

## Planning Committee

5 January 2022

### 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](mailto:sophie.butcher@guildford.gov.uk))

1.	<p><b>Mr and Mrs Tatner 93 High View Road, Guildford, GU2 7RY</b></p> <p><b>21/P/00745</b> – The development proposed is the erection of two storey side and rear ext with rooms in the roof; raised rear patio with staircase to the garden following demolition of the existing storage outbuilding.</p> <p>Delegated Decision: To Refuse</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"><li>• The main issues are (i) the effect of the proposal on the streetscene of High View Road, and (ii) the effect on the living conditions for the occupiers of No. 94 High View Road as regards outlook and light.</li><li>• On the first issue, I saw on my visit that the appeal dwelling is one of a number of detached dwellings of a similar appearance set down from the north side of High View Road.</li><li>• Many of the houses, including No. 93, have had ground floor alterations and additions to their flanks.</li><li>• The appeal scheme is of a sympathetic design to the host dwelling and achieves subservience with the extension set down from the ridge and set back from the front at first floor level. A 1m gap or very slightly less would remain between the extension and the fence with No. 94, and there is also a gap of a similar width on the other side of the fence. The design of the modest ground floor projection at the front to accommodate a new entrance and larger hall would be acceptable and in my view would actually improve the appearance of the existing front elevation.</li><li>• Whilst the appeal proposal would to some extent erode the space between Nos. 93 and 94, the visual impact of additional built form in both this scheme and the other flank two-storey extensions is mitigated by the fact that the houses are set well back and at this point much lower than High View Road, with an even steeper land fall to their rear. When combined with the predominance of hipped roofs that slope away from the neighbouring property, this preserves a pleasingly open aspect on the north side of the road.</li><li>• Turning to the second main issue, the Council considers that by extending 3.5m beyond the rear of No. 94, the proposed extension would adversely affect the light and outlook currently available to that property. However, the grounds of appeal demonstrate that the</li></ul>	*ALLOWED
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	<p>extension would not in fact breach the 45 degree line as taken from the mid-point of the nearest window 1.5m from the nearest corner of No. 94.</p> <ul style="list-style-type: none"> <li>• Apart from this being acceptable for light under the Council's Residential Extensions and Alterations SPD 2018, it is normally also a reliable indicator that a proposed development would not unduly close down the existing outlook. In the event, this outlook from the affected window is currently restricted by an outbuilding which projects over 5m from the appeal dwelling, and because of the steep fall in the land is tantamount to being of a two-storey height. With the proposed removal of this building as part of the scheme, the outlook from the rear windows of No. 94 is likely to be improved.</li> <li>• The proposed side extension would to some extent reduce daylight to the flank windows of No. 94, but as these are non-habitable rooms with opaque glazing the loss of light is unlikely to have an adverse effect the living conditions for the occupiers. Finally, in respect of sunlight, the rear elevation of No. 94 faces north and both this part of the dwelling and the rear garden are at present unlikely to enjoy long hours of sunlight.</li> <li>• There would be some additional loss of sunlight to the rear of No. 94 from the reduction of the gap between the house and No. 93. Some loss would also occur because the proposed rear extension would increase the shadow from the setting sun on late summer afternoons and evenings. However, because of the north facing aspect the effect would be relatively limited.</li> <li>• Overall, I conclude that the appeal scheme would neither harm the streetscene of High View Road nor have an unacceptable effect on the living conditions for the occupiers of No. 94 High View Road as regards outlook and light. Accordingly, there would be no harmful conflict with Policy D1 of the Guildford Local Plan 2019; Policies G1, G5 &amp; G8 of the Guildford Local Plan 2003, and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2021.</li> <li>• In allowing the appeal, for the avoidance of doubt and in the interests of proper planning I shall impose a condition requiring the development to be carried out in accordance with the approved plans. A condition requiring the extension to be built using external materials to match the existing dwelling will safeguard visual amenity.</li> </ul>	
2.	<p><b>BLOCC Investments Ltd</b>  <b>Commercial Yard, Hereford Close, GUILDFORD GU2 9TA</b></p> <p><b>20/P/00585 –</b> The development proposed is the erection of a building containing 2 dwellings with bin and cycle stores.</p> <p>Planning Committee: 2 December 2020  Officers recommendation: To Approve  Committee Decision: To Refuse</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The site is within the zone of influence of the SPA and protected under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Although not forming part of the Council's reasons for refusal, it is incumbent upon me as competent authority to consider whether the proposal would be likely to have a</li> </ul>	<b>*ALLOWED</b>

