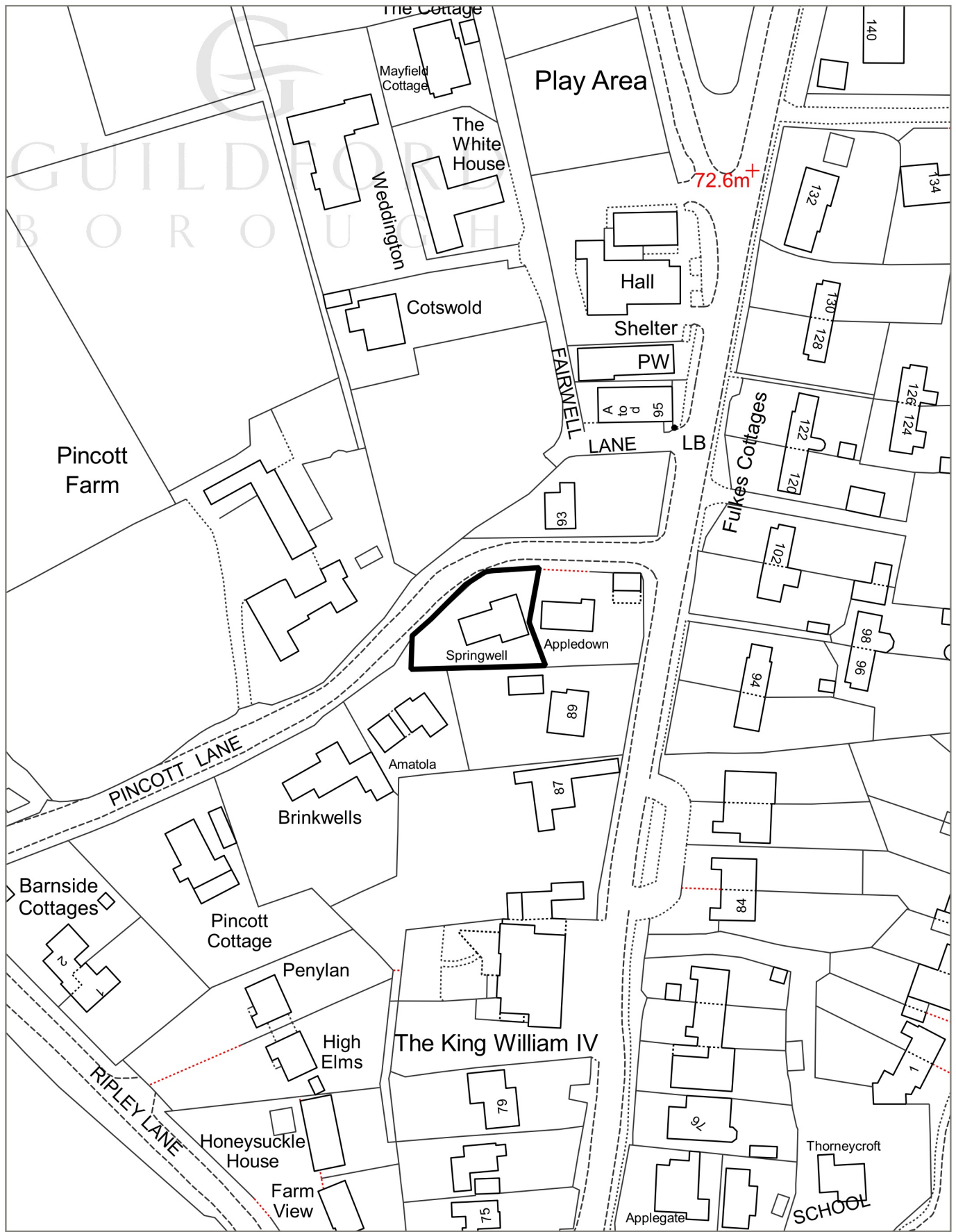


# 22/P/00825 - Springwell, Pincott Lane, West Horsley, Leatherhead



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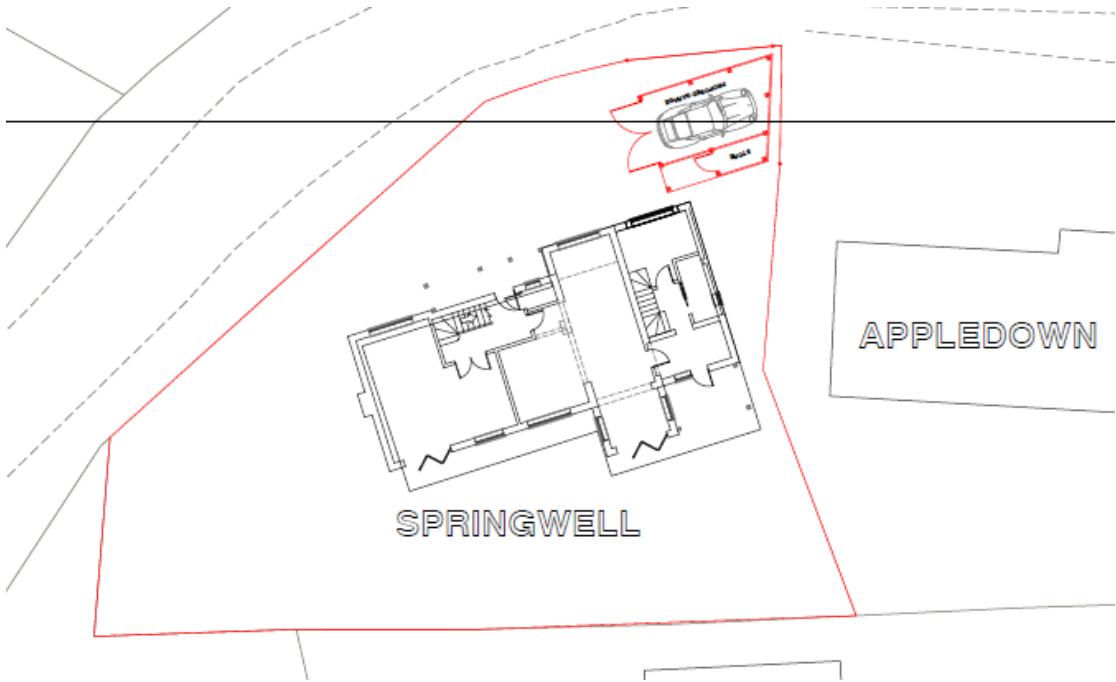


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22/P/00825 – Springwell, Pincott Lane, West Horsley, Leatherhead



Not to scale

**App No:** 22/P/00825  
**Appn Type:** Full Application  
**Case Officer:** Lisa Botha

**8 Wk Deadline:** 12/08/2022

**Parish:** West Horsley  
**Agent :** Mr. Ray Fletcher  
limeblue innovation ltd  
Post Office Buildings  
Freestone Yard Park Street  
Colnbrook  
Slough  
SL3 0HT

**Ward:** Clandon & Horsley  
**Applicant:** Mrs. Sarita Schmid  
Springwell  
Pincott Lane  
West Horsley  
Leatherhead  
KT24 6JH

**Location:** Springwell, Pincott Lane, West Horsley, Leatherhead, KT24 6JH  
**Proposal:** Single storey detached garage with store (retrospective application to regularise planning permission 20/P/00449, approved on 22/04/2020).

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee because more than 10 letters of objection have been received, contrary to the Officer's recommendation.

#### **Key information**

The proposed building is located forward of the dwelling and would be set back from the side boundary by 0.3m, would have a maximum width of 4.24m and a maximum depth of 5.93m. The rear elevation of the building would run parallel with the side boundary of the site and as such would be constructed at an angle. A gap of 0.65m would be retained between the dwelling and the proposed garage.

The proposed garage would have a reduced width of 0.16m and a reduced depth of 0.97m in comparison to the garage which was approved under extant permission 22/P/00825.

#### **Summary of considerations and constraints**

The proposed development would be acceptable in principle, would have no material harm to the designated heritage assets, would have no materially harmful impact on neighbouring amenity and no adverse impact on highway / parking considerations. The proposal is therefore considered acceptable and is recommended for approval subject to conditions.

### **RECOMMENDATION:**

#### **Approve - subject to the following condition(s) and reason(s) :-**

1. The existing garage building located in the north-east corner of the site shall be demolished in its entirety and removed from the site within 7 months from the date of this decision, unless the building is first modified in accordance with the approved plans within 6 months of the date of this decision.

Reason: In order to regularise the building which has been constructed on site.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: an un-numbered site plan, RPF1258SHT1A SHEET 1 OF 3, RPF1258SHT2A SHEET 2 OF 3, RPF1258SHT3A SHEET 3 OF 3 received on 10/06/22.

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

#### **Informatives:**

1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk)
2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
  - Offering a pre application advice service
  - Where pre-application advice has been sought and that advice has been followed, we will advise applicants/agents of any further issues arising during the course of the application
  - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

Pre-application advice was not sought prior to submission but the application was acceptable as submitted.

#### **Officer's Report**

##### **Site description.**

The site is located within the West Horsley Conservation Area, within an Area of High Archaeological Potential. The area is characterised by two-storey residential development of individual design. Two Grade II listed buildings, Pincott Farm House and the adjacent barn is located within 30m of the application site.

## Proposal.

Single storey detached garage with store (retrospective application to regularise planning permission 20/P/00449, approved on 22/04/2020).

