</p>	<p>DISMISSED</p>

	<p>Inspector’s Main Issues: The main issues are:</p> <ul style="list-style-type: none"> • Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies. • The effect of the proposal on the character and appearance of the area, including the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). • If the proposal is inappropriate development, the effect on the openness of the Green Belt and 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. <p>Please view the decision letter on the planning portal for further info.</p>	
<p>11.</p>	<p>Mr P Cook of Wynngate, Guildford Ltd Chestnut Beech, 255 Guildford Road, Effingham KT24 5NP</p> <p>21/P/02646 – The development proposed is described as “Demolition of the existing building for the construction of a two storey building to the front of the site and a single storey building to the rear of the site comprising 5 No. x 1 bed flats with 5 car parking spaces and landscaping”.</p> <p>Delegated Decision: To Refuse</p> <p>Inspector’s Main Issues:</p> <p>i) whether the proposed development would provide satisfactory living conditions for the future occupiers of the flats with particular regard to access to amenity space for flats 2, 3 and 4; and</p> <p>ii) the effect of the proposed development upon the character and appearance of the area.</p> <p>(No copy of appeal document online)</p>	<p>DISMISSED</p>

<p>12.</p>	<p>Mr & Mrs Williams 16 Grove Heath North, Ripley, Surrey, GU23 6EN</p> <p>22/P/00945 – The development proposed is part demolition of the existing ground floor extension, demolition of existing conservatory and garage. New first floor over original bungalow, ground floor rear extension and alterations to the fenestration.</p> <p>Delegated Decision: To Refuse</p> <p>Inspector’s Main Issues: whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; the effect on the openness of the Green Belt; the effect on the character and appearance of the existing dwelling and wider area; and 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.</p> <p>Please view the decision letter on the planning portal for further info.</p>	<p>DISMISSED</p>
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