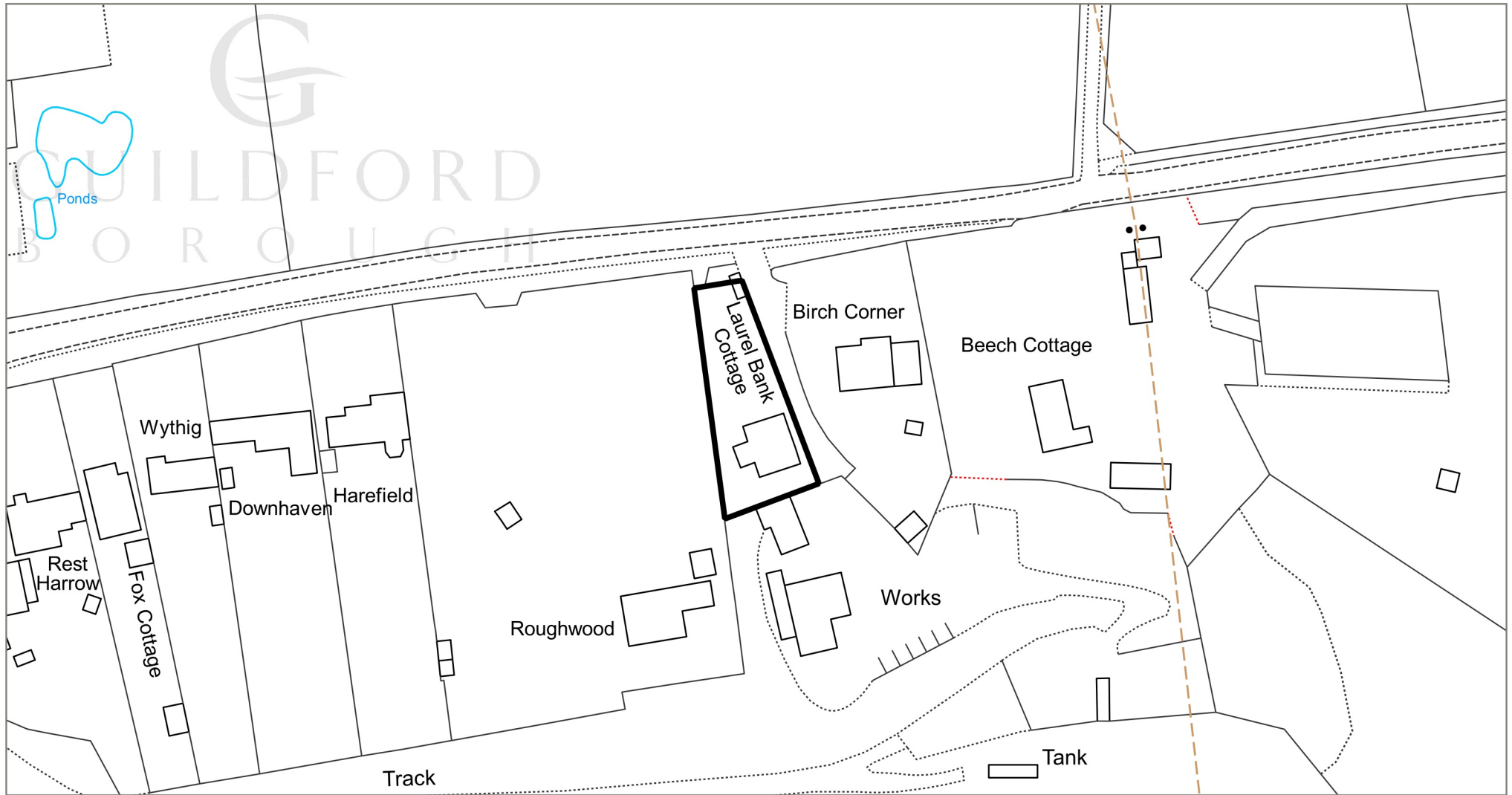


22/P/00203 - Laurel Bank Cottage, Seale Lane, Seale, Farnham



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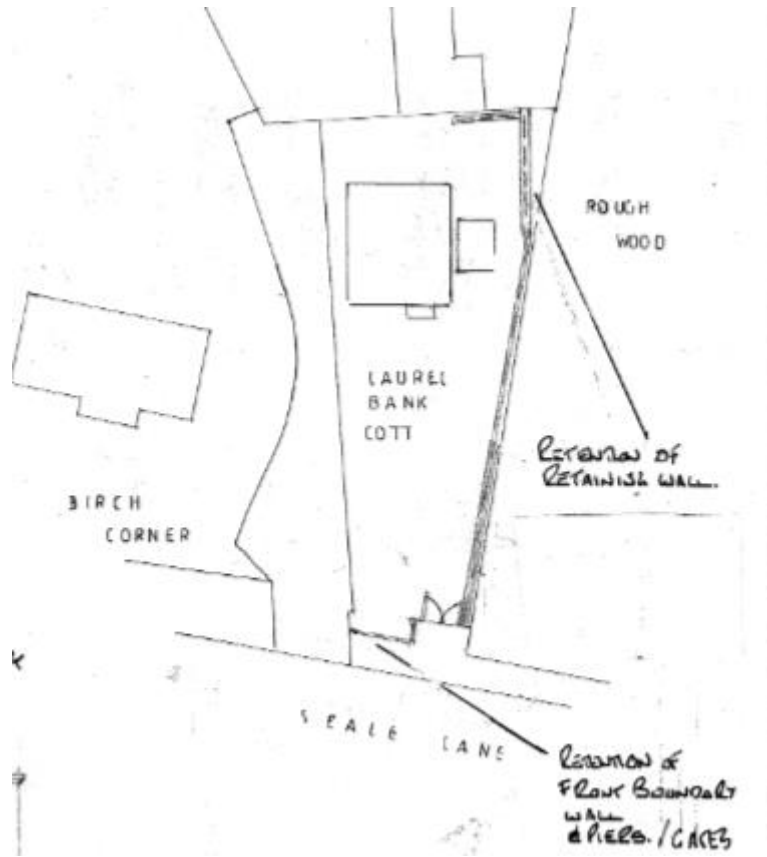
Print Date: 23/09/2022



Not to Scale



22/P/00203 - Laurel Bank Cottage, Seale Lane, Seale, Farnham, GU10 1LD



App No: 22/P/00203
Appn Type: Full Application
Case Officer: Benjamin Marshall

8 Wk Deadline: 23/09/2022

Parish: Seale
Agent : Mr. Darryl Saunders
DS Designs Ltd
5 Roebuck Close
Ashted
KT21 2DN

Ward: The Pilgrims
Applicant: Mr. Barney Coyle
Laurel Bank Cottage
Seale Lane
Seale
Surrey
GU10 1LD

Location: Laurel Bank Cottage, Seale Lane, Seale, Farnham, GU10 1LD
Proposal: Retention of front boundary wall and gates after alterations, and retention of wall to the rear and west boundaries (retrospective application).

Executive Summary

Reason for referral

This application has been referred to the Planning Committee by Cllr Tony Rooth who feels that the development may be out of character with the surrounding area.

Key information

The application relates to the retention of boundary walls and gates surrounding Laurel Bank Cottage.

The application relates to an elongated residential plot of land containing a detached single-storey dwellinghouse.

The surrounding area is semi-rural and the site falls within an AONB, AGLV and the Green Belt.

The application is retrospective.

Summary of considerations and constraints

In the absence of any evidence to show the applicant intentionally sought to breach planning legislation, the fact the application is retrospective is only considered to weigh against giving planning permission to a limited degree.

No impact on the openness of the Green Belt has been identified given the means of enclosure has replaced previous fencing, in the same location and is similar in height. It is noted some increase in built form in the erected piers, however, this is minimal when considering what was previously in place and so is not considered to be materially larger.

A part of the wall to the rear does increase in height up to 4.8m, however, given its purpose as a retaining wall, this is reasonably to be considered as an engineering operation and would preserve the openness of the Green Belt.

The design and scale of the wall is not considered to be out of keeping with the plot and residential dwelling.

Owing to the position and colour of the wall, it appears visible from the streetscene, however, there are several further uses of a similar light colour boundary treatment within the streetscene. Whilst the colour of the wall is not preferable, a condition would be secured, if approved, for a planting scheme to be sited at the front of the wall and as such, minimising the prominence of the colour.