	<p>significant effect on the integrity of the protected site. It is necessary to consider this matter as a main issue.</p> <ul style="list-style-type: none"> <li>• In light of the above, the main issues are:</li> <li>• The effect of the proposed development on the character and appearance of the area,</li> <li>• The effect of the proposal on the living conditions of future occupiers with particular respect to the provision of external amenity area, and</li> <li>• Whether the proposal would have a significant effect on the integrity of the SPA.</li> <li>• Hereford Close is a short cul-de-sac consisting of semi-detached housing. The dwellings are set close to the highway and create a close-knit and strong sense of enclosure. The appeal site is a small pocket of unused land at the head of the road. It is behind a fence and consists of largely self-seeded planting. The site therefore makes a neutral contribution to the character and appearance of the area.</li> <li>• The proposed dwellings would stand at the head of the cul-de-sac. The main two-storey element would be partially offset from the centre, affording views through the site to open space and buildings beyond. The proposed building would include pitched roofs and have single-storey and two-storey elements. These components would disaggregate the overall mass of the building to reduce its prominence. The use of brick and render would complement the materials found in local built form. Also, the proposal's two-storey bay window and overall traditional design would add an attractive and interesting addition to the street.</li> <li>• The proposal would occupy the majority of the site, with only small pockets of external space provided to the front of the building in three areas. However, the building would be set away from the highway, beyond the turning circle and frontages of 5 and 6 Hereford Close (No's 5 and 6). As a result, the proposal would be set back further from the highway than existing development. The proposal would also be lower than these neighbouring dwellings and would be partially screened by landscaping. For these reasons the proposed dwellings would not be obtrusive in the street scene.</li> <li>• Furthermore, whilst having limited gaps to its southwest and northwest boundaries, this would not be perceived from the street. Also, due to the separation distances the proposal would create acceptable relationships with neighbouring dwellings to the rear of the site. Consequently, the proposed development would not appear out of character with surrounding development or be cramped within the site. Moreover, the proposed dwellings would occupy a footprint and have a similar scale to the recently approved scheme. This too would enclose the street having a similar effect on local built form. The proposed development would therefore suit the existing sense of enclosure evident within the street. Consequently, the proposal would complement the character and appearance of the area.</li> <li>• Accordingly, the proposal would accord with policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (2019) (LPSS), saved policies G5(2) and G5(3) of the Guildford Borough Local Plan 2003 (LP) and the National Planning Policy Framework (The Framework). These policies seek, among other matters, for development to achieve a high-quality design that responds to distinct local character and to be of an appropriate scale.</li> </ul>	
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- The Council's Residential Design Guide (2004) states that it is important to retain the privacy and amenity of adjoining properties and new residents. To do this it advises that boundary treatment should provide screening to prevent overlooking and small front gardens be included to provide privacy. However, the Council's policies and the Guide do not stipulate any parameters that might advise on the orientation, positioning, shape or size of residential gardens.
- The footprint of the proposed dwellings would occupy most of the site. Unit 2, a 1 bed two-person dwelling, would have access to two small triangular pockets of external space. One would be adjacent to the driveway and the other would be alongside the access path to unit 1. Unit 1 would have access to one small area of external space, adjacent to its front door. Although limited, the space provided would allow for occupiers to sit outside and enjoy an external area. Accordingly, the external areas for both units would be of sufficient size for future occupiers.
- Moreover, these would be southeast facing and would not be overlooked by adjacent properties, offering a reasonable level of privacy. Also, due to the size of the units, the properties would have low occupancy, with a resulting limited number of occupiers requiring access to the external space. Furthermore, the appeal site is within close proximity to open spaces and the open countryside, providing occupiers with convenient access to local recreation areas if desired. As a result, the proposal would include adequate external amenity space to provide acceptable living conditions for future occupiers.
- Consequently, the proposed development would accord with saved policy G1(3) of the LP and the Framework. These policies seek, among other matters, for development to protect the amenities of occupiers of buildings and create a high standard of amenity for future users.
- The Council's SPA Avoidance Strategy (2006) identifies that recreational pressure is having a detrimental effect on the nightjar, woodlark and dartford warbler species of birds within the SPA. Circular 6/2005 sets out the approach to be taken in considering a development proposal that might affect a SPA in order to fulfil the requirements of the Habitats Regulations. The appeal proposal is not directly connected with nature conservation. However, I have no evidence to assure me that visits to the SPA, would not have a significant effect on the internationally important features of the site. In such circumstances, the Circular requires that I undertake an Appropriate Assessment (AA) to consider the implications of the proposal in view of its conservation objectives.
- I concur with the Council that in the absence of mitigation measures, there is the potential for residents of the proposal to visit the SPA. The Circular requires me to consider whether compliance with conditions or other restrictions, such as a planning obligation, would enable the proposal to not adversely affect the integrity of the SPA. Furthermore, standing advice of Natural England identifies that it would not object to an AA which finds 'no adverse effects' if mitigation has been secured in accordance with the Avoidance Strategy and the Council's policy.
- The Council's Avoidance Strategy explains that residential development between 400m and 5km, can mitigate its adverse effects through developer contributions. The Council has identified that appropriate financial contributions can be directed towards access to