The applicant states that this application has been submitted following a now resolved boundary dispute with the neighbouring property, and in order to regularise a construction discrepancy following enforcement action.

The proposal would alter the existing building which has been constructed on site and would be set back from the side boundary by 0.3m, would have a maximum width of 4.24m and a maximum depth of 5.93m. The rear elevation of the building would run parallel with the side boundary of the site and as such would be constructed at an angle. A gap of 0.65m would be retained between the dwelling and the proposed garage.

The approved garage had a maximum depth of 6.9m with a maximum width of 4.4m and was set 0.3m from the side boundary. The proposed garage would have a reduced width of 0.16m and a reduced depth of 0.97m and would retain a gap to the boundary of 0.3m

## Relevant planning history.

| Reference: | Description:   | Decision Summary:     | Appeal: |
|------------|--|-----------------------|---------|
| 20/P/00449 | Proposed first floor side extension, conversion of garage into habitable accommodation together with a new detached garage with associated internal alterations.                                 | Approve<br>22/04/2020 | N/A     |
| 97/P/00656 | Erection of single storey side extension to form garage. Conversion of existing garage to study and single storey rear extension to provide family room. (As amended by plans received 30/06/97) | Approve<br>31/07/1997 | N/A     |

## Consultations.

West Horsley Parish Council: No objection.

County Archaeologist: No objection.

## Third party comments:

12 letters of representation have been received raising the following objections and concerns:

- too large, overbearing and out of character
- too close to neighbouring property
- loss of outlook

- there are no precedents in the area
- fails to comply with the aims of the Conservation Area, WH1, WH2, G1(3)
- no new construction can be within 3m of the adjoining property (Officers note: requirements of the Party Wall Act are outside, but additional to planning law)
- the hedge will need to be removed
- the hedges that were removed were valuable habitat and important to the character of the lane
- the proximity of the building ensures builders will have to trespass onto the neighbouring property (Officer note: this is not a material planning consideration)
- the position of the boundary is incorrect (Officer note: applicants are required to identify and notify land owners within the red line of the application, the red line itself does not indicate land ownership)
- fails to comply with the requirements in an Area of Outstanding Natural Beauty (Officer note: the site is not located in the AONB)
- loss of light to the driveway and lounge of Appledown
- concern that the materials used to construct the building differ from those originally approved (Officer note: this application seeks approval for alternative materials and will be assessed on its own merits)
- the fact previous development was granted permission should not be a material consideration weighing in favour of the application (Officer note: the previous approval of an application on site is a material consideration)

### **Planning policies.**

#### National Planning Policy Framework (NPPF):

Chapter 12. Achieving Well Designed Places

Chapter 16. Conserving and enhancing the historic environment

#### National Design Guide 2021

#### Guildford Borough Local Plan Strategy and Sites 2015 - 2034 (adopted 25 April 2019)

The Guildford Borough Local Plan: Strategy and Sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the Development Plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

D1 Place Shaping

D3 Historic Environment

#### Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007):

G1(3) Protection of amenities enjoyed by occupants of buildings

G5(2) Scale, proportion and form

G5(3) Space around buildings

G5(4) Street level design

G5(5) Layout

G5(7) Materials and architectural detailing

West Horsley Neighbourhood Plans:(December 2018)

WH1 West Horsley Conservation Area

WH2 Design Management in the Village Settlement

Supplementary planning documents:

Residential Extensions and Alterations SPG 2018

**Planning considerations.**

The main planning considerations in this case are:

- The principle of development
- Impact on character of the conservation area
- Impact on archaeology
- Impact on neighbouring amenity
- Highway / parking considerations
- Retrospective application

The principle of development

Policy D1 of the Local Plan: Strategy and sites 2015-2034 states that all new developments will be required to achieve high quality design that responds to distinctive local character (including landscape character) of the area in which it is set. Policy D3 of the Local Plan: Strategy and sites 2015-2034 goes on to state that the historic environment will be conserved and enhanced in a manner appropriate to its significance. Where development of the highest design quality that will sustain and where appropriate, enhance the special interest, character and significance of the boroughs heritage assets and their setting and make a positive contribution to local character and distinctiveness are proposed they will be supported.

Policy WH2 of the West Horsley Neighbourhood Plan states that garages should be visually subservient to the main dwelling or other principal building, buildings should be of a good design and use high quality materials with scales, heights and form of building being sympathetic to the existing built environment.

In addition, Policy WH1 of the West Horsley Neighbourhood Plan further seeks to ensure proposals demonstrate an empathy with the diverse style of the existing environment as detailed in the character appraisal report. Policy WH1 goes on to stipulate that locally used and prominent materials should be sought including timber weatherboarding, that proposals retain or re-provide as appropriate low boundary wall, hedges and front gardens to match the existing arrangement on the same alignment. Subject to compliance with the above, the principle of the proposal is acceptable.