No neighbouring amenity concerns have been identified.

No resulting harm has been identified to the AONB or AGLV, and as such the AONB officer has raised no concerns

No concerns have been raised regarding the impact of the wall or potential planning scheme on the highway and site lines for users

RECOMMENDATION:

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 21/0036 REV B received on 20/07/2022.

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

2. The planting scheme, comprising 'mature laurel evergreens', 'mature hawthorns' and the low level box hedge, represented in drawing: 21/0036/C dated 02/09/2022, is required to be provided within 3 months of this approval and thereafter be retained in accordance with the approved drawings. If any of the planting dies within the first 5 years following the date of this permission, it should be replaced for an identical species, unless permission is granted by the local authority for a different species of planting.

Reason: To protect and retain the visual subservience of the boundary treatment within the rural setting.

Informatives:

1. 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 and minor alterations were required to overcome concerns, these were sought and the applicant agreed to the changes.

2. 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

Officer's Report

Site description.

The application relates to an elongated residential plot of land containing a detached single-storey dwellinghouse. The site is located within the ward of Pilgrims and the surrounding area is semi-rural. The site falls within the AGLV, AONB and the Green Belt.

Proposal.

Retention of front boundary wall and gates after alterations, and retention of wall to the rear and west boundaries (retrospective application).

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
22/P/00100	Certificate of Lawfulness for an existing use to establish whether the retention of the existing side boundary wall is lawful.	Withdrawn	
21/P/01997	Demolition of existing garage, proposed relocation of the front door with porch, side extension and raising of roof to provide pitch roof all round	Pending consideration	
21/P/01902	Retention of existing boundary wall to side and part of rear elevation, retention of front piers and wall facing highway. (Retrospective)	Withdrawn	
21/P/00608	Proposed relocation of the front door with porch, side extension, raising the roof to include 6 dormers and four rooflights and changes to fenestration following demolition of garage	Withdrawn	
GU/R 4380	Conversion and extension of existing offices to form a detached dwelling	Approved 27/05/1955	N/A

Consultations.

Statutory consultees

Surrey County Council Highways - No highway concerns. [Officer note - Concern has been raised regarding land showing in the highway ownership. Land Registry details appear to show all land within the applicant's ownership however Certificate B has been served on both the highways authority and the neighbour to the rear to ensure coverage.)

Non-statutory consultees

Surrey Hills Area of Outstanding Natural Beauty Officer - No concerns raised

Parish Council

Seale and Sands Parish - Concerns raised regarding the following:

- Yellow brick out of keeping
- Application form incorrect in regards to trees and shrubs
- Gates out of keeping

Third party comments:

3no. letters of representation have been received raising the following objections and concerns:

- Not all development within applicants land - [Officer Note: Certificate B has been served on both the neighbour and the highways authority]
- No structural details submitted regarding safety and integrity of walls
- Application form incorrect in regards to trees and shrubs
- Wall out of keeping with surrounding area
- Boundary line incorrect - [Officer Note: The Boundary Plan appears to match to the Land Registry details for the site]
- Front wall forward of boundary - [Officer Note: The Boundary Plan appears to match to the Land Registry details for the site]
- Trees planted in front of the wall restricting site lines
- Applicant not served notice [Officer Note: The applicant has been advised that this is required]
- Concern to safety of the wall
- Wall and piers too high

Planning policies.

National Planning Policy Framework (NPPF) 2021:

1. Introduction
2. Achieving sustainable development
4. Decision-making
12. Achieving well-designed places
13. Protecting Green Belt land
16. Conserving and enhancing the historic environment

Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034

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
D2	Climate Change, Sustainable design, construction and energy
D3	Historic Environment
P1	Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value
P2	Green Belt

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

G1(3)	General Standards of Development
G5	Design Code

Supplementary planning documents:

Residential Extensions and Alterations SPD 2018

Planning considerations.

The main planning considerations in this case are:

- retrospective application
- the principle of development and the impact on the Green Belt
- the impact on the scale and character of the existing site
- the impact on neighbouring amenity
- the impact on the AONB and AGLV
- the impact on the highway

Retrospective application

A ministerial planning policy statement on 31 August 2015 introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This has been supplemented by a written answer to the House of Commons on 19 October 2018 confirming that it remains a potential material consideration.