	<p>existing SANG's, and through a SAMM contribution, to provide suitable mitigation. I am therefore satisfied that these measures would provide the necessary mitigation to ensure that the development would have no adverse affects on the integrity of the SPA.</p> <ul style="list-style-type: none"> <li>Paragraph 57 of the Framework and the CIL Regulations<sup>3</sup> require planning obligations to be necessary, directly related to the development and fairly and reasonably related to it in scale and kind. I am content that these contributions would satisfy the required tests of the CIL Regulations. As such, subject to the provision of the required mitigation, the proposal would have no impact on the integrity of the SPA.</li> <li>As such, the proposal would satisfy policy P5 of the LPSS, saved policy NRM6 of the South East Plan (2009) and the Council's SPA Avoidance Strategy (2019). These seek proposals to provide mitigation measures to off-set development that would be likely to affect the integrity of the SPA.</li> <li>There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed, and planning permission granted subject to the submitted Legal Agreement and the attached conditions.</li> </ul>	
3.	<p><b>EE Limited</b>  <b>Thornet Wood Stables, Lower Farm Road, Effingham, Leatherhead KT24 5JG</b></p> <p><b>20/W/00143</b> – The development proposed is 1No. 24m high FLI Cypress Tree mast with 3No. antennas, 2No. 0.6m dishes and 2No. ground-based equipment cabinets and ancillary development thereto. To be installed within a 10.0m x 10.0m compound with a 1.8m high chain link fence.</p> <p>Delegated Decision – To Refuse</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"> <li>The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.</li> <li>The site is located on land at Thornet Wood Stables in Effingham and comprises a parcel of land to the south of an existing railway line. The appellant has demonstrated that a new mast is required on this particular site due to gaps in signal coverage along the railway line and pursuant to upgrading the emergency services network in the area, among other things. The site is directly adjacent to a large tree and in the vicinity of several other large trees, which together help establish the boundaries of neighbouring fields. The site is not in a large open area within the field themselves.</li> <li>During my visit, and when walking along the public right of way from a westerly direction, it was very difficult to achieve clear views of the site. This was mainly due to the large trees along the field boundaries obscuring my view. It is clear looking at the plans that views from other directions would also be difficult to achieve. Furthermore, the panoramic views presented by the appellant clearly demonstrate the screening effect of intervening boundary trees would be significant.</li> <li>The proposal involves the installation of 1No. 24m high FLI Cypress Tree mast with 3No. antennas, 2No. 0.6m dishes and 2No. ground-</li> </ul>	*ALLOWED