Furthermore it is noteworthy that the principle of the erection of a garage forward of the dwelling was accepted under 20/P/00449 with a maximum depth of 6.9m with a maximum width of 4.4m and was set 0.3m from the side boundary.

The proposed building would be set back from the side boundary by 0.3m, and would have a reduced width of 0.16m and a reduced depth of 0.97m in comparison with the garage approved on the extant permission.

## Impact on the character of the conservation area

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

NPPF provisions:

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework addresses proposals affecting heritage assets. Para 193 sets out that 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. The NPPF sets out that the local planning authority should identify and assess the particular significance of any heritage asset... They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paras 195-199 set out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

The application site comprises a detached, two-storey residential dwelling within the West Horsley conservation area. Within the Character Appraisal document 2017 for West Horsley it states that Pincott Lane runs a short distance from The Street to Ripley Lane opposite the magnificent wrought iron gates and twin lodges of an entrance to the Hatchlands estate. The lane is tarmac surfaced generally with grass verges. The grade II listed property of Pincott Farm and its barn is located mid-way along the north side of Pincott Farm. It goes on to state that the east side of the conservation area contains general property developments along The Street and the side roads of Pincott Lane and Cranmore Lane.

The proposed garage would be located forward of the front of the dwelling, and although the listed buildings are visible from the application site, the garage is not seen in context with these listed buildings. Whilst the position of garages as a whole are usually required to be sited to the side / rear of the dwelling to prevent any adverse harmful impact on the street scene, the location of a garage forward of the existing dwelling was considered acceptable under application 20/P/0449 as its barn style design and the use of materials proposed was found to be sympathetic to the character of the conservation area. It was therefore concluded that no material harm would occur to the designated heritage asset.

The proposed garage is sited in a similar location and would be of a similar design to the approved garage, but would have a reduced width and depth and as such would have a decreased visual impact on the street scene and on the wider conservation area. The proposed garage although of a different material than originally proposed under 20/P/0449 which sought permission for the use of oak, the building as constructed using douglas fir would also be considered appropriate to its setting and its use is therefore acceptable.



As such, it is considered that no material harm to the designated heritage asset has been identified and having due regard to Section(s) 72 of the Planning (Listed Building and Conservation Area) Act 1990 permission should be granted.

#### Impact on archaeology

Policy D3 of the Local Plan: Strategy and sites 2015-2034 states that new development must conserve heritage assets in a manner appropriate to their significance. The NPPF defines significance as “the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.” The contribution of the setting of heritage assets to the appreciation of these qualities will be carefully considered alongside more direct impacts of development proposals. In this instance the site is located in an Area of High Archaeological Potential due to its relation to the historical development of West Horsley. The County Archaeologist has been consulted, however, no concerns have been raised due to the relatively small scale of the proposed development and the unlikely impact upon any significant archaeological remains; as such no concerns are raised in this regard.

#### Impact on neighbouring amenity

In terms of neighbouring amenity, the nearest neighbouring dwelling is Appledown to the east. This neighbouring dwelling is positioned approximately 2m from the boundary with the host dwelling. The proposed garage would not be of an excessive scale providing garaging for just one car with an integral storage area and would be sited 0.3m from this shared boundary, would have no openings on the eastern elevation of the building and would have a roof which slopes up away from the boundary. The combination of these factors would ensure that the building would not have any materially harmful impact on the occupants of Appledown in terms of loss of privacy, any material overbearing impact or loss of light due to its location to the north of Appledown. It is also noteworthy that no objection was raised in this regard by the officer under application 20/P/0449.

#### Highway / parking considerations

No changes are proposed to the existing access to the site which benefits from an ingress and egress onto Pincott Lane. The proposed garage would be located within the existing driveway and would provide sheltered accommodation for one vehicle. Sufficient parking provision for at least two further cars could be provided on site and as such sufficient parking provision would be provided on site. The proposal is therefore considered acceptable in this regard.

#### Retrospective application

A ministerial planning policy statement on 31 August 2015 notes that the government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action. The ministerial statement therefore includes a planning policy to make intentional unauthorized development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015.

In considering this current application, which seeks to regularize unauthorized development, the local planning authority has given some weight to the fact that the application is retrospective. However, the identified harm has resulted largely it would appear due to a boundary dispute which now appears to have been resolved; in the absence of any detailed guidance from central government on the level of weight that should be applied in such circumstances, the fact that this application is retrospective is only considered to weigh against granting planning permission to a limited degree.

**Conclusion.**

The proposed development would be acceptable in principle, would have no material harm to the designated heritage assets, would have no materially harmful impact on neighbouring amenity and no adverse impact on highway / parking considerations. The proposal is therefore considered acceptable and is recommended for approval subject to conditions.