The statement does not advise the level of weight it that should be applied, neither does it override Section 73A of the Town and Country Planning Act 1990 (as amended) which provides the legal basis for submitting a retrospective application. The nPPG also confirm the use of an application as a legitimate means of regularising a breach of planning control. Given these factors it is unlikely that where development accords with the provisions of the Development Plan that refusal could be justified only on the grounds that it was unauthorised.

In considering this current application, which seeks to regularise the unauthorised wooden fence, the local planning authority has given weight to the fact that the application is retrospective. However, in the absence of any evidence to demonstrate that the applicant intentionally sought to breach planning legislation, or 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.

Principle of development and impact on the Green Belt

The application site lies within the green belt. The proposal relates to the replacement of a close boarded fence, with a brick wall, with piers and gate. The replacement wall would appear to extend across in the same positioning as the previous fence. It is noted that little information is able to be gained regarding the nature of the original fence towards the rear of the property, owing to the development having been completed prior to the applications submission. Based on photographs provided by the applicant and from 'streetview' history, the wall would be similar in height to the aforementioned fence, excluding a slight increase for the brick piers set at intervals and as such is not found to be materially larger. The proposal would not impact on the openness of the green belt as a similar enclosure already existed and this is a replacement proposal.

The officer notes that the wall does increase in height towards the rear of the property up to 4.8 metres; whilst this attaches to the remaining wall it can reasonably be considered as an engineering operation due to the subsidence of the bank and its role as a retaining wall. This section of wall is within the most developed area of the site and would increase in gradient along with the bank. It is considered that the proposed wall would comply with the five purposes of the Green Belt and preserve its openness.

Therefore, the proposed development would not represent inappropriate development in the green belt and as such is compliant with policies P2 of the LPSS, 2015-2034, and the requirements of the NPPF, 2019.

Impact on scale and character of the existing dwelling and surrounding area

The proposed brick wall is constructed of yellow bricks with a black gate recessed within the site. The front of the wall would border the site with planting situated in front of the wall. The wall would continue to the west and south of the site with a retaining wall set in the south-west side of the site. The wall measures 1.8 metres in height, with piers which extend to 2.1 metres and is located in a similar location to a 1.8 metre fence which previously bordered the site. The design and scale of the wall is not considered to be out of keeping with the plot and residential dwelling.

The dwelling is within a rural setting, surrounded by large plots containing detached buildings and a mixture of trees and vegetation. A site visit was undertaken by the officer which identified that due to the walls position and colour it would be more visible from the street scene than neighbouring accesses which connect to Seale Lane, as these frontages are set back from the street. The application site by comparison borders directly onto the highway and as such any boundary treatment would be highly visible within the street. Whilst the colour of the wall is not preferable, as this would increase the walls prominence, there are a couple of similar light colour boundary treatments present within the street scene, namely, a wall displaying the nameplate 'Birch Corner' and plant boxes. The agent has submitted a planting scheme along with the application at the request of the case officer, the planting would be sited to the front of the proposed wall and would break up the mass of the wall when viewed from the wider street scene, this would be secured by condition.

As such, the proposed development would comply with policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034, policy G5 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24/09/2007), Residential Extensions and Alterations SPD 2018 and the NPPF 2021.

Impact on neighbour amenity

The closest buildings to the site are that of the industrial unit to the rear of Laurel Bank Cottage, a site visit undertaken by the officer showed that the closest element would be the lowest point of the south-west corners retaining wall. It is not considered that this element of the development would be seen as overbearing or result in a loss of light. There are no overlooking concerns raised. The site is in the locality of Birch Corner and Roughwood to the east and west, there is a significant distance between the proposed wall and the buildings on these sites and as such any impact on neighbouring amenity is likely to be limited to visual. The application therefore complies with policy G1(3) of the saved local plan 2003.

The impact on the AONB and AGLV

Given the small scale of development, it is not considered to result in harm to the special character of the AONB and AGLV, the Surrey Hills Area of Outstanding Natural Beauty Officer has considered the proposal and raises no concerns. Therefore, the development would be considered to comply with policy P1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034.

The impact on the highway

No concerns have been raised regarding the impact of the proposed wall and planting on the highway and site lines for users.