	<p>based equipment cabinets and ancillary development. The proposal would be installed within a 10m by 10m compound with a 1.8 m high chain link fence. The Council state that the scale and design of the proposed mast would be unacceptable in this location, but there is very little in the way of substantive assessment that would lead me to this conclusion.</p> <ul style="list-style-type: none"> <li>Even appreciating that there may be very few cypress trees within the vicinity, there are said to be cypress trees nonetheless and it is not clear how the proposal would look unusual in this context. Furthermore, it would appear that the proposal is no larger than other trees in the vicinity, and its camouflaged appearance would help it assimilate into the landscape. It follows that the smaller scale, and low lying ancillary development, such as the cabinets, would also assimilate in a similar manner.</li> <li>Overall, due to the proposal's siting and appearance, it would not have a harmful effect on the character or appearance of the area and so, insofar as they are material considerations, would accord with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2019, and Chapter 10 of the Framework. Among other things, these seek to support high quality communications of good design.</li> <li>For the reasons given above, the appeal is allowed, and prior approval is granted.</li> </ul>	
4.	<p><b>Mr Simon Quincey</b>  <b>27 Western Lea, West Horsley, Leatherhead, KT24 6LG</b></p> <p><b>21/P/00695</b> – The development proposed is the erection of a rear dormer roof extension (incorporating Juliet balconies).</p> <p>Delegated Decision: To Refuse</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"> <li>The main issue is the effect of the proposed extension on the character and appearance of the host dwelling.</li> <li>The appeal dwelling is a semi-detached bungalow in Weston Lea, a cul-de-sac estate of buildings with essentially the same design and external materials. The appeal proposal is a roof extension in the form of a flat roofed dormer at the rear of the property.</li> <li>The dormer would be set in only a modest distance from the sides of the roof slope and extend right up to the existing ridge and positioned only a minimal distance from the eaves. With these dimensions, in particular its proximity to the ridge and eaves, the dormer would be disproportionately large for the roof plane and result in a top heavy appearance for the rear elevation. Nor would the fenestration, including the size and siting of the openings, read comfortably with the ground floor element of the rear elevation.</li> <li>Accordingly, I consider the proposal to be of a poor design that would be unsympathetic to the existing scale and appearance of the host dwelling. As such, it would be in harmful conflict with Policy D1 (1) &amp; (4) of the Guildford Borough Local Plan 2019 and the saved Design Code in Policy G5 of the Borough's 2003 Local Plan. The appeal scheme would also be contrary to Government policy in Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2021.</li> <li>I acknowledge that No. 27 is in a corner position and with the proposed dormer on the rear elevation it would unlikely to be seen from the public</li> </ul>	<b>DISMISSED</b>

	<p>realm and only to a limited extent from the gardens of adjoining neighbouring properties.</p> <ul style="list-style-type: none"> <li>• However, this does not offset the harm caused to the building itself. Moreover, if I were to allow the appeal it would undermine the distinctive character of Weston Lea which derives from its design integrity and the consistency of appearance of the buildings. It would also make it difficult for the Council, in all fairness, to resist similar proposals that would incrementally erode the environmental quality of Weston Lea.</li> <li>• I have taken account of the points raised in the grounds of appeal but nothing that I have read or seen at my visit is of sufficient weight to alter my conclusion that I should dismiss the appeal. Reference has been made to the extension at No. 17, but the view of that dormer's flank, although limited, is one of a jarring feature in the street scene. Nor does it persuade me that the addition of a large dormer to a low profile building as exemplified in the appeal proposal would be a positive contribution to the character and appearance of Weston Lea.</li> <li>• For the reasons explained above the appeal is dismissed.</li> </ul>	
5.	<p><b>Mr Paul Treadaway of Trafalgar Retirement Plus Send Barns Stables, Woodhill, Send GU23 7JR</b></p> <p><b>20/P/01412</b> – The development proposed is the erection of 1 x 2 bedroom, 3 x 3 bedroom, 2 x 4 bedroom and 1 x 5 bedroom dwellings and replacement B1 (office) unit, following demolition of the existing buildings.</p> <p>Delegated Decision: To Refuse</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issues are:</li> <li>• whether or not the proposal would be inappropriate development in the Green Belt having regard to the effect on openness, the National Planning Policy Framework (the Framework) and any relevant development plan policies,</li> <li>• whether or not the development plan would support the proposed office space, as an alternative to the present business building on the site,</li> <li>• whether or not the development plan would support the loss of the equestrian facilities in this location,</li> <li>• the effect of the development on the character and appearance of the area, having regard to the design, layout and built form of the scheme,</li> <li>• the effect of the development on the setting of the nearby listed buildings, namely Tudor Barn Farm Barn (now known as 4-6 Woodhill Court) and the adjacent Barn (now known as Tudor Barn), and</li> <li>• if the appeal development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.</li> <li>• The site lies within the Metropolitan Green Belt and the Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 149 of the Framework.</li> </ul>	<b>DISMISSED</b>

- Policy P2 of the Guilford Borough Local Plan: Strategy and Sites 2015-2034 (the Local Plan) and Policy Send 2 of the Neighbourhood Plan detail the development plan approach to development within the Green Belt. The policy tests essentially refer back to the Framework policy tests such that if the development is not inappropriate development then the scheme would accord with the development plan in this regard.
- The proposed development is advanced on the basis that it would comply, in terms of paragraph 149(g) of the Framework, with, in summary and with relevance to this case, the exception for the complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
- The site includes stable buildings, an office building, equestrian arena and areas of hardstanding. The site as a whole falls to be considered as previously developed land<sup>2</sup>. The key issue is therefore whether the scheme would or would not have a greater impact on the openness of the Green Belt than the existing development.
- The Send Barns Stables site lies beyond the edge of the defined settlement where there is a mix of mainly detached houses set in landscaped grounds with some surrounding fields. The office building and adjoining stable barn are positioned to the generally more eastern part of the site and the stables along the northern side are positioned fairly close to this boundary. The equestrian arena is previously developed land but has a low form. I appreciate that the arena could have jumps and other paraphernalia at times and there could be parking of vehicles, trailers and horse boxes, including to the west of the existing barn along the northern boundary. Nevertheless the arena area and the position of the buildings, even with such parking and paraphernalia, provides a reasonably open area within the generally central and western parts of the site and this open character links visually with the open field further to the west.
- The scheme would remove all the buildings and structures on the site. Units 4-6 would be sited in the vicinity of the existing office and stable barn and, while higher, would maintain the approximate position of buildings more closely aligned with the existing buildings and not extend into the more open parts of the site. Indeed, this terrace would be set back further to the east than the main stable building in this area. Units 1-3 would be positioned in front of the boundary and extend further to the west and be higher than the existing buildings along this boundary. Unit 7 would be sited on part of the existing arena area and again project away from the position of the existing buildings on the site.
- While these proposed buildings would not be higher than others in the vicinity, nevertheless, the combination of the bulk, height and position of Units 1-3 and Unit 7 would generally extend the visual appearance of built development further to the west, encroach into a more central area and buildings would be spread more widely across the site. This location of these buildings would be towards and within an area that presently includes low rise features such as the parking area and arena that contributes to the openness of the site. This existing openness would be undermined by the position and form of these proposed dwellings. The landscaped area proposed in the western section of the land would make a small improvement to openness in this section of the site. However, the provision of the courtyard parking area between the buildings, and the likely physical presence of the vehicles, would

	<p>consolidate the appearance of the development extending further to the broadly west than at present and across more parts of this general central section of the site. This would result in a net loss of open character.</p> <ul style="list-style-type: none"> <li>• Drawing these matters together, because of the position and bulk of the proposed Units 1-3 and Unit 7 the scheme as a whole would have a greater impact on the openness of the Green Belt than the existing development. Consequently, the scheme would not comply with the exception for new buildings in the Green Belt as detailed in paragraph 149(g) and the proposal would constitute inappropriate development.</li> <li>• In the light of the above analysis, I conclude that the proposal would be inappropriate development in the Green Belt because it would reduce openness. Accordingly, it would therefore conflict with Policy P2 of the Local Plan and Policy Send 2 of the Neighbourhood Plan which set out the approach to development within the Green Belt.</li> <li>• I conclude that the development plan would not support the proposed office space as an alternative to the present business building on the site. In particular, the scheme would conflict with Policy E3 of the Local Plan and the Framework which seek, amongst other things, to protect employment floorspace.</li> <li>• I conclude that the development plan is essentially silent on the issue of the loss of the equestrian facility and, consequently, there would be no conflict with Policy E6 of the Local Plan or the Framework in respect of this main issue.</li> <li>• Accordingly, I conclude that the scheme would harm the character and appearance of the area and in particular conflict with Policy D1 of the Local Plan, Policy Send 1 of the Neighbourhood Plan, saved Policy G5 of the Guildford Borough Local Plan 2003 and the Framework which seek, notably, that all development will be required to achieve high quality design that responds to distinctive local character of the area in which it is set.</li> <li>• The proposal would constitute inappropriate development in the Green Belt and no very special circumstances have been demonstrated. As I have explained above, the scheme would also result in unacceptable impacts in relation to employment land, the character and appearance of the area and the setting of two listed buildings contrary to the identified adopted policies. The scheme therefore would not comply with the development plan when considered as a whole and there are no considerations which outweigh this harm.</li> <li>• For the above reasons, I conclude that the appeal should be dismissed.</li> </ul>	
6.	<p><b>Mr Perry Stock</b>  <b>Vine Cottage, The Street, Effingham, Nr Guildford, Surrey, KT24 5QL</b></p> <p><b>20/P/01577</b> – The works proposed are replacement of existing (unlisted) garage in the grounds of a listed (Grade II) building with a useable sized garage and home office, to a high thermally insulated standard.</p> <p>Delegated Decision: To Refuse</p> <ul style="list-style-type: none"> <li>• The main issue is the effect of the proposal on the listed building, Vine Cottage, and its setting.</li> <li>• Vine Cottage is a Grade II listed mid-18<sup>th</sup> Century red brick house which is located on the west side of The Street close to the junction with the A246/ Guildford Road. The property is located at the southern</li> </ul>	<b>DISMISSED</b>

end of the Effingham Conservation Area which is characterised by a mix of villas, houses and cottages. Properties in this part of the Conservation Area are constructed from a palette of traditional materials including soft red/ orange bricks, flint and clay tiles. Elsewhere in the Conservation Area there are examples of historic timber framed buildings and the use of feather edged weatherboarding.

- The Appellant proposes to demolish an existing single storey brick and tile garage which is located to the side of Vine Cottage and replace it with a “hay barn style” building which would comprise a garage at ground floor with office space above. The building would be constructed of black shiplap timber with a clay tile roof. Two gable ended dormers would be located in the southern roofslope. The office would be accessed by means of an external stair to the rear of the proposed building.
- Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that when considering a proposal that would affect a listed building or its setting special regard needs to be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- The existing garage is a modest structure of limited bulk and scale which is clearly subservient to Vine Cottage and does not detract from its setting. Whilst I accept that the proposed replacement garage through the use of materials and design features has been carefully designed to reflect and respect the character and appearance of the Effingham Conservation Area it would be of a size, scale, bulk and height that would be significantly bigger than the current garage and far more complex in form. As a result, it would lack subservience and would thereby compete with Vine Cottage. I therefore consider that the loss of the hierarchy in the relationship between house and garage would detract from the listed building, and its setting. In my view the harm to significance would be less than substantial and where this is the case paragraph 202 of the Framework says that such harm should be weighed against the public benefits of the proposal.
- I accept that the provision of a new garage and home office would enable a car to be removed from the front forecourt and would enable the Appellant to work from home thereby reducing carbon emissions from commuting. However, these benefits are limited and as such I consider that they are insufficient to outweigh the harm that I have identified above.
- In coming to this conclusion, I have visited several of the other examples of similar sized and styled buildings cited by the Appellant, including those within the village and the listed former fire station in Shere. However, I consider that the contexts of these buildings are different to those found at Vine Cottage and as a consequence they do not lead me to a different conclusion.
- As a result, I consider that the works would fail to preserve Vine Cottage and its setting for which a clear and convincing justification has not been provided. The works would therefore not comply with the requirements of Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and the guidance contained within the Framework.
- Accordingly, for the reasons set out I conclude that the replacement of the existing garage with an alternative garage and home office would

	fail to preserve the setting of Vine Cottage and as such the appeal should be dismissed.	